NEGOTIATING DISARMAMENT, DEMOBILISATION AND REINTEGRATION

PROCESSES (DDR) AS A STRATEGY:

IRAQ AS A CASE STUDY

By

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Verses from the Holy Quran

أيات من الذكر الحكيم

بسم الله الرحمن الرحيم

َفَفوقَ ُلِّ   ِى  ِىۡقم  ِفۡىيم

نرفعَ ذِرْجَانِ نَّهْاَّر يَهۡىَ بَيۡنَ ذَٰلِكَ وَهُوَ عَلِيمٌ مِّلَّا مَّنۡ شَفَآءۡل

صدق الله العظيم

In the name of Allah, the Beneficent, the Merciful

“Above everyone who has knowledge there is [God] who is all knowing.”

Yousif: 76, The Holy Quran

بسم الله الرحمن الرحيم

وإِن جَنَحُوا لِلْسَّلَّمِ فَأَجْنَحُ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ أَسْمَيْعِ الْعَلِيمِ (۲۱) سورة الانفال

صدق الله العظيم

In the name of Allah, the Beneficent, the Merciful

“But if the incline to peace you also incline to and put your trust in Allah [God].

Verily he is the all hearer and the all knower”

Al-Anfal: 61, The Holy Quran
DEDICATION

Thanks to almighty Allah (God) for his grace, blessing and guidance…

To the cradle of civilizations my beloved country Iraq, despite destruction and the atrocities of wars, I’m confident you will rise again…

To my birthplace, the most beautiful and glorious city in my eyes, Baghdad…

To the most precious people, my mother and father, who gave me all what they could…

To the most beloved person in my heart, my grandmother, without you I would never be who I am today…

To my sisters Wiaam and Noor, and the rest of my relatives who supported me throughout my life…

To all my friends and colleagues, in Iraq, the United States and the rest of the world, thanks for all your support, encouragement and friendship…
NEGOTIATING DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROCESSES (DDR) AS A STRATEGY: IRAQ AS A CASE STUDY

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ABSTRACT

This paper analyses the processes and approaches of negotiating Disarmament, Demobilisation, and Re-integration (DDR), both in the literature and in Iraq after 2003 US-led invasion. It explores the following questions:

Was DDR negotiated and implemented successfully after 2003? What were the conditions fostering disarmament? Were the U.S. and Iraqi governments at odds over implementation? Were the programs efficient? What was the overall effect on Iraqi security? What has happened to these armed groups during the years from 2003-2007? Did DDR create a level of trust among these groups? What were the most difficult steps in implementing and negotiating DDR in Iraq? How can these lessons be applied to future DDR processes or post-conflict situations?

As violence continues, stronger planning and implementation of DDR in Iraq will be an effective method to establish trust between new Iraqi government, armed groups and the people, transitioning Iraq’s war-torn society towards lasting stability and durable peace.
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I owe my deepest gratitude to my mentors and supervisors, Dr. Anthony Wanis-St. John and Dr. William Belding, for their unlimited support, encouragement, guidance and their insightful comments. I thank both of them as they adopted me since my early days at American University to the final stage of this thesis; they offered me their all to make this research project possible. Thank you.

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CHAPTER 1
THESIS QUESTION, ORGANIZATION AND METHODOLOGY

**Thesis Introduction and Questions**

Chaos reigned in the aftermath of the 2003 U.S.-led invasion of Iraq. In particular, the Coalition Provisional Authority’s (CPA’s) catastrophic decision to disband the Iraqi security forces, including the army, police, and intelligence agencies created a very chaotic situation which compounded the instability and lack of security in Iraq. The authority vacuum created an atmosphere where irregular, armed groups could easily emerge and challenge both the coalition forces and the new Iraqi institutions.

Despite their increasingly violent impact, for years there was no formal plan for disarmament, demobilisation and reconstruction (DDR) of these groups. I argue that DDR’s low prioritization and poor implementation were the main reasons for the post-2003 violence in Iraq, characterized by insurgency, sectarian violence, militia rule, crime, and terrorism.

As new Iraqi militias and irregular armed groups emerged, they challenged the creation of a post-Saddam political system. These militias drew from a patchwork array of combatants. Ironically, many were members of political parties who had opposed Saddam Hussein’s government. These parties, along with their own militias, became the core of the new Interim Iraqi Government in the post conflict Iraq. They did not challenge the US presence, but the CPA saw that keeping those parties’ militias would endanger the political future of Iraq. Most other combatants were former security forces, dismissed by the CPA. These people felt severely disenfranchised when they were excluded from creating the new transitional government, which was dominated by the parties who opposed Saddam’s regime and the Americans. Those marginalized parties and former security force members became the core of the Iraqi insurgency after 2003.
Both the level of violence and the impact on post conflict reconstruction and peace-building motivated me to examine how DDR was negotiated and implemented in Iraq. In the paragraphs that follow my aim is to provide answers for the following questions:

- Was DDR negotiated and implemented successfully after 2003?
- What were the conditions fostering disarmament?
- Were the U.S. and Iraqi governments at odds over implementation?
- Were the programs efficient?
- What was the overall effect on Iraqi security?
- What has happened to these armed groups during the early years of invasion 2003-2007?
- Did DDR create a level of trust among these groups?
- What were the most difficult steps in implementing and negotiating DDR in Iraq?
- How can these lessons be applied to future DDR processes or post-conflict situations?

As violence continues, stronger planning and implementation of DDR in Iraq will be an effective method to establish trust between armed groups and the government, transitioning Iraq’s war-torn society towards lasting and durable peace. Theoretical and practical implications of this research may be useful to scholars of peace and security, as well as military, diplomatic and other professional practitioners seeking to minimize the re-emergence of violence after an armed conflict or in political transitions.
Research Methodology

This research is qualitative in nature and is dependent on primary and secondary sources. Much of the analysis is dependent upon a literature review of scholarly sources, along with publications from international NGOs and military and diplomatic sources. In addition, I will compile 5 high quality interviews conducted with current and former Iraqi and U.S. military officers, diplomats, and other experts. These subjects have background and experience in negotiating and implementing DDR. The interviews will highlight some of the qualitative experiences of those who were either experts or involved at a certain level either directly or indirectly in the DDR process or the negotiations. My interview style is semi-standardized, in line with social science methodology. Some of the interviewees will be given the opportunity to use their names and positions explicitly or to remain anonymous to ensure and guarantee their security and safety.
CHAPTER 2

INTRODUCTION TO DDR CONCEPTS, DEFINITIONS AND PERSPECTIVES

What is Disarmament, Demoralization, and Reintegration Programme?

The disarmament, demobilisation and reintegration (DDR) process cannot be viewed as a simple sequence of events. Rather, these activities from a continuum whose elements overlaps with one another, and are related and mutually reinforcing. The success of the process is dependent on the success of each of its steps.¹

Alpaslan Özerdem

When armed conflicts enter into peace negotiations, they usually reach a final phase in which the combatants give up their weapons and reintegrate into civil life.² This complex and multiphase process is known today as “DDR”, which stands for Disarmament, Demobilisation and Reintegration. DDR “must be integrated be one component of a broader peace building strategy.”³ DDR processes are now considered to be in integral part of peacekeeping operations. They are usually included as part a political agreement, security sector reform (SSR) or other types settlements. The negotiation and implementation of DDR varies depending on the situation of any given conflict, but there are often similarities in the process and outcome.

The UN definition of disarmament, demobilisation and reintegration covers an agreed-upon set of activities, but there is no agreed-upon doctrine for it.⁴ This thesis relies on the fol-


³. Ibid., p. 8.

ollowing definition of DDR, based on the United Nation definition as outlined by Secretary General Ban-Ki Moon’s in 2005.5

**Disarmament:** is "the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programs."

**Demobilisation:** is "the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilisation may extend from the processing of individual combatants and temporary canters to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas, or barracks). The second stage of demobilisation encompasses the support package provided to the demobilized which is called reinsertion.

**Reintegration:** is "the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. Robert Perito, a former diplomat and an expert in security sector transformation and police reform in post-conflict societies at the United States Institute of Peace (USIP), said in an interview:

[In Libya,] the people that owned businesses or professionals largely went back home when the fighting stopped. They won the war; these people went back. There was then a surge of opportunists, people who hadn’t been involved in the fighting, largely young men who were unemployed, who saw that this was their opportunity."6


By and large, DDR is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance. The definition of DRR can be viewed as a three-stage process, as indicated in the Figure 1 below:

![Figure 1: Three phases of DDR](image)

**Further Goals of DDR Processes**

The United Nations Development Programme (UNDP) views the ultimate goals of DDR as the following:

- DDR can contribute to the improvement of security and political stability of the country.
- DDR can create and re-establish the ground were former combatants have the chance to reintegrate armed groups and factions whom they were part of an on-going dispute or conflict.
- DDR could prevent any future reoccurrence of violence.

7. Department of Peacekeeping Operations (DPKO), "DDR in Peace Operations a Retrospective."

- DDR could open and offer a good window for a national reconciliation.
- DDR could be a good venue to free both human and financial resources; which can be used for the post-war reconstruction and development.\(^9\)

DDR processes are complex because their design, negotiation and implementation involve political, military, security, humanitarian and socioeconomic factors. In post-conflict contexts, often DDR must cope with security, institutional weakness, destruction of infrastructure and dependence on international aid.\(^{10}\) Power vacuums form in the transitional period after a conflict, giving armed groups the chance to gain a foothold. These groups do not want to see a new government succeed, because they are outside the political process.

Such extremists and former members of the defeated government will seek the opportunity to act as spoilers. An interview with an anonymous former Iraqi diplomat involved in disarmament revealed that:

Each case should be examined carefully from all its dimensions, especially the spoilers. In DDR, usually in such cases several elements and components are involved, so in order to achieve the most wanted results, those who engaged in the process must be far-sighted, diligent, and cautious as well as aware of the influence of the parties close to the fighters, as sometimes exploit their cause for their own individualistic aims. An approach of patience continuum is also needed here. Ways and means of temptation is to be considered too.\(^{11}\)

The challenge of DDR, then, is that any holistic settlement must include the very people who seek to disrupt society.\(^{12}\) Figure two below shows the timeline of DDR and phases associat-

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10. Ibid.


ed with it. Note how disarmament and demobilisation occur on a relatively short-term scale compared to reintegration.\textsuperscript{13}

Figure 2: Timeline for Components of DDR

Ideally, DDR must be launched immediately after the conflict. Delays can motivate “spoilers” like former security, military and party personnel to establish armed groups to challenge the political will and structure of the new government. Even parties that expect to gain political power often arm themselves to impose more pressure and win a bigger share in the new government. With both parties struggling for power, DDR must address political transition and

institutional weakness. DDR can sometimes take advantage of such rivalry by playing the parties against each other; more often, the competition only adds to the chaos.

**Security Sector Reform (SSR) and (DDR)**

To be most effective, DDR and SSR programmes must be integrated into a cohesive whole, working alongside other diplomatic and transitional justice efforts and to ensure lasting peace.

Sean McFate\(^\text{14}\)

Security sector reform (SSR) includes measures designed to provide an impartial and fair law-making and enforcement. SSR is essential to DDR process, because it ensures a security mechanism that applies to the entire population. SSR aims to establish institutions that are capable of protecting both the state and its citizens from violence and coercion.\(^\text{15}\) It has political, economic, institutional and societal dimensions, with a strong impact on a post-conflict environment.\(^\text{16}\) While they share the ultimate goal of security, DDR differs from SSR in mechanics. DDR relies on the strong, legitimate law enforcement, which may SSR provides\(^\text{17}\) SSR aims to transform the security system in a way which aligns with the nation’s beliefs and governance system.\(^\text{18}\)


\(^{\text{16}}\) Alpaslan Ozerdem, "Insurgency, militias and DDR as part of security sector reconstruction in Iraq: how not to do it," *Disasters* 34, no. s1 (2010), p. 543.


SSR helps to ensure that DDR will be successful long term. When DDR shifts ex-combatants into a new status, SSR provides government programmes to prevent former combatants from becoming insurgents or getting involved in crime or gangs. SSR can also serve to produce a well-trained and professional security force, which helps counter spoilers and contain violence. McFate argues that conflict-affected states in which the government has no monopoly on its security and institutions, a joint DDR-SSR formula can offer a full package. He notes that DDR focuses on disarming, disbanding and reintegrating non-state armed groups; SSR focuses on reformation and reconstructing measures for the newly established security forces. DDR alone cannot guarantee that hostilities will not reoccur between rivals or ex-combatants. DDR lacks the goodwill and reconciliation, nor can it force gangs, looters and organized criminal groups to disband. SSR works on addressing past hatred, atrocities and all issues that lay beyond the DDR trend.

DDR and SSR function best as parallel processes. Merging, however, is difficult when implemented in the real world. MacFate explains that DDR and SSR are political in nature, so working on changing the political structure in the affected countries can be challenging and dangerous to deal with. For example, reintegrating militias and armed groups who still have resentment against the government or even transforming security institution can provoke differences. Also, if DDR and SSR are integrated, they can have different priorities and time frames. DDR goals are clear and usually shorter, along the time frame of a few months. DDR is also fixable

20. Ibid.
21. Ibid., p. 2.
22. Ibid., p. 9.
23. Ibid.
and can be engineered. SSR, conversely, is a very long process and it can take years or even decades.\textsuperscript{24} Finally, the most problematic issue with both processes is what the author describes it the forgotten “R”, in which she means the “Reintegration.” This is the crucial point where both processes are wide open to fail in the shadow of poor design, negotiation and implementation.\textsuperscript{25} With this difference in mind, this paper will now discuss DDR in depth.

\textsuperscript{24} Ibid., p. 10.
\textsuperscript{25} Ibid.
CHAPTER 3

LITERATURE REVIEW OF DISARMAMENT DEMOBILISATION AND REINTEGRATION (DDR)

One Process but Different Phases of DDR

What is DDR? To eliminate confusion between “DR, D&R, DDR, DD &R, DDRRR and DDRR”, disarmament, demobilisation and reintegration are three terms but they all represent one process. Because sometimes people within their reading in this field might find between four or five letter abbreviations which represent additional phases within DDR process itself, I am excluding two additional phases represented by, “reinsertion and resettlement”, which are commonly addressed in literature related to “DDRR or DDRRR” definitions and processes. My thesis focuses on the most common and traditional abbreviation, “DDR,” which stands for disarmament, demobilisation and reintegration. The concept phases of these phases are explained and defined by the United Nation’s Secretary General, which were mentioned in the previous chapter.

The Scope of DDR

Many would ask why disarmament comes first, then demobilisation and finally reintegration. The sequencing of DDR processes is fluid, because each scenario varies, but the majority of DDR processes in the last two decades have used that order. This is mainly because the phases of disarmament and demobilisation are the most urgent to reduce violence. In addition, offers of

rehabilitation, such as employment and stipends, are often used as negotiating tools in convincing militias to lay down arms.

The sequence also has to do with outside funding, on which DDR relies. Disarmament and demobilisation are easier to fund than reconstruction. Once these phases are implemented satisfactorily, donors sometimes feel their work is complete. However, donors are sometimes reluctant to realize their finances until combatants have been demobilized, first due to capital risk, and also because funding armed groups are technically illegal.

A few DDR cases begin with the reintegration phase, which some scholars and experts see as an essential confidence building measure, as combatants may see the economic and social benefits as a good incentive towards disarmament and demobilisation. A retired Iraqi diplomat emphasized the importance of “Confidence building measures which create an atmosphere that would be conclusive to DDR with groups that refused to join or be part of such process”. Reintegration often involves employment, which frees combatants from having to work for warlords and militia leaders. If many combatants make their living solely through mercenary work, starting reintegration first can be an essential investment in the later processes. In an interview with Paul Hughes, a retired colonel and chief of staff at the United States Institute of Peace (USIP) said “the Mozambique case was fascinating because there were some real challenges to it once it

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28. Ibid.


began it really demonstrated the need for a continuity of effort. Because you started does not mean it is all doing to turn out just fine. And it’s also pointed out that reintegration process has to be well thought of because there were mistakes made.”32 For example, most of the Taliban’s combatants had no other economic opportunity other than joining the extremist group, which provides basic necessities and a stipend.

In most cases, then, each component of DDR happens somewhat simultaneously. Robert Perito in his interview said, “Disarmament and demobilisation might take weeks to months before they reintegrated. The span of time before signing the documents and reintegrating can be very crucial for security in a post-conflict environment. Not involving combatants in a reintegration process might lead to the eruption of the fight in the shadow of a fragile peace process.”33 Paul Hughes agrees, saying:

In terminating a conflict there is a maximalist approach, much like what was done between the United States and Japan, and Germany after WWII, but if we look to Bosnia and the civil war in former Yugoslavia, you will see a minimalist approach because the US could not influence and have the wherewithal to change the facts of the ground”. He added “DDR is a political decision of whether or not going to do it, had NATO invade Yugoslavia and stopped the fighting, we are going to impose peace, that would have been a maximalist approach to resolve the Balkan’s wars […] but it would have required a lot of political support, a lot of men and material, a lot of soldiers and resources to make it work and to make it last. NATO didn’t have the political will to do that. And so you had to take a minimalist approach to it. But minimalist approaches do not negate the eventual imposition of a maximalist approach because you can – you can keep scaling up. The question is do you have time and will on your side to make that happen. In the case of Iraq, we didn't have any approach, Bremer shows up and it's the maximalist approach. This isn't how it's going to, he didn't have the wherewithal, and he didn't have the resources to change the facts on the ground.34

34. Paul Hughes (former Army colonel) in discussion with author, February 2013.
Throughout history, most DDR cases have kept the traditional sequence because disarming is the most urgent step to reduce immediate violence. However, the sequence of DDR must depend on factors such as funding, timing, and combatants’ readiness to disarm.

**Origins, History and Evolution of DDR**

More than 60 disarmament, demobilisation and reintegration (DDR) initiatives have been conducted in the world since 1989, many in the shadow of violent and civil international and internal conflicts. Many initiatives in the 1990s related to the dramatic change after the collapse of the eastern bloc headed by the USSR. Most of these DDR operations were launched in the aftermath of the violent international and civil conflicts, usually after one party was weakened through war or a peace support operation. After WWII, conflicts grew away from conventional war between two state armies. DDR programmes and operations have evolved to include a new kind of conflict and struggle: that of a non-war context waged by irregular groups such as roving militias, gangs, and former army or security members.

The concept of early DDR evolved from the aftermath of WWII and the Allied occupation of Germany and Japan. Demobilisation was the dominating phase during this era. The importance of demobilisation relies on the downsizing the size of the defeated armies through the process of formal and controlled discharge of active combatants from armed forces or any other armed groups. To discharge and downsize an army or armed group will help to reduce the possi-
bility of fight reoccurrences. Demilitarisation of the defeated military force and the transition period from war to peace were two early dominating DDR concepts.\(^{39}\) Today’s DDR processes emerged in the aftermath of the Cold War. The collapse of the bipolar system created not only the path, but the expectation for third party interventions from the United States, United Nations, regional powers and international organizations to defuse tensions.\(^{40}\) A third party can provide some guarantees and verification when the trust among armed groups is low.\(^{41}\)

In fact, DDR is a comparatively new field, as prior to 1980 disarmament and demobilisation were largely executed by military institutions heavily focused on the demilitarization and sizing the armed forces to fit the post-conflict scenario.\(^{42}\) Through the UN, the international community has increasingly supported these interventions, leading to the establishment of the UN’s Department of Peace-Keeping Operations (DPKO).\(^{43}\) In the late 1980’s, the UN and its specialized agencies increasingly invested in DDR operations embedded within the main context of peacekeeping operations.\(^{44}\) The first formal UN Security Council (UNSC) DDR Operations were executed in Namibia between 1989-1990 with support from the United Nations Transitional Assistance Group (UNTAG).\(^{45}\)

Since the early 1990s, DDR interventions have started to shift from a narrow perspective focusing on ex-combatants and the architecture of national security forces toward a wider em-

\(^{39}\) Ibid.

\(^{40}\) Ibid., p. 12.

\(^{41}\) Anonymous (former Iraqi diplomat) in discussion with author, February 2013.


\(^{43}\) Shibuya, *Demobilizing Irregular Forces*: p. 12.


\(^{45}\) Ibid.
phasis on tackling more in depth issues like promoting reconstruction and development.\footnote{Muggah, "Innovations in disarmament, demobilization and reintegration policy and research." p. 1.} DDR initiatives in Namibia, South Africa, Southwest Africa and Central America encouraged the international community to embrace peacekeeping operations and offered the United Nations an opportunity to take the lead in the implementation of peacekeeping operations in general and DDR in particular.\footnote{Ibid.} These missions have now expanded to include other post-conflicted regions like the Balkans and Africa, and more specifically Eritrea and Ethiopia in the early 1990s.\footnote{Muggah, Security and post-conflict reconstruction: dealing with fighters in the aftermath of war, 8: p. 5.} The negotiations and implementation of peacekeeping operations from late 1980’s and through the 1990’s and present have led to the development of DDR field. Robert Perito explains the situation in Mozambique:

> The rebels in Mozambique were actually composed of a group of people that are mostly illiterate. They have very little understanding of the outside world. They’ve been in the bush fighting and they had very little idea of what peace would look like. And so, these people were literally terrified of putting down their weapons because they had [...] no idea what awaited them. They were terrified that the government would then come and kill them because they’ve been [rebels] since they were young men. So, they know nothing but conflict. And so this business of pre-assurance is critical.\footnote{Robert Perito (former U.S. diplomat) in discussion with author, February 2013.}

After the early 1990’s, these UN-mandated DDR operations were led and managed by Department of Peace-Keeping Operations (DPKO).\footnote{Muggah, Security and post-conflict reconstruction: dealing with fighters in the aftermath of war, 8: p. 5.} DDR concept evolved and developed rapidly; this attracted many experts, scholars, and negotiators and added an additional tool to the security field and practice. DDR also became a growing concept of the United Nations Security
Council Resolutions.\textsuperscript{51} Political scientists take interest in this field because DDR aims to bring violence back under state control.

DDR operations and interventions have geographically expanded, reflecting a shift from minimalist (security first) to maximalist (development-oriented) processes. This shift has added a social dimension, adding complex layers to DDR process. DDR is now expected to provide a bundle of solutions for a variety of issues connected related to reconstruction, and security sector reform (SSR), along with its original goal of preventing violence and war reoccurrence.\textsuperscript{52} As we have indicated, more than 60 DDR operations have been launched since the early 1990s; since then, the range of these operations focused on demobilisation and reintegration of professional soldiers, ex-combatants, guerrillas, and militias in a post-war context.\textsuperscript{53} We can take a quick look at the Table 1 below, which shows the number of DDR operations that have been conducted worldwide and some of the specific contexts of each.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|}
\hline
Country & Number of Operations & Contexts \\
\hline
Bangladesh & 10 & Demobilisation and reintegration of former soldiers \\
\hline
Mexico & 20 & Demobilisation and reintegration of ex-combatants \\
\hline
Senegal & 15 & Demobilisation and reintegration of guerrillas \\
\hline
\end{tabular}
\end{table}

\textsuperscript{51} Ibid.
\textsuperscript{52} Muggah, "Innovations in disarmament, demobilization and reintegration policy and research," p. 2.
\textsuperscript{53} Muggah, \textit{Security and post-conflict reconstruction: dealing with fighters in the aftermath of war}, 8: p. 5.
<table>
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54. Ibid.
Post-Conflict DDR

The prospects for stabilization and recovery in conflict-affected countries largely depend on the success of disarmament, demobilisation, and reintegration.\textsuperscript{55} Report of the Secretary General United Nations, 2000

Since the end of the Cold War, dozens of DDR programs have been implemented within the framework of UN peacekeeping which falls between Peace Keeping Operations (PKO) and Peace Support Operations (PSO).\textsuperscript{56} There are different settings of DDR, such as developmental DDR, transitional DDR, and post-conflict DDR. This paper focuses on the latter. DDR in a post-conflict setting usually comes after intra-state and interstate negotiations both in international and regional armed conflicts. DDR processes usually complement other programmes and frameworks such as reconciliation, reconstruction and security sector reforms (SSR). An anonymous retired Iraqi army general said “Again, DDR process would be much more efficient for security rather than reconciliation. One of the other conditions of this process is that no militia member could be accepted without turning in a weapon. This condition was totally ignored. None of the militia members who were demobilized and reintegrated did not turn in their weapons and that is why it failed to make Iraq secure and establish security.”\textsuperscript{57}

DDR processes represent the most suitable tool for post-conflict situations because they tackle the issues related to the non-state armed groups, combatants, militias, insurgents, and terrorists. They are mostly associated with the later stages of negotiations, such as the final peace


\textsuperscript{56} Rufer, "Disarmament, Demobilisation, and Reintegration (DDR): Conceptual Approaches, Specific Settings, Practical Experiences," p. 2.

\textsuperscript{57} Anonymous (former Iraqi General) in discussion with author, February 2013.
agreement and political settlements.\textsuperscript{58} In post-conflict situations DDR processes tend to be problematic because the warring parties--mainly the irregular armed group’s leaders and commanders--might have a different point of views and reactions towards DDR phases.\textsuperscript{59} DDR’s implementation varies; its processes can be carried out by an international peacekeeping effort or by the national government or occupying force.\textsuperscript{60}

The role of leadership considered a key aspect of post-conflict reconstruction and rehabilitation of the state, as the state's role is crucial to generating a collective action toward a given DDR process.\textsuperscript{61} Neglecting or excluding leaders from DDR is often unhelpful, as former combatants and armed groups could turn to any alternative leader who supports their aims, and continue their criminal behaviour. The role of ex-combatants and irregular armed groups leaders are essential in producing a collective effort that would reflect positively on DDR process as whole.\textsuperscript{62} The role of leaders is crucial more specifically at the negotiation, design and the implementation of reintegration. The exclusion would be risky, because those leaders they have great influence on mobilising combatants within different groups whether they are warring militias, parties or irregular armed groups.


\textsuperscript{59} Ibid.

\textsuperscript{60} Ibid.

\textsuperscript{61} Antonio Giustozzi, \textit{Post-conflict disarmament, demobilization and reintegration: bringing state-building back in} (Burlington, VT: Ashgate, 2012), p. 3.

\textsuperscript{62} Ibid.
Finally, Santos views DDR as a transitional measure, essential to post-conflict situations because it aids in establishing confidence among warring parties which in turn will enable development efforts to materialize.  

Many DDR experts believe that DDR negotiations and implementation should be an integral part of the peace-building process. It must target the warring parties, because they should be disarmed and demobilised within weeks or months after the conflict. Otherwise, if negotiations and their implementation are neglected this could ignite a return to the conflict. The absence of proper information will lead to chaos and poor results. The United Nations placed a great amount of interest in DDR; this interest is evident in the principles and guidelines worked out by the UN departments of peacekeeping operations, UN and UNDPKO. As DDR continues to develop and becomes an integral part of many interventions, PSO dominates the United Nations’ publications and is promoted as a “well-established feature of Post-Cold War Peacekeeping” by the United Nations Security Council: “It is vital to establishing a post-conflict situation and reduce the likelihood of renewed violence.” Finally, the Brahimi Report highlights the role of DDR to end a post-conflict situation and reduce the likelihood of conflict recurrence by saying “DDR of former combatants is key to post-conflict stability and reduces the likelihood of a con-

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64. Anonymous (former Iraqi diplomat) in discussion with author, February 2013.
66. Ibid.
flict re-occurrence in an area in which peace-building makes a direct contribution to public security law and order.”

Since the late 1980s, the international community, mainly the United Nations and other intergovernmental agencies, have significant interest in downsizing ex-combatants, irregular armed groups, militias, and insurgents and to integrate them with civilian society. The downsizing of the forces and their re-integration has become even more preferable through the short-term package of activities made available through DDR. Since then, DDR has been a very important instrument of post-conflict peace-building. Brzoska added that DDR has become part of the core principles of any given post-war donor, since most of the international players and donors acknowledge that DDR could represent a central element for long-term peace-building processes. As one Iraqi diplomat put it, “it plays a critical role from war to peace”.

In Disarmament and Demobilisation after Civil Wars, Mats R. Berdal writes that it is worthwhile to think about establishing a proper place for disarmament, demobilisation and reintegration for the former combatants because that will significantly help to end the internal armed conflict. Unlike Santos, Berdal believes that DDR processes “are intensely political processes” because they are long term and their sustainable impact depends heavily on the political and economic reconstruction efforts which they will resolve. This opinion is a contrast to what Santos


69. Brzoska, "Embedding DDR programmes in security sector reconstruction,” p. 95.

70. Anonymous (former Iraqi diplomat) in discussion with author, February 2013.


72. Ibid.
believes, because according to Santos DDR should not be considered a political solution; it is mainly a transitional tool.

War and organized violence can benefit certain groups because it serves their interest; transitioning to a durable peace would deflate the privileged status they hold. For this reason, it is often difficult to attract the conflicted parties’ attention to the table of negotiations. Robert Perito emphasizes the political aspect of DDR.

If demobilisation also is associated with SSR -- so, people who could leave the rebel groups and come in and become part of the national army, if they can leave the rebel group and come in and become part of the political process, running for public office and be elected, become part of the new government, those are the incentives that are available. In any kind of negotiation, in any peace negotiation, the first thing that has to be established is that everyone on both sides of the table are citizens of the country. You know, we’re all Angolans—we’re not different tribes, we’re not northerners and southerners, we’re all Angolans. We’re all Iraqis, we’re all whatever. So, we have a call and responsibility to put the country back together and move forward. As a negotiator, that’s where you start. You start by trying to create this understanding among the sides.73

According to Berdal, just because the warring parties have accepted the negotiated peace settlement does not mean that all the factors which sparked the conflict were resolved, implying that the conflict could be reignited.74

There is a loose consensus among the international community, UN, national, and regional organizations that DDR programs, no matter how they are planned, negotiated and implemented, represent the best solution to address continuing violence in post-conflict situations.75

The Brahimi report of August 2000 on The Reform of Peacekeeping highlights DDR’s importance by saying “DDR is an important element to immediate post-conflict stability and reduced

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74. Berdal and International Institute for Strategic Studies, Disarmament and demobilisation after civil wars: arms, soldiers and the termination of armed conflicts, no. 303: p. 6.

likelihood of conflict. The UN secretary general on the role of the UN in Peacekeeping in DDR
said in 2000, “in the civil conflicts of the post-cold War era, a process of disarmament, demobili-
sation and reintegration has repeatedly proved to be vital to stabilizing a post conflict situation;
to reducing the likelihood of renewed violence, either because of relapse into war or outbreaks of
banditry; and to facilitating a society’s transition from conflict to normalcy and development. 76

In conclusion, this paper finds that DDR is highly dependent on political processes. And
because it depends heavily on other broad political, economic and reconstruction measures there
are always internal and external factors that contribute to prolonging this conflict. DDR repre-
sents an essential part of post-conflict security because it brings warring parties to the negotiation
table and reduces the number of the combatants. Moreover, DDR enables these parties to begin
constructive talks through negotiations, with aims of a sustainable settlement. Hence, DDR could
not be treated as an independent programme rather than being treated as an integrated part of
comprehensive processes.

**United Nations and DDR**

In 2006 the United Nations officially launched what is known as the ex-combatants “In-
tegrated Disarmament, Demobilisation and Reintegration Standards (IDDRS)”
. These standards
resulted from the efforts of international bodies to improve their capacities in the field of peace-
building. 77 As we mentioned earlier, DDR is a relatively new concept and has been debated by
multilateral organizations, NGOs and financial institutions. These bodies have each tried to come

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76. The Secretary General's report to the United Nations Security Council, "Report of the Secretary-General on
the role of United Nations Peacekeeping in Disarmament, Demobilization and Reintegration (S/2000/101)."

77. Albert Caramés, Vicenç Fisas Armengol, and Daniel Luz, Analysis of Disarmament, Demobilisation and Re-
up with a unified conception of DDR. For example, in 2006 the UN announced a new vision, field guide, and strategy for DDR operations. This announcement aimed to provide a comprehensive system where there are a group of policies, guides and procedures for planning, implementing and evaluating DDR programmes in peace-keeping contexts.78

The UN Standards have three common goals: “the making of firm decisions by those executing DDR programmes in the field; initiation of an integrated operational planning, both at central headquarters and in the field; and resources for the training of specialists in DDR” (Ibid p.11). These guidelines introduce a definition of successful DDR and a strategy to achieve it. The UN approach in a post-war context is heavily focused on activities related to physical construction and recovery. To do so, the Standards give structural bodies power over "programme design, national institutions, DDR programmes and support, budget and personal monitoring”79. They establish operational programmes and logistic support like “disarmament, SALW control, security and development, demobilisation, social and economic reintegration, military and police roles and responsibilities, public information and communication strategies”.80 Finally, the Standards shed light on issues related to “Transversal aspects: gender, child soldiers, migratory movements, food assistance, and health and HIV/AIDS prevention”.81 The UN integral strategy favours development as a tool to promote stability. With this aim, the Standards emphasize transparency and responsibility in designing, negotiating and implementing DDR. It often empowers national government and mandates being integrated and well planned.82

78. Ibid.
79. Ibid., p. 11.
80. Ibid.
81. Ibid.
82. Ibid.
Antonio Giustozzi argues that many DDR programmes have resulted in failure, because they have required huge funds without bringing a lasting ceasefire. On this premise, he argues that many of the UN's DDR programmes are poorly suited to modern conflicts. Robert Perito agrees, saying:

It has to be part of the negotiating process. In fact, the thing you’re talking about is how do you get the fighting to stop? First thing is ceasefire and second thing, how do you get the parties to the conflicts to separate. How do you get them to go to places where they’re not going to ran into each other and start fighting again? How do you get them to then demobilize their manpower and their weapons and then while all that is going on, how do you still creating a neutral national security force that’s going to take over and protect everyone in the country. And so, that’s the substance of negotiations.

The UN plans different time frames for DDR processes, but the whole programme usually varies between medium and long terms. The UN believes that the standardization of DDR will improve the understanding of DDR's political, social and economic impact in post-war rehabilitation contexts. As an assessment, although this strategy may establish good planning bases, it remains to be seen whether or not the same mistakes are repeated and the enormous distance existing between the theoretical capacities of central headquarters and their implementation in the field is maintained, as occurs in many areas, leading to them being diverted from that initially proposed.


The Downfalls of DDR

The end of war does not guarantee security. In fact, many post-conflict environments struggle with on-going violence, as in Iraq, Afghanistan, Haiti and Sudan. Armed violence carried out by ex-soldiers, irregular forces and militias can reach unprecedented levels even in the shadows of a peace agreement or DDR process. DDR process is generally implemented with other programs like reconstruction, development, and security sector reform (SSR). DDR as a unique concept remains poorly understood. According to Muggah, there is no clear doctrinal approach in DDR literature because much of this literature is purely descriptive and theoretical.

DDR also suffers from imprecise metrics of evaluation. Because successful disarmament interventions are always measured numerically by collection of weapons, they often fail to indicate how safety and security have improved de facto in the society. Robert Perito says “it’s highly important to put it with a reconciliation or amnesty or transitional justice because the term by itself, the first D – disarmament-- sometimes looks provocative to people. You don’t get the actual disarmament, demobilisation unless it’s part of a process, at least, to reconciliation and rehabilitation. Otherwise, what happens is that people bury their weapons in the ground and then they show up and collect whatever money and free food and whatever’s edible and they turn


86. Ibid.p. 241.

87. Ibid., p. 242.

88. Ibid.

89. Ibid., p. 246.
around and they go back and they dig up their weapons and they either turn to crime or really go back to war. So, it’s critical that this be part of a larger effort.⁹⁰

The numbers of arms collected is not a reliable sign that militants have fully disarmed, because when these groups have doubts about DDR process they will try to cheat by giving very limited numbers of their weapons and hold some as a bargaining chip for future negotiations⁹¹.

An Iraqi diplomat said “before delving the ideal way to deal with the weapons a close examination and identification should done to the various types of weapons. The ideal way is to destroy them, but if there is a dire and pressing need by the security forces for certain a type of weapons, they could be of use.”⁹² They rarely turn in their best weapons, either. These hurdles trace back to militants' level of confidence with DDR process, as they always remain sceptical about what is next.

These groups tend to escalate the fight or come back for conflict because this situation will give them a better position on the negotiations with the government or their rival militias. For these reasons, the collection of weapons does not provide concrete proof of disarmament, and negotiators must be wary of spoilers in concurrent negotiations and implementation processes. Paul Hughes expands:

Weapons buyback program are bad because they create – I’m looking for my DDR stuff here, because they create – dang, where did it go? Because it creates a listed market where people will sell back arms, I mean just like what happens here in the United States, what police departments have gun buyback programs. People will bring out all the things that don't work but will save the good stuff and they’ll keep it hidden as a hedge against a future violence. And then Iraqi was true there as well. The other thing Iraq was as you know very well, it was just full of weapons ⁹³

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In the same manner, Muggah argues that demobilisation is immeasurable, thus adding to a third flaw of DDR process. Sometimes demobilisation includes ex-soldiers from the national army as well as ex-rebel fighters who have been in a state of war. In other cases, demobilized soldiers are from adverse national armies; as a result, it is very difficult to distinguish between combatants and civilians.\textsuperscript{94} When it is difficult to categorize and identify who the combatants are, demobilisation is hindered.

In addition to the two flaws highlighted by Muggah, Hugo de Vries and Nikkie Wiegink point out another flaw of DDR process: it cannot assure the success of reintegration. According to Vries and Wiegink, disarmament and demobilisation are implemented either by governments or multi-lateral agencies, while the reintegration phase is supposed to be a long-term process and mainly associated with development programs. The national government is typically less involved in this phase, depending on its strength, political structure and resources.\textsuperscript{95} These programs cannot guarantee that people are willing to accept each other after long years of violent struggle.

For these reasons, reintegration is considered the weakest part in DDR process.\textsuperscript{96} DDR is heavily influenced by external factors and that will make them different from one place to another.\textsuperscript{97} Those personnel tasked with implementing DDR processes need to consider the chain of command of the structures that bond and reconnect former combatants because that will affect

\textsuperscript{94} Muggah, "No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-conflict Contexts," p. 247.


\textsuperscript{96} Ibid.

\textsuperscript{97} Ibid., p. 40.
their future relations with the communities where they are supposed to be reintegrated. Chains of command can be links to a past life of violence. This could be problematic as violence may erupt and those people can manage to remobilize and pursue the fight.

**Identifying the Gaps within DDR Processes**

The goals of DDR programs range from simple downsizing and cost-cutting to a central role in peace-building, because most of these programs reflect a very broad spectrum. DDR has security implications beyond the cessation of hostilities among warring parties because it has a big influence on the security sector reconstruction and reform (SSR). SSR is process is briefly described in chapter two.

One of the main gaps in DDR is the variety of decisions need to be taken and the composition of DDR makers which consist of experts, negotiation teams and locals. After the initial decision to downsize irregular armed groups and militias—a decision usually made by politicians—the main actors of DDR are technical experts. Generally, military experts deal with disarmament and demobilisation while development experts deal with reintegration; the latter group is mostly represented by external actors. This situation causes friction in the peace support operation due to differing views between the two groups on how to attain peace and distribute funds. There is often only a little coordination between SSR and DDR because practitioners

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98. Ibid.
99. Ibid.
100. Rathmell, National Defense Research Institute, and Rand Corporation, *Developing Iraq's security sector: the Coalition Provisional Authority's experience*: p. 95.
101. Ibid.
102. Ibid., p. 97.
are usually overwhelmed by the demands on their respective programs. In an interview with a retired Iraqi army general and head of the Transition and Reintegration Implementation Committee (TRIC) from 2004 – 2005 said:

The political nature of DDR should not be ignored because it carries important security implications beyond peace-building. For example security, crime rates, and crime prevention are affected by failed reintegration.\textsuperscript{103} Finally he sees there is a big importance in linking DDR and SSR in a post-conflict situation because DDR processes affect SSR. Because there is always a priority dilemma among national military decision makers between DDR and SSR; they always view DDR with suspicion because DDR can potentially end the establishment of the former military which they are a part of. That is why it is very important to look and research both DDR and SSR processes in conjunction with each other.\textsuperscript{104} According to Brzoska more policy discussion and coordination needs to be conducted in order to fully address the complexities of DDR.\textsuperscript{105}

Though DDR literature is expanding, there is a dearth of research into DDR negotiation practices. Most of the literature is heavily focused on how to negotiate disarmament, but only few have focused on negotiations specifically. There is widespread consensus about the importance of DDR to stabilizing post-conflict situations, but there is no clear set of processes.\textsuperscript{106} This is partially because the process is overwhelming, essentially attempting to resolve unresolvable issues among violent parties in an atmosphere of shattered trust. Disarmament may be the

\textsuperscript{103} Ibid., p. 109.

\textsuperscript{104} Ibid.

\textsuperscript{105} Ibid., p. 111.

most critical part of the process, as it touches directly on the human security. If it is done successfully, it can dramatically reduce violence in the short run, while also reducing the chances of violence recurring. Further thinking about the negotiation of DDR would be of high value and worthwhile for practitioners and scholars involved the peace and security.
CHAPTER 4
NEGOTIATIONS AND DDR PROCESSES

Negotiations: Definitions and Background

When parties base their position on grievances and demand punishment, negotiation is, in fact war.\textsuperscript{107} William Zartman, Elusive Peace

Scholar Daniel Druckman defines negotiations as “a bargaining game in which opponents exchange concessions, and exchange is governed by the situation on the ground...Negotiation processes allow the parties to move gradually from their current position to their adversary’s position.”\textsuperscript{108} The words influencing, bargaining, exchange and move, all reflect the final outcome acceptable by two or more sides. These final outcomes could not materialize only through compromises and these compromises cannot be fulfilled only through negotiations. Despite the various definitions of “negotiations” they all lead to a jointly desired outcome by warning and disputed parties. Each negotiation process entails certain strategies, resulting in success or failure.

International negotiations is defined as “the process of consideration of an international dispute or a situation by peaceful means, other than judicial and arbitral processes, with a view of promoting or reaching among parties’ concerned or interested some understanding, adjustment or settlement of the dispute or the situation.”\textsuperscript{109} The definition suggests the use of all given tools

\textsuperscript{107} I. William Zartman, \emph{Elusive peace: negotiating an end to civil wars} (Washington, D.C: Brookings Institution, 1995).


like discussion, meetings, mediation, conciliation, good offices and other the techniques as much as parties concerned.\textsuperscript{110} Wanis-St. John mentions that, in contrast to interpersonal negotiations, the stakes are higher in international negotiations, because the result of such negotiations may have an impact on millions of people worldwide.\textsuperscript{111} But regardless of scale, all negotiations are a combination of process, structure and outcome.

Because of the multidimensional nature of any given conflict, both national and international negotiations are essential to the success of DDR. DDR is now carried out by a vast variety of regional and international organizations, often led by the United Nations Peace Keeping Operations (DPKO). Other actors include the host government, NGOs, financial institutions, and of course the armed groups.

Kelman argues that collective needs and fears figure heavily in international conflicts. These are behind what are normally described as national interests.\textsuperscript{112} International conflicts are often the result of leaders acting on the needs and fears of their own societies.\textsuperscript{113} Scarce resources and an ethnically divided society are two common factors influencing national decision-makers.\textsuperscript{114} We can see these factors adding to the instability in Iraq after the 2003 US-led invasion, which spilled over into the some parts of the region.

Kelman adds that objective factors such as those described above are always combined with subjective one such as perception, heuristics and intra – party dynamics. These factors high-

\textsuperscript{110} Ibid.


\textsuperscript{113} Ibid., p. 196.

\textsuperscript{114} Ibid.
light the fact that each party, and each member within a party, might have different goals, adding to the situation’s complexity. In situations where conflicts are the result of high ethnic violence, one party will fear their annihilation; this fear will dominate the behaviour of its leaders. Those leaders and other influential bodies in a decision making position should establish a process towards durable peace and conflict resolution that addresses the needs and fears of these disputed parties within their societies. DDR presents an ideal opportunity to account for all parties' needs and fears, but only if it is designed, negotiated and implemented with these in mind.

**Negotiations Settings, Technics and Strategies**

We do nothing but negotiate, but we are not always aware of it.\(^{116}\)

A Humanitarian Aid Official – South East Asia

Negotiations occur constantly in our day to day life, as reflected in the quote above. Formal negotiators are trained to achieve a very good outcome, but DDR processes often involve large numbers of untrained participants such as militias, development and government workers. In DDR, negotiation skills are essential, not only for the formal negotiating team, but for everyone who advances the peace process. They are required to negotiate at different phases of a given DDR process. \(^{117}\) In other settings there is an increased awareness that a better understanding of negotiations would contribute to gaining the maximum desired results and reducing the long-

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115. Ibid., p. 197.


term cost. That is why it is of high importance that those who are involved in DDR should have a working knowledge of negotiation theory.

A good negotiator focuses and seeks the best options that meet the interest of two parties and more. Then, comparing each party’s desires, a negotiator considers what leverage he or she can use to influence the outcome. To promote success, it is important for each side to decide their clear objectives, to keep internal cohesion high and help negotiators through the entire negotiations process. The logic flow of these phases could be shown in Table 2 below:

Table 2: DDR Processes Overview

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118. Ibid.


120. Ibid., p. 35.
The table above shows the logical flow of any given process in any settings of negotiations. First, there is a clear overview of the situation; second, there is a good level of analysis; third, strategy and tactics; and fourth, the face to face time, when the different parties are at the table working toward reaching a compromise of any given conflict. Finally, the follow-up is the outcome of the negotiations and implementation.

**Handling a Given Conflict, Different Approaches**

Negotiations are not a premium they are a means to achieve an end to the conflict so that people can get on with their own lives.\(^{121}\) Julian Thomas Hottinger

When we mention the term conflict the first thing that comes to mind is something along the lines of “Struggle between people, groups, organizations, cultures or nations.”\(^{122}\) Wilmot and Hocker define conflict as “a felt struggle between two or more interdependent individuals over perceived incompatible differences in beliefs, values and goals, or over differences in desires for esteem, control, and connectedness.”\(^{123}\) What we can derive from this definition is that conflict is a struggle between two or more opposing forces. They can be on the same team as well, for example a group leader and senior level officers coming to a dead-end due the differences in how to carry out strategy.\(^{124}\) In short, conflict involves a clash between two or more parties regardless

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of their structure, as they can be state actors or non-state actors like irregular combatants, militia and insurgent groups.

Some conflicts reflect the element of interdependence between the parties where the conflict takes place. The leaders of any given group or party need followers and vice versa, they cannot work separately from each other. This kind of interdependence will create a highly fertile ground to conflicts to take place, because the hierarchies of the irregular armed group or militia have not been eliminated permanently. Finally conflicts may also involve differences between individuals that are perceived to be incompatible. These differences are represented in the individuals’ beliefs, values, and goals. Also there are other differences which are motivated by the individual desires of control and maintain a certain status where it gives them more leverage by maintaining the status quo of that conflict.125 Conflicts depend on people’s set interests, goals and ideas, as well as situational factors such as politics, economics, climate, religion, culture, and history.

Negotiations are the most important tool to defuse and establish durable solutions for most conflicts. Each negotiations approach is highly dependent on the critical analysis of each given conflict, but a savvy negotiator must be able to manoeuvre between the inputs (overview and analysis) and outcome (the path and the process then implementation results of the negotiation process). There are different approaches for negotiations, each directed towards different types of conflicts; the negotiation theories describe different types of agreement negotiations. Theorists identify between different types of approaches, such as win–lose, compromise and

125. Ibid.
principled agreements.\textsuperscript{126} These three types and many more are different in terms of how much each party can walk away with satisfied negotiated agreements:\textsuperscript{127}

- Win–lose agreements enable only one party to reach their goals;
- Compromise agreements enable both to fulfil some of their objectives, although they need to make concessions.
- Principled agreements satisfy the interests of the two parties perfectly. The negotiation approach they require.

\textbf{Fisher and Ury}

One approach is established based on a study presented by the Harvard Negotiation Project. In it, Fisher and Ury (1981) provide a straightforward, step-by-step method for negotiating conflicts. This approach or method known as “principled negotiation” and it shows how to gain a decent results of a negotiations set without being taken advantage of.\textsuperscript{128} The principled negotiations work to satisfy the interests of each party without forcing any party to present compromises. This approach uses problem-solving to consider the needs and interests of each party involved.\textsuperscript{129} Table 3 below explains the method adopted by Fisher and Ury and how it consists of four principles: people, interests, options and criteria. According to Fisher and Ury, a successful

\textsuperscript{126} In Armed Conflict, Mancini-Griffoli, and Picot, "Humanitarian Negotiation," p. 27.

\textsuperscript{127} Ibid.


\textsuperscript{129} In Armed Conflict, Mancini-Griffoli, and Picot, "Humanitarian Negotiation," p. 28.
negotiator can understand and implement these four principles for any conflict.¹³⁰ As previously stated, each set of negotiations will take a certain approach depending on the conflict itself.

Table 3: Different Approaches¹³¹

<table>
<thead>
<tr>
<th>Separate the People from the Problem</th>
<th>Focus on Interests, Not Positions</th>
<th>Invent Options for Mutual Gains</th>
<th>Insist on Using Objective Criteria</th>
</tr>
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**Win–Lose Negotiation**

Win-lose is another approach to negotiation. In a win–lose, also called a zero-sum or distributive negotiation, it is clear that the interests of the parties are irreconcilable, making mutually satisfactory outcomes impossible.¹³² Such an approach pushes negotiators to follow a very strict path; usually they are left with no option but to take a hard-line stance towards their adversaries in order to reach into agreement. In an armed conflict where the goal is decreased violence, this approach is rarely productive. All parties need to come into a mutually acceptable approach which leads to a durable peace agreement. For example, when disarmament is crucial to any part of the conflict, a situation where the militias “lose” is not a strategy for success.

¹³⁰ Ibid.
¹³¹ Ibid.
¹³² Ibid., p. 28.
Compromise Negotiation

Compromise negotiation is another studied technique. In this approach, two or more parties can reach into an agreement which can satisfies and meet their demands. The goal is to recognize interests as at least somewhat compatible – although it may require that each side make significant concessions and compromises.\textsuperscript{133} The compromise approach is preferable in DDR situations, because it is a low-confrontation style of negotiations. DDR comprises sensitive issues, ranging from weapons and number of fighters to jobs and lifestyle. In such a conflict setting, negotiators and mediators should avoid escalation if at all possible; instead they must make the warring groups focus on meeting each other half way.

Prisoner’s Dilemma

The Prisoners Dilemma is considered one of the varieties of the “two – person games” as it offers a striking model of decision-making in the field of international security.\textsuperscript{134} The Prisoners Dilemma is an abstract formulation of a very interesting situation. If everyone is selfish, it leads into a defection in the negotiations process; on the other hand, if everybody cooperates, all are better off.\textsuperscript{135} Yet the information is incomplete and trust is low. The game theoretic techniques are of high importance to understand why cooperation on certain issues may develop and succeed or simply fail mainly in arms and disarmament negotiations such as DDR processes.\textsuperscript{136} Cooperative approaches and non-cooperative approaches can be achieved even through theoret-

\begin{flushright}
133. Ibid.
135. Ibid.
136. Ibid., p. 18.
\end{flushright}

42
ic-games like “Prisoner’s Dilemma” but only when parties or rivals are willing to interact in repeated way.\textsuperscript{137}

There are other strategies. Simple reciprocity can be every effective when the non-cooperative theoretic games are not in place or deadlocked.\textsuperscript{138} It is of high importance to bring the two or more rivals in more than one occasion to the negotiations table and observe carefully if there are any changes in their status from the past rounds. Axelrod argues that enlarging the shadow of the future will increase the certainty of a subsequent interaction and thus encourage rival parties to focus more on the future rather than the present. In other words, the future payoffs are more valued than the current ones, giving each individual or party less incentive to defect today, since the other side is likely to retaliate tomorrow.\textsuperscript{139}

Terrance Hopmann said that game-theoretic approaches have been very constructive in analysing negotiations but only when they are “highly transparent and mechanistic”; it is also successful when the negotiations have bilateral settings when it is easy to observe all the aspects of the negotiations process between the two rivals.\textsuperscript{140} He adds:

Tit-for-tat models are likely to be successful when the negotiation situation conforms to their basic assumptions: namely, that the actors are motivated by the instrumental rationality and engage in some sort of formal bargaining process, the goals and moves may be quantified and subjected to systematic analysis.\textsuperscript{141}

\textsuperscript{137} Ibid.
\textsuperscript{138} Ibid.
\textsuperscript{139} Ibid.
\textsuperscript{140} Ibid., p. 19.
\textsuperscript{141} Ibid., pp. 19-20.
Multilateral negotiations, particularly the ones that touch on issues related to disarmament and weapons, are very tricky and do not imply the mentioned basic assumption above. As Robert Putnam observes:

Formally speaking, game-theoretic analysis requires that the structure of issues and payoffs be specified in advance. In reality, however, much of what happens in the bargaining situation involves attempts by the players to restructure the game and to alter one another’s perceptions of the costs of no-agreement and the benefits of proposed agreements.\footnote{142. Ibid.}

In order to follow the suggested approach, it is possible only through informal channels of negotiations or other approaches like mediations. The structural context can serve the whole negotiations process and negotiations perceptions too.\footnote{143. Ibid.}

Although there are several other approaches, these three are the main techniques used in conflict scenarios. The next chapter will examine the depth of the Iraqi conflict after the US-led invasion in 2003, and the analysis will lead us into the best methodology and approach in negotiating DDR.

**DDR and the Negotiations in Depth**

A well-negotiated and implemented DDR process could play a major role in the transition from war and conflict into a durable peace. Not only that, but it will be the stepping stone for reconstruction and development, because these cannot occur when violence is continuing. Negotiating DDR is the most politically viable tool towards establishing peace by disarming combatants and irregular armed groups, demobilising them, and reintegrating them into society.

Although DDR is a relatively a new field, it has featured prominently in many peace operations in the last 20 years or so, skyrocketing after the Cold War. Robert Muggah and Matthias Münch
Rieger argue that DDR is part of more than half of all comprehensive peace agreements (37 in total), although less than 5% of DDR references are associated with accords, protocols and resolutions (numbering 640 in total). When negotiators and experts examine these peace agreements, they will notice that “Disarmament” and “Demobilisation” are most often left to the end of talks or negotiations. They are left because they are directly related to downsizing the fighting groups and their arms. This is one of the most sensitive issues for warring groups or parties. To put them at the beginning of any peace agreement agenda would be perceived as highly provocative, because the level of trust among warring parties is still low. That is why experienced mediators or negotiators prefer not to link the “D & D” to the pre-negotiations phase, because that might backfire and warring parties might part from the negotiations table.

The broader strategies are more attractive to the warring parties, due the leverage of gain and incentive it offers in terms of reintegration to their militia or armed groups members. These other security reforms or related programmes offer a bridge to build confidence among conflict-ed and warring parties, so they are often discussed first as trust-building measures. In this way, DDR benefits from being integrated within more comprehensive strategies.

Timing is critical in DDR negotiations. There is a window of success in negotiating DDR processes in a post-conflict or conflict situations. Any delay might complicate the situation as the armed groups gain momentum. During this window, it is the job of DDR to ensure and guarantee the human security of ex-armed groups and the community at large. Without DDR, any peace agreement could be very fragile and reversible. Ex-combatants or armed groups must


145. Ibid.
be convinced that there are better opportunities than taking arms and going to fight again. An interview with an anonymous former Iraqi diplomat involved in disarmament revealed that:

Each case of a given country has its own merits. If the DDR is to be included in the peace agreement, that will be extremely fine because it would save the parties involved as well as the country enormous problems later on. But in a given situation when and where trust is very low and political process faces complexities that have bearings on the developments of the conditions and climate, it would be advisable to have a separate document and processes. The ideal timing to address DDR is before reaching a peace agreement and power sharing.

In the following chapters and through Iraq case study, my research will try to identify the weaknesses and gaps in negotiating and implementing DDR process.


CHAPTER 5
THE SPHERE OF THE IRAQI CONFLICT THE BEGINNING AND ORIGINS: A BRIEF BACKGROUND

Prior to the Iraq Invasion: Vague Visions and Lack of Planning

The US Administration was pretty confident that there would be no need for a long occupation. The option to stay in Iraq was explicitly excluded because the US did not have enough troops to fulfil this mission in the initial planning. Initially, US military leaders only focused on toppling the Iraqi government and did not plan to use more troops for peace and post-conflict missions.\textsuperscript{148} The Bush administration’s “light footprint” strategy in Iraq designed to defeat the enemy and withdraw as soon as military operations ended, failed in Iraq and by mid-2006 the country slipped into a fierce, sectarian violence, and the US troops were stuck in an open-ended war.\textsuperscript{149} Iraq proved to be a mega – complex challenge, diverse sophisticated issues varied from deep-rooted issues: sectarian - religious, corruption, distribution of wealth, lack of economic development, the emergence of militias, and a sectarian based government.\textsuperscript{150}

The option to stay in Iraq was excluded because there were not enough troops to fulfil this mission in the initial planning. In 2003, the director of strategic policy for the US occupation of Iraq, retired Colonel Paul Hughes said, “they were briefed by Lawrence di Rita former spokesman of the Department of Defense (DOD) that by the end of August 2003, there would be a drastic reduction from 30000 to 25000 US troops.” In that same briefing, Colonel Hughes ad-

\begin{itemize}
\item \textsuperscript{149} Fred Kaplan, "The End of the Age of Petraeus: The Rise and Fall of Counterinsurgency," \textit{Foreign Affairs} 92, no. 1 (2013).
\end{itemize}
vised his colleagues that, “[Di Rita] does not know what he is talking about; this is physically impossible.” Operation Iraqi Freedom should have devoted more attention to the aftermath of a post–conflict Iraq. However, the Bush Administration was pretty confident that there would be no need to occupy Iraq for a very long period of time and no additional troops would be required. Instead of focusing on the post-conflict situation which would require more troops to secure, rebuild, and stabilize Iraq, U.S. military leaders made toppling Saddam Hussein their main priority which would require a smaller force to defeat a conventional army in a quick combat operations.

General John Abizaid, the Pentagon’s highest officer, and four members of the Joint Chiefs of Staff (JCS) were told that they could not participate in the Iraq planning meeting that was taking place inside the Pentagon. Douglas Feith, Under Secretary of Defense, had a secret Pentagon team called the Office of Special Plans, responsible for drawing up the plan for governing and reconstructing the liberated Iraq. The team was composed of Paul Wolfowitz and a few upper rank old thinkers who supported the decision to topple former President Saddam Hussein. The Iraq war was decided by an inner circle of people that did not have any knowledge or experience in dealing with Iraq and the Middle East. Knowledgeable people including General Abizaid and other Pentagon and DOD staff in the negotiations table of OSP could have contributed positively in adopting a clear strategy towards Iraq after the invasion. In “The Art of Collaborative Decision-Making,” Raiffa argues that in a decision-making process or negotiations


154. Ibid.
involving more people—with the right expertise—in the process, provides greater flexibility than a process that involves just a few individuals. Each expert added to the decision-making group might lead to a richer contribution and a better solution to the problem. The excluded individuals might provide specific knowledge highly relevant to the problem which the individuals in the process lack. This is exactly what occurred in the initial war planning that took place prior to the Iraq invasion—key military leaders with valuable knowledge were excluded from the most important part of the negotiations process for the initial planning in the Iraq war. Ultimately, the cost of such decisions eclipsed the predicted benefits of the invasion.

Retired General Jay Garner had experience in Iraq from the 1991 Gulf War; in addition, his military career was spent working closely with military planners. In contrast, Ambassador Bremer had no experience with Iraq or military affairs beyond working for nine days in the Pentagon before assuming his duties on Iraq on May 12, 2003. Zalmay Khalilzad, a Sunni Muslim who grew up in Afghanistan—not Iraq—was chosen to help ambassador Bremer in facilitating an Iraqi assembly which was later known as the Interim Iraqi Governing Council (IGC), while Bremer led the reconstruction efforts. Yet Mr. Khalilzad was excluded from the early process in Iraq: Bremer objected, believing that dual leadership would lead to confusion. Bush assigned Paul Bremer to lead the CPA in Iraq without consulting his Secretary of State or National Security Advisor. In these examples the exclusion of knowledgeable personnel before and after the 2003 invasion led to a disastrous blunder: the disbanding of the Iraqi forces. The consensus in


157. Ibid., p. 77.

158. Ibid.
Washington, ignored by the OSP, warned that the Iraqi army was essential to post-war security.\textsuperscript{159}

It is clear that there was no consensus on how many indigenous Iraqi security forces were required to restore peace and stability to Iraq after the invasion which generated a gap between strategists and thinkers from both the military and civilian sides. The National Strategy for Victory in Iraq urged to, “establish a security environment” of 320,000 Iraqi military and police, while the US department required only 271,000 “to maintain domestic disorder”, while the CPA required only 162,000 Iraqi troops and police to “defeat terrorist-Baathist and provide a secure environment.”\textsuperscript{160} Civilians had low estimates on military personnel required after the invasion making it obviously clear that there was no good coordination in generating a well-constructed plan for post-conflict Iraq. The Pentagon ignored the State Department’s 13 volume study titled, “Future of Iraq Project.”\textsuperscript{161} Barry Posen, professor and director, of the national security programme at (MIT) said, “There were ... [Many] volumes on how we should do this; none of this was integrated into the Pentagon thinking.”\textsuperscript{162} Meanwhile, American planes dropped leaflets warning the Iraqi army not to fight the Americans and promised that if they did not fight for Saddam, then they would be accepted in a post-Saddam Iraqi army.\textsuperscript{163} When this did not happen, as Colin Powell said, “troops might have been gone, but the army was not going.”\textsuperscript{164} General Abizaid approached the former general about returning to duty and he received positive re-

\textsuperscript{159} Ibid., p. 80.


\textsuperscript{161} Ferguson, \textit{No End in Sight: Iraq's Descent Into Chaos}.(Minute: 0.15:30).

\textsuperscript{162} Ibid.\textit{Minute:0:15:25}

\textsuperscript{163} Pfiffner, "US Blunders in Iraq: De-Baathification and Disbanding the Army," p. 80.

\textsuperscript{164} Ibid., p. 81.
sponses, but Bremer had a bottom-up approach which complicated the situation. Bremer proffered several arguments, he and his aide Walter B. Slocombe both argued that by the time of their arrival in Iraq, the Iraqi army would be defeated and self-disbanded.\textsuperscript{165} Douglas Feith said that “the facts on the ground had changed.”\textsuperscript{166} The Iraqi army had not been completely defeated; they just simply walked away from unbalanced confrontation, so the issue was not over yet. When Slocombe arrived in Iraq he considered all former Iraqi units and Saddam loyalists to be cowards as they refused to fight, but Col John Agoglia replied: “Sir, we asked them to do that (not to fight) … They did exactly what we asked …. They are waiting to be recalled… Guys in uniform like me think it is a good idea they did stand and shoot and fight … We think it is time to recall these guys and bring them back on board.”\textsuperscript{167} It was obvious that a plan for Iraq’s future security was vague and unclear. There was no consensus among U.S. decision makers on how to deal with the former Iraqi army which created a security dilemma. In my opinion, I believe that if the U.S. had considered, negotiated and implemented a DDR programme, it would have either prevented or reduced the conflict and sectarian violence in Iraq. Instead the sectarian violence escalated significantly after 2003. The difficult task was not the war itself as much as the post-conflict Iraq.

**The Iraqi Conflict and Sectarian Violence in Iraq Post – Invasion (2003)**

Before we move into the analysis of DDR process in Iraq we need to have a better understanding and background of the Iraqi conflict. The 2003 war led to the existence of a new and

\textsuperscript{165} Ibid.

\textsuperscript{166} Feith, *War and decision*: p. 432.

\textsuperscript{167} Pfiffner, "US Blunders in Iraq: De-Baathification and Disbanding the Army," p. 81.
complex situation. The intrastate war was a direct result of the interstate US-led intervention and it is necessary to identify the roots of the problem and what factors contributed to the complex situation in a post conflict Iraq.

A few weeks after the US-led invasion, most of the media and CPA officials used the terms, “Majority” vs. “Minority” and “Shia” vs. “Sunni” and later “Sunni Minority vs. Shia Majority.” Iraq by nature is a multi-ethnic society, and the insurgency’s escalation and violence in Iraq were mostly driven and motivated by political and ideological rather than and ethno-sectarian reasons. Sadly, whenever you read any scholarly or news article in Iraq, it always starts with these clichés. I’m not here to argue, defend or prefer a group over the other, but it’s my moral obligation to express and clarify what I have witnessed working as an interpreter and reporter with Reuters News Agency right after the invasion from April 2003 till May 2005. I spent a lot of time during the early days of the invasion arguing with foreign journalists about these expressions. These sectarian expressions became a standardized introduction when any scholar comes to tackle any Iraqi affairs.

Different sects and religions exist in Iraq, but the post-Iraq sectarianism conflict came to the surface mainly due to the Coalition Provisional Authority (CPA) decisions and the ethnic based distribution of the Iraqi New Government (ING) represented by the newly established interim Iraqi Governing Council (IGC). I’m obliged to use these labels, expressions, and methodology used by the scholars to identify and analyse the Iraqi parties and armed groups, but I’m highly conservative and reserved in the use of these expressions—“Sunni minority” and “Shi’i majority,” because they do not reflect or represent a great portion of the multi-diverse Iraqi society. I will reuse labels just the same for the purpose of academic continuity.
Hashim Ahmed argues that these two Sunni and Shi’i divisions and classification approaches to the Post-Saddam Iraq reality of power provided the US with a greater political maneuvering margin that would not have been there if the Sunnis and Shi’as had been united and adopted a programme that brought both communities together at the national level. This would have united them against the “occupiers” and then focused on the distribution of wealth and power.\(^{168}\)

Observers and analysts thought Iraq was on the brink of civil war, while others argued that the civil war had already begun as Iraq is a multi-diverse country and holds among its people many ethnic and religious groups represented by Kurds, Arabs, Yazidis and Turkmen, Christians, Sunnis and Shi’as. The differences between various ethnic and sectarian groups existed and were formed in Iraq after the death of Imam Ali, in the early seventh century. These differences still existed in 2003 but Iraq politicians did not speak publicly about them; the media as well as religious and community leaders did not dare criticize each other based on sectarian differences, especially under the Ba’athist Era or the modern, secular Iraq.\(^{169}\) Despite Iraq’s different ethnicities and sects, during Saddam Hussein’s regime, the media and community leaders rarely employed the terms, “Shias,” “Sunnis,” and “Kurds” in a negative way because it would harm national unity, and Iraq’s integrity.\(^{170}\) The 2003, US- led invasion to topple Saddam Hussein and his regime led to a chaotic situation: lack of authority, security, and vital, social institutions. Sectarianism was created by the U.S- led invasion.


\(^{170}\) Ibid.
After the invasion, the Coalition Provisional Authority (CPA) was established as a transitional government by the Bush Administration and its allies, members of the Multinational Coalition Forces who participated in the Iraq war as a replacement to the Iraqi ousted government. The CPA’s role was very crucial during this transitional era, because the CPA had executive, legislative, and judicial authority over the newly interim Iraqi government. The CPA was headed by Ambassador Paul Bremer from April 21st 2003, until it was dissolved on June 28, 2004.

The CPA recruited a massive staff combined of both Iraqis and foreigners: the media, military, security, trainers, contractors, construction, logistics and other related jobs were all staffed by the CPA. Most of them were involved directly in different levels of stabilizing and reconstructing Iraq. While I was a reporter with Reuters in Iraq, the media and different news channels interviewed high senior officials and officers within the CPA and in most of the press conferences the media and the CPA used ethnic and sectarian terms such as “Shi’as,” "Sunnis," and "Kurds," to address Iraqis instead of referring to them as “fellow Iraqis or Iraqi citizens.”

Many Iraqi intellectuals, including myself as a journalist, considered the CPA’s fatal mistakes to be the main roots of the sectarian conflict which led to sectarian violence. The first was dissolving the former Iraqi army and leaving a country the size of Texas with 28 million people without any security forces to police Iraq after the invasion. So, Iraq’s borders were left open and that helped people from neighbouring countries to infiltrate these borders and reintegrate within the Iraqi society, and later emerged within terrorist and insurgency groups in Iraq. Secondly, the CPA established a sectarian-Interim-Iraqi government, consisting of 25 seats, and known as the Iraqi Governing Council (IGC). The ministerial distributions were distributed based on ethnic and sectarian background as follows: 13 seats were distributed to the Shi’as because they were seen as the majority; five for the Sunnis, five for Kurds, one for the Turkmen, and one for the
Christians (all other ethnicities and sects were seen as minorities). Instead of inspiring nationalism under the Iraqi flag, the sectarian, seat distribution created a social uproar because it emphasized sects and divided the people rather than emphasizing qualifications and Iraqi nationalism and identity. Iraqis demonstrated against seat distribution, the dissolving of the army, and the Ministry of Information but they had no one to listen to them. As a result, this led to a sense of isolation and exclusion with a sectarian boycott characterizing the next elections. Eventually Iraqis’ economic status pushed them to join different destructive entities and groups like militias, gangs, insurgencies and terrorist groups, all of which provided economic incentives to Iraqis marginalized and excluded under CPA rule. If the Iraqi Army, ex-Baathist, and the Ministry of Information had not been dissolved, then violence could have been avoided and Iraqis would have less incentive to join the destructive insurgencies.

Iraq’s Sunni-Shia-Kurdish political sectarian distribution established by the CPA compounded by the lack of security led to the use of violence carried out by insurgents only a few months after the US-led Iraq invasion. The Iraqi insurgency and violence should have been analysed separately into categories such as criminals, insurgents, terrorists, and ex-Baathists. Instead all violent acts were grouped together and ex-Baathists were blamed along with former regime loyalists. Some of these violent acts were caused by individuals who were not affiliated with the Baath party. Lack of attention to a thorough understanding of the different types of groups led to the criminalization of one group, mainly the Baathists. The first type of insurgency was directed towards fighting the US soldiers and the American-established-Iraqi interim government known as the Iraqi Governing Council (IGC); led by ex-Baathist loyalists, its main purpose was to undermine the new process. The IGC was composed mainly of Shia who wanted to keep control of the government; keeping the Baathists away from politics was one way of doing
this. Insurgent attacks shifted dramatically from its main objective, fighting US troops and the newly elected government to targeting mostly Iraqi civilians, especially after the emergence of Al-Qaeda’s presence at the end of 2004—they had not been present in Iraq before that. Many other local insurgencies and terrorist groups joined the civil and tribal insurgencies already existing in Iraq; they united for a single cause, to fight the US and other foreign presence in Iraq.

Sectarian violence in Iraq reached a climax in 2006 and escalated further after the bombing of the Al Askari Mosque, in Samarra, a Shi’ite shrine in a Sunni-majority city; a bomb destroyed the mosque in February 2006 and triggered a "sectarian" civil war in Iraq.\(^{171}\) Baghdad and many other Iraqi cities and regions were diverse cities, but the fighting and killing backed by militias encouraged distrust between the different sects and fed the ongoing sectarian violence. This wave of violence caused massive deaths, internally displaced Iraqis, and changed Iraq’s demographics. Baghdad’s areas became divided along sectarian lines with high, concrete walls; Shi’as occupied one region and Sunnis another.

In the aftermath of the 2003 US-led invasion and subsequent sectarian violence and instability, Iraq continued to take an enormous toll of 1000 Iraqi civilian and security force fatalities per month.\(^{172}\) I will now review the solutions and techniques which can be used to resolve or de-escalate this violence.

Iraq’s conflict is unique because it is a mixture of insurgency and sectarian violence.\(^{173}\) Iraq’s demographic makeup is a bit complex: Iraq in reality represents a multi-dimensional conflict because it is an ethnically and culturally diverse society. Thomas Mowle argues that the Ir- 


\(^{172}\) David W Riggins, "Ending the Conflict in Iraq--Is Partition the Answer?," (DTIC Document, 2007).

qi conflict is very difficult because it is tied to issues related to both identity and politics.\(^\text{174}\) Reider also describes the Iraqi conflict as a unique one, because it reflects some elements of a “civil war” but also looks like an “insurgency.” He emphasizes the importance of assessing and understanding the nature of the conflict as being crucial for the success of any given process that tackles the Iraqi violence or later was labelled as an “insurgency.”\(^\text{175}\) The complexity of Iraq’s conflict is a mixture of insurgency and “low-grade civil war” - a “sectarian based civil war.” Sectarian violence and insurgency are different in nature and must be treated as such when analysing the Iraqi conflict. The civil war/sectarian violence is a violent struggle among warring sects and factions to seize government or win the majority in that government.\(^\text{176}\)

The conflict in Iraq was described by some scholars as “sectarian violence” or more precisely “sectarian based civil war” that peaked in 2006 and 2007 after the bombings of the Al-Askariyya Holy Shrines in Samara.\(^\text{177}\) It was described this way because the term “insurgency” is associated with the change, overthrow or ousting of an existing government, authority or an occupation force. Reider mentions that, “whether we portray the problem as insurgency or low-level civil war, the antidote remains much the same: a strong, representative government that has monopoly on the use of force”.\(^\text{178}\) Later the term “Iraqi insurgency” became popular as violence


\(^{176}\) Ibid., p. 54.


targeted mainly the newly established Iraqi government and its security forces, and the Coalition forces led by the United States.\textsuperscript{179}

Armed groups in Iraq were heavily focused on ousting the US-led “invaders”. The US plan was heavily focused on military operations and putting more troops on the ground to win that conflict the traditional military way; political and economic tracks were neglected.

The Iraqi conflict can be viewed as different overlapping time periods. The first period reflects the US’s unilateral decision to invade Iraq and that was the conventional easy part. The second phase is full of poor decisions which included ambiguity and poor personnel choices and the immediate violence which erupted as a result of the lack of vision and ill-fated decisions taken by the CPA in the shadow of the US-led invasion. In the aftermath of the 2003 invasion, the country moved into a more complex setting, with intrastate war represented by a low level ethnic violence (Iraqi parties vs. Iraqi parties against each other), along with a semi-interstate war of non-state actors against American troops (non-state actors vs. US + later joined by Iraqis). During this stage, Iraqis and global jihadists joined the fray, adding terrorism to the other violence.

In the next chapter I will delve into details about the Coalition Provisional Authority’s (CPA’s) establishment and how its controversial decisions undermined the chances for a stable, prosperous, and democratic Iraq. Finally, I will highlight the early patterns surrounding the birth of the insurgency and how DDR could have played a significant role in reducing it.

\textsuperscript{179} Ibid., p. 55.
CHAPTER 6

THE ESTABLISHMENT OF THE COALITION PROVISIONAL AUTHORITY (CPA) AND ITS CONTROVERSIAL DECISIONS IN POST-CONFLICT IRAQ

The Establishment and the CPA’S Legitimacy, Relations and Chain of Command between CPA and US Army in Iraq

On April 16, 2003, General Tommy Franks, the commander of U.S. Central Command, issued a “Freedom Message to the Iraqi People,” which contained the following: “I am creating the Coalition Provisional Authority (CPA) to exercise powers of government temporarily.”

On May 6, President Bush announced the appointment of L. Paul Bremer III to head the CPA in Iraq. President Bush said that the CPA would establish “an orderly country in Iraq that is free and at peace, where the average citizen has a chance to achieve his or her dreams”. Bremer replaced Gen Franks as the head of the CPA. As a practical matter, Franks had no experience with such responsibilities. Bremer arrived in Baghdad on May 12, 2003.

The US administration did not issue a formal order dissolving the Pentagon’s Office of Reconstructing and Humanitarian Assistance (ORHA). Bremer on May 25, 2003, said that the ORHA staff “is not designed to separately support the CPA” and was too “military heavy”. Some of ORHA staff were integrated into the new organization, but others felt unwelcome and decided to leave. Bremer asked Gen Garner to stay on in a senior capacity, but the latter agreed to remain only briefly. Bremer, the senior representative of the United States in Baghdad and Iraq’s

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182. Ibid.
highest official at the time, had no clear understanding that the CPA was a U.S. government entity. As the administrator and the highest ranking person in Iraq, Bremer exercised unlimited executive, legislative, and judicial powers. In the CPA Regulation Number 1, for example, Bremer noted that “the CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration”. (The full order is attached in appendix A). This regulation also mentioned that the laws in force in Iraq since April 16, 2003 would remain applicable in Iraq as far as they do not contradict or conflict with any orders and regulations issued by the CPA. The CPA orders were directives to the Iraqi people and created unexpected consequences that either overlapped or changed Iraqi law.

These orders were reflected in the two controversial decisions made by the CPA. Order Number (1), for example, laid out the CPA’s de-Ba’athification policy, and Order Number (2) dissolved the Iraqi army, along with a number of other institutions. (The full orders are attached in appendices B&C). The issuances of these orders and their legitimacy have hindered a number of laws and regulations in Iraq. At the end of CPA’s transitional governance in 2004, Iraqi lawyers and judges increasingly procrastinated in implementing or interpreting CPA’s orders, as they preferred to establish an Iraqi version of the CPA’s orders. Ali Alawai who served as minister of defense and finance in the Iraqi interim government always described these laws

184. Ibid.

185. Coalition Provisional Authority (CPA), "Coalition Provisional Authority Regulation Number 1,” (Iraq, Baghdad: CPA, 2003).


by saying the “Enforcement of the Orders was an ongoing problem”. Bremer’s status as head of CPA and his relationship with the military command in Iraq was problematic.

Lieutenant General Ricardo Sanchez was the commander of Combined Joint Task Force 7 (CJTF-7). They both maintained reasonably good relations, but their staffs often clashed when it came to coordination between CPA and the US military in Iraq. In his memoirs, Sanchez said that the “details of the command relationship between CPA and the military were never clearly defined by any level of command, all the way up to the Department of Defense.” Bremer also agreed, saying that “it was a vague and awkward relationship. I was not in the military chain of command. But there was an inherent need to coordinate between the military and CPA. I worked closely with the Commander of CJTF-7.” This unclear status in Iraq further complicated relations between the US military and civil institutions in Iraq. Bremer realized that the US army under General Sanchez was falling under his full command. Sanchez was deferential in his personal relations with Bremer and his command had the full support of the CPA, but he did not consider the CPA as a responsible body for the US military operations at the tactical level. “Initially, Ambassador Bremer believed that the military was going to work for him,” wrote Sanchez later. “No one in Combined Joint Task Force- 7 thought that this situation was a good idea. It was civilian command of the military, and that was not acceptable.”

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190. Ibid.

191. Ibid.

192. Ibid.
This misperception between the CPA and the US army would undermine the efforts for clear strategic vision of a post-conflict Iraq destabilizing the reconstruction. Wanis-St. John and Dupont argue that if the sheer number of negotiating parties is too large, a constructive negotiation process tends to be very difficult and problematic. More parties mean more miscommunication.¹⁹³ In Iraq, decision-making authority was diluted and conflicting messages flew between the CPA and the US military.¹⁹⁴ The structural aspect and the vague chain of command between the CPA and US army in Iraq led to problems of how to respond to the challenges during a later stage in Iraq.

This situation created a very complicated strategic misrepresentation of US, CPA and Iraqi peoples’ desires, as each party tended to misrepresent their preferences and goals in any case. Misrepresentation lowered the chance of achieving an optimal solution in negotiations and the likelihood of a no-agreement outcome.¹⁹⁵

The staffs of both CPA and US army personnel were often at odds. Sanchez later characterized this friction as “devastating,” recalled being “continuously involved in sorting out differences between the ambassador’s intent as we had discussed it and as I understood it, and the guidance and implementing approaches of his subordinates”.¹⁹⁶ You can only imagine that this situation grew more complex factoring in the different Iraqi factions, Iraqi political parties, their militias, insurgents and former regime loyalists.¹⁹⁷ As a result of these personality clashes, disa-

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¹⁹⁴. Ibid.

¹⁹⁵. Ibid., p. 206.


greements between Bremer and Sanchez were rarely adjudicated in a timely fashion. Additionally, the sheer novelty of the arrangement made for difficulties.\textsuperscript{198}

Disagreements between American ambassadors and American military commanders created a barrier in the chain of command compounded by the different communication styles between the military and the CPA: this had a negative impact in one of the most important DDR elements--reintegration. The outcome of the situation on the ground in Iraq was reported in a disfigured manner to different decision makers back in Washington D.C., while the CPA’s reporting was handled as if it was operational military traffic rather than diplomatic reporting. The intent was to keep most of Washington in the dark about what was going on in Baghdad for the first few months of the CPA’s existence and to impede such communication throughout its lifespan.\textsuperscript{199}

This communication style and relationship between the CPA and the U.S. military created two different visions about the future of the former Iraqi army and the status of the security institutions after the Iraq invasion. The Pentagon’s Office of Reconstruction and Humanitarian Assistance (ORHA), headed by General Garner was military heavy—managed by active duty and retired military personnel. According to retired Colonel Paul Hughes ORHA had already been awarded a contract to implement DDR in Iraq. This meant that ORHA who had a military mind-set already had a better understanding of how to deal with the former Iraqi army. In contrast, the CPA was staffed by civilians and diplomats. The CPA did not pursue ORHA’s plan, instead they diverged away from the DDR process (this is explained in the next section). This delayed the successful development of DDR, further complicating the situation. This will be-


\textsuperscript{199} Ibid.
come clearer in the next section where I elaborate on the CPA’s fatal decisions which undermined DDR in Iraq.

This strange structural relationship undermined not only the development of the vital vision towards a post conflict Iraq, but it also produced a group of decisions which inflamed the insurgency and destabilized Iraq.

**The CPA’s Two Fatal Decisions Which Changed the Nature of the Iraqi Conflict Forever**

Iraq is almost the size of Texas and the population was approximately 25.5 million in 2002. Traditional counterinsurgency theory requires a ratio of 20 security personnel for every 1000 inhabitants, so Iraq required at least 510,758 security personnel. When the US–led coalition invaded Iraq the country faced a very chaotic situation where gangs, thugs, and looters acted freely. The stockpiles of weapons left by the former Iraqi army were everywhere in the streets and people were taking stockpiles of all kinds of weapons for free.

Immediately after his arrival in Baghdad, Ambassador L. Paul Bremer III issued two major decisions that would prove to be the most controversial in a post-conflict Iraq and aftermath of the US-led invasion. These two decisions would change the situation in Iraq into a violent battle field, and would later evolve into an insurgency and terrorism. This would lead to an on-going war and deeply rooted violence within Iraqi society which would be very hard to solve. If Bremer had not made these two disastrous decisions then security situation and stability in a post – conflict Iraq would have been viewed differently. The first decision was to purge Ba’ath party members from public employment, and the second was to disband the Iraqi army. Both decisions had been briefed to the President and his principal cabinet advisors and approved by Secretary

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Rumsfeld. General Jay Garner had not been consulted. However, Gen Garner advised Bremer against both steps on learning of them, as did other members of the ORHA team. Bremer declined to reconsider either measure. 201 Now we will review the effects of these two CPA decisions in more details:

A - CPA Order (1): De-Baathification:

On May 23, 2003, after the United States invaded Iraq to topple Saddam Hussein, Ambassador L. Paul Bremer III, head of the Coalition Provisional Authority (CPA) in Iraq, issued CPA order 1: De-Baathification (The full order is attached at appendix B) which mandated that all senior party members be banned and excluded from serving in the newly established Interim Iraqi government (IIG). The CPA’s approach to de-Ba’athification was intended to avoid the excesses of the early phases of de-Nazification in Germany, which had comprehensively prevented Nazi party members from serving in government jobs as well as a wider range of employment—from workers up to the most senior managers. In contrast, the CPA order affected only the top 1 percent of party members, or about .01 percent of the overall population, baring them only from working for the Iraqi government. 202

This De-Baathification plan was presented to Bush on the 10th of March 2003 in the National Security Council (NSC) meeting by Douglas Feith. 203 There was a consensus among US governments that top level Saddam leaders in the Baath party must be eliminated, in order to demonstrate to Iraqis that Saddam influence has gone forever. This process would have exclud-

ed around 85,000 thousand people who were in Paul Bremer’s eyes the “true believers” and supporters to the post Saddam Hussein regime.204

This process was interpreted differently by the signatories who included the White House, DOD and other related agencies. The original plan of the De-Baathification process should have included only the first two levels of Baath party leadership. But Bremer’s interpretation was that the policy was to exclude the four levels of Baath Party; this misinterpretation by Bremer led to the exclusion of the top three levels in each government ministry.205

In June 2003, Bremer rescinded all exemptions granted by civilian and military officials without his explicit approval. A month later one of his seniors, Ryan Crocker, warned: “The principle behind the policy . . . has won widespread support within Iraq and abroad. Yet the implementation of the policy has generated considerable confusion among both Iraqis and military and civilian members of the coalition.”206 Crocker also noted that the de-Ba’athification process was implemented differently in different locations and parts of Iraq. It turned into a tool of revenge and helped to exclude many more Iraqis than originally intended. This policy affected more than just hard-core Saddamists, and the procedures for exceptions were operating too slowly.207

The first step Crocker recommended to address the confusion was proposed in a May 22 memo to Secretary Rumsfeld in which he offered the idea to facilitate the creation of Iraqi insti-


205. Berdal and International Institute for Strategic Studies, Disarmament and demobilisation after civil wars: arms, soldiers and the termination of armed conflicts, no. 303: p. 155.


207. Ibid.
tutions before resolving the underlying ambiguity of the de-Ba’athification process. Bremer originally only sought to “put an Iraqi face on the de-Ba’athification process” to “increase the legitimacy of what might otherwise be perceived as an exclusively U.S.-led enterprise,” Crocker stressed that the creation of an Iraqi body would be more sensitive to the nuances of the de-Ba’athification policy as whole. Bremer agreed to Crocker’s inputs and ideas, but that did not keep him from carrying out his August 10 proposal to create the Iraqi De-Ba’athification Council noting that “Iraqis, not the CPA, are best positioned to continue de-Ba’athification and make any necessary changes to its implementation.” This judgment turned out to be incorrect; an issue that Bremer later acknowledged. Then it eventually led to the elimination of top technical capacities in universities, hospitals, transportation, electricity and communications, which were all needed and vital for a post – conflict Iraq. Bremer declared that his order would not affect more than 20,000 people, but the result of his first decision or order affected between 85,000 and 100,000 people, which also included around 40,000 school teachers.

Later General Sanchez and Jay Garner said that they had not intended to de- Baathify as much as Bremer did. They added that this policy was not developed by any US military in Iraq; it was fully brought on by Ambassador Bremer. This policy affected the country’s main institutions and facilities, in which every single individual was needed in the reconstruction process.

208. Ibid.
209. Ibid.
211. Ibid.
B-The CPA order (2), Dissolution of Entities:

CPA order 2, Dissolution of Entities, (The full order is attached at appendix C) issued on the 23rd May 2003, required the disbanding of the Iraqi Army, Iraqi police and Iraqi Intelligence Service (IIS) and discharged civil servants from the Ministries of Information, Defense, other security related institutions and state security courts.\textsuperscript{212} In effect, CPA order number 2 dissolved all Iraqi security forces: 385,000 in the Iraqi armed forces, 285,000 in the Interior ministry (police officers), and 50,000 presidential security special forces.\textsuperscript{213}

Prior to the Invasion of Iraq in 2003 and more precisely in January of the same year, discussions took place in Washington, D.C. about whether to disband the Iraqi army. Under Secretary of Defense for Policy Douglas Feith, “we presented to Secretary Rumsfeld a briefing proposing what to do with the Iraqi army.”\textsuperscript{214} By March 2003 some of the senior Pentagon officials reached the conclusion that it would be logical to keep a big portion of the Iraqi army intact, and at a later stage the former Iraqi army could be reshaped, reformed, and downsized.\textsuperscript{215}

General Jay Garner came up with a plan that was briefed to President Bush on March 10, 2003 at the National Security Meeting. The briefing laid out the pros and cons of keeping and disbanding the former Iraqi army. Secretary Rumsfeld “supported the idea of keeping the army, but it was a difficult call.” President Bush backed Rumsfeld’s recommendation.\textsuperscript{216} Right after the invasion these agreements and ideas started to change. On April 17, a week after Iraq’s invasion,

\begin{footnotesize}
\begin{enumerate}
\item Pfiffner, "US Blunders in Iraq: De-Baathification and Disbanding the Army," p. 80.
\item Ibid.
\item Ibid.
\end{enumerate}
\end{footnotesize}
in a televised press conference General John Abizaid, and deputy to General Franks, reported to
Deputy Secretary of Defense Wolfowitz said that “there are no organized Iraqi military units
left.” That briefing also described that the Iraqi police forces had departed in the major cities.  
Looting was everywhere and all major government ministries, police stations, and government
buildings sustained major destruction. When the US army entered and advanced towards the
city of Baghdad and other major cities of Iraq, they did not restore order, the looting and destruc-
tion mentioned in the briefing were taking place in front of the US troops, in some cases not far
away from the spots where they were stationed. The Iraq museum, schools, hospitals, other min-
istries (except the ministry of Oil) were within sight of the US military units and troops but there
were no real efforts to deter looters. There was no insurgency whatsoever as of then. People felt
terrified when they saw the US tanks approaching, but when they saw that the US troops were
not taking any action to prevent looting; they simply continued that destruction.

The US Army command was convinced that the Iraqi army had “self-demobilized,” as
the Pentagon put it. Pre-war plans to use the Iraqi military for post-war stability operations were
rendered impractical, at least in the short term. In fact, the Iraqi army had left their uniforms
and weapons but they were just waiting to be recalled back to their former duties.

The dissolution of the army was highly encouraged by the U.S. military leadership, as
they lacked enough equipment and troops to capture and intern the former Iraqi army members
and therefore urged them to disperse to their homes, threatening to treat anyone armed and in
uniform as hostile. This phase between combat- and post combat- planning was indicative of the

218. Ibid.
219. Ibid.
larger failure to align ends and means through the transition from conventional combat to post
conflict reconstruction.\textsuperscript{220}

Weeks after the former briefing by Abizaid, Slocombe was chosen for his new assign-
ment in Baghdad. Before he left he discussed options with top officials in the Pentagon, includ-
ing Deputy Secretary of Defense Paul Wolfowitz. Most of those officials were saying that an ear-
ly recall of former Iraqi army personnel would be a mistake both practically and politically. They
summed up three reasons why that would be a mistake:\textsuperscript{221}

- **First:** most high-ranking US military officers believed that the Iraqi army had already
  self-demobilized. This assumption was heavily drawn from Slocombe’s assessment as he
  repeatedly said that the demobilisation had already happened.\textsuperscript{222} Senior policymakers ar-
gued that when Saddam’s regime was toppled, there wasn’t any sign of Iraqi military
  presence anywhere in Iraq after the invasion.\textsuperscript{223} Slocombe directed a memo to Paul
Beremer saying that “the old regular army has ceased to exist; a fortiori, there never was
  a civil MOD bureaucracy to call back to work. . . . Moreover, any such reconstituted units
  would have to be retrained into a more flexible, modern force with different ethos (and
different officer-enlisted relations) than those that prevailed in the past.” With no sign of
  former Iraqi army left in the country, this “self-demobilized” argument continued among
  the US military and the US administration. The U.S. government was not really paying

\textsuperscript{220} Ibid.
\textsuperscript{221} Ibid.
\textsuperscript{222} Ibid.
\textsuperscript{223} Ibid.
any attention to DDR. It was merely recognizing what had already happened: the army
had disbanded itself.\textsuperscript{224}

We will see later that this was not the case. The former Iraqi army personnel were
in a “waiting mode” anticipating the CPA next initiative, and were motivated to report
back to their former duties and be reintegrated into a new Iraqi army corps of a post-
conflict Iraq. That did not happen; the CPA order no. 2 came as a bullet of mercy to end a
conflict but instead it inflamed the security situation and pushed it towards insurgency.

\textbullet \textbf{Second}: The CPA officials in Iraq strongly believed that a decision towards disbanding
the former Iraqi army would imply a very important significance to a post- conflict Iraq.
\textsuperscript{225} They thought that such a decision would encourage and ensure Iraqis that the former
regime will never exist again, as they saw the former Iraqi army as an extension of that
regime. Ambassador Bremer later noted:

It’s absolutely essential to convince Iraqis that we’re not going to permit the return of
Saddam’s instruments of repression—the Ba’ath Party, the Iraqi Intelligence Service
(Mukhabarat), special security services or Saddam’s army. We didn’t send our troops
halfway round the world to overthrow Saddam only to find another dictator taking his
place.\textsuperscript{226}

This was a very naïve analysis by Bremer without significant thought regarding
how he would establish a security forces to ensure the security of about 28 million peo-
ple. The assumption of building a new army from scratch would open the opportunity to

\textsuperscript{224} Ibid., p. 55.

\textsuperscript{225} Ibid.

include more representation from Iraq’s diverse ethnic groups and society. For the Iraqi army who fought 8 years against Iran most of its members were ethnically diverse, but after the 1991 uprising against Saddam Hussein and in the aftermath of the end of Desert Storm, Saddam lost his confidence in many army officers and since that time he depended on those who were related to him, sons of the same clan or tribe. Walt Slocombe noted that it was “right and necessary to dissolve the old army formally to clear the way to create any army suitable for the new, free Iraq.”

- **Third:** CPA officials came up with a new argument that Iraq’s infrastructure prevented the former Iraqi army from standing to the end and therefore also prevented standing up the old Iraqi army. “There was not a single unit or barracks left intact,” McManaway noted. “So it was not a question of standing up a few old battalions.” When Saddam’s military disappeared after the invasion, all their barracks, headquarters, camps and training facilities were totally demolished due to the looting. Weapons as well as bricks, plumbing, windows, doors and ceilings were taken by civilians and locals from military sites.

On the same day of Bremer’s departure to Baghdad, he issued a memo to Secretary Rumsfeld and his general counsel, William J. Haynes, summarizing and giving his own conclusion that dissolving Iraq’s army and other security related institutions would “reinforce our overall policy messages and reassure Iraqis that we are determined to extirpate Saddamism.”

On May 15, and two days after Bremer’s arrival, Garner knew about Bremer’s plans and the issuance of the order to disband the former Iraqi army. Garner argued that “We have always

227. Ibid. p. 54.
228. Ibid.
229. Ibid., p. 56.
made plans to bring the army back”. But Bremer remained adamant. Garner did persuade Bremer to take the Ministry of the Interior, which oversaw the police, off the list of institutions to be dissolved. Garner’s efforts were enough to hold Bremer and his assistant for presuming the issuance of that order. While Gen Garner was holding a discussion about not disbanding the Iraqi army or at least keeping some of the security forces, Slocombe continued to draft the order in coordination with top Pentagon officials, including Feith. During that same period, Lieutenant General David McKiernan, the field commander of the coalition forces in Iraq, was sent the draft order for disbanding the former Iraqi army and his staff seemed to have reluctantly cleared it, although McKiernan later stated that he had neither seen nor approved that order. On May 19, Rumsfeld got a final draft of the proposed order for his approval, and Feith later explained, “the changing situation on the ground led us to a different analytical conclusion than what we had come to in March,” that was when they gave the briefing to the President. “The pros— the arguments for trying to keep the army intact—had largely disappeared. For example, there was no discipline left in the army and it had, in fact, disbanded. And all of the cons remained.”

When the draft for order no 2 was finally submitted no US officials showed objections against it except Gen Garner who focused on his objection to dissolve most of Saddam Hussein’s security apparatus. On May 22, the full National Security Council, with President Bush in the chair, was briefed on the plan. No one raised objections. However, this apparent unanimity

230. Ibid.
231. Ibid., p. 57.
232. Ibid.
233. Ibid.
masked serious reservations and misunderstandings. Only General Garner and from the perspective of a military experienced man sensed the grave danger and disastrous outcome of this order.

On Friday, May 23, 2003, Bremer signed CPA Order Number 2, “Dissolution of Entities.” This order formally dissolved a wide range of Iraqi military and security institutions, including the Ministry of Defense and the Iraqi Intelligence Service. It terminated the service of all members of the former military and announced that the coalition planned to create a New Iraqi Army (NIA) “which represent the first step or the step stone on forming a national self defense capability for a free Iraq.” Bremer’s press spokesman, Dan Senor, stayed up the entire night coordinating the text of the announcement and press plans with Rumsfeld’s special assistant, Larry Di Rita, who was in Baghdad at the time. Bremer had already informed the President and the other members of the National Security Council of his intended action on May 22, the day before the order was signed. “No one at the meeting said ‘don’t do it,’” said Frank Miller, the senior NSC staffer responsible for coordinating policy toward Iraq. “To be clear, though, most of us had no advanced warning that it was coming. No one from the Pentagon had brought this to our attention. It was blown through the system.” Eventually this order left at least 400,000 soldiers and officers jobless. Paul Hughes, a retired colonel and chief of staff at the United States Institute of Peace (USIP) said:

I was raising too much troubles for Bremer and his staff about this issue, I said immediately that was a dumb decision, I was just really angry about it. I was actually back in the

234. Ibid.
235. Ibid.
236. Ibid.
237. Ibid.
US when it was issued, as I was ready to sign contracts to design and implement DDR process in Iraq. I wake up the next morning and I realized that there is no need for a DDR for an army that does not exist anymore due to this wrong decision. These two CPA decisions are of great importance to understand and comprehend. If they had not been issued and implemented, Iraq would have been better off in terms of security and postwar stability. Of note, Gen Garner was at least keen to reintegrate former Iraqi military or at least keep the portion related to security. That was a major breach to DDR process as many army professional officers, enlisted soldiers, and civil employees were left to create an immediate mass of highly professional but suddenly unemployed personnel who were not reintegrated leaving them feeling betrayed and humiliated. Many of them immediately took up arms against the US occupation.

These orders represented an important factor in destabilizing Iraq and led to an increased insurgency wave followed by terrorist attacks targeting US troops, newly established Iraqi security forces, and civilians. They simply fuelled the insurgency through:

1- Alienating hundreds of thousands of Iraqis who were unable to support themselves and their dependents.

2- Undermining the infrastructure necessary for both social and economic activity, because without security nobody would be highly interested to come and invest in Iraq.

3- Unwillingness of the US army to fill the security vacuum and protect Iraqi lives and property and maintain the status of normal life in Iraq.

4- Angering Iraqi’s professional security personnel who felt that US policy was directed at systematically marginalizing Iraqis in their own country leading them to use their weapons and training to strike back at US forces.239


239.
In the next chapter we will give a brief background of the type of war that US troops, Coalition forces, and the NIA faced. It was an insurgency and a complex type of insurgency which started to evolve not only by targeting US troops, but it extended to form a wave of terrorist attacks that harvested the lives of hundreds of thousands of Iraqis since 2003.

239. Pfiffner, "US Blunders in Iraq: De-Baathification and Disbanding the Army," p. 76.
CHAPTER 7
HEADING TOWARD A COMPLEX TYPE OF WAR AND THE EMERGENCE OF THE IRAQI INSURGENCY

An Overview of the Post-War Security Situation in Iraq

The Coalition Provisional Authority (CPA) was confronted with three security tasks: 1) Restore order and fight back the erupted insurgency and terrorism; 2) Rebuild the shattered and disbanded Iraqi forces (ISF); 3) Establish security institutions like a ministry of interior and defense, and a justice sector. However, its adversarial approach for dissolving the old security structure of the former Iraqi army without taking further steps to integrate those people into society yielded a consistent, low level of violence soon after the invasion. Once they realized there was a growing insurgency, many CPA officials failed to recognize the problems of the country, which fuelled the insurgency. In almost every briefing and press conference the army and the CPA would justify violence rather than talking about al-Qaeda operatives and former regime “dead-enders”.

The nature of the sectarian war in Iraq revealed that large segments of the Iraqi insurgency curiously converged with organized crime. The wave of violence was a mixture of different activities such as street fights, kidnappings, assassinations, drug trafficking and money laundering all of which constituted a large segment of the civil violence in Iraq. The violence

240. Rathmell, National Defense Research Institute, and Rand Corporation, Developing Iraq’s security sector: the Coalition Provisional Authority’s experience.
242. Ibid.
243. Nihan Yamaçoğuz, "Understanding the Civil Violence in Iraq."
244. Ibid.
which escalated was a mixture of both political and criminal. The newly established group insurgencies needed a source of income in order to sustain their activities and to impose more dominance among other insurgent groups. The criminal acts in post-invasion Iraq were either done individually by gangs or were organized by an insurgent group or both.

Days passed. CPA negotiations, involving former Iraqi security forces, new political parties and their armed militias, and U.S. military and political representatives, were ineffectual. The post-conflict environment that began to emerge in Iraq indicated that an imminent threat was near and would be more disastrous than the initial invasion. The CPA’s slow bureaucracy, wrong decisions and the negotiations approach pushed the situations into its nadir. At the same time, the stockpiles of weapons left by the former Iraqi army were within reach of the civilian population after the invasion. Nobody was policing security or even monitoring any disarmament activities. Brauer and Muggah argue that the preferences for weaponry do not necessarily decline in a post-conflict situation, especially in the absence of law and power to enforce that law. In some societies the availability of small arms escalates the conflict, under certain circumstances towards the escalation of armed violence.245

That is exactly what happened in Iraq weeks after the invasion: violent crime rates and inter-personnel violence spiked. Those who had believed that a post-conflict Iraq would be secure watched their confidence slip away as injuries, armed robbery, looting, and killing became commonplace. The civil violence had become part of everyday life in Iraq.

Most of the weapons that Iraqis acquired were looted from military barracks and inventories. The beneficiaries were criminal gangs, organized militias and individuals. They were even sold at a mere $5 to $10 for a single AK-47; sometimes you could get as much as you wanted for

free. After the advancement of US troops, many Iraqi Army units left thousands of weapons stockpiled in the streets, army camps, and army unit headquarters; people quickly took everything back to their homes, towns and villages.\(^{246}\)

Trust between army and civilians diminished, complicating the situation. As time passed, it became difficult to distinguish “combatants” from “civilians” in Iraq. Both were perfectly integrated into urban and rural areas. One can imagine how this ambiguity complicated the DDR process.\(^{247}\)

Disbanding the security forces created a large, alienated, jobless group with access to weapons and hostility toward U.S. troops. But it also erased the possibility of a body that could be negotiated with. The wrong decisions by the CPA had left no one to negotiate and bargain with. Starting from scratch was very costly for the US and Iraq. Even if the US had provided more troops in Iraq, it would not have made a difference without a clear DDR mandate. Wanis-St. John and Dupont argue that any negotiation has five major components (actors, process, structure, strategy and outcome).\(^{248}\) None of the mentioned components were on the CPA's agenda before and after invading Iraq.

The old security institutions should have been kept intact so the CPA could deal with them as transitional entities with which to negotiate and implement DDR. Once the CPA had reached an acceptable approach on DDR, they could have proceeded to execute the approach by integrating the former security institutions into new structures. Inclusion was and remains the

\(^{246}\). Through the invasion 2003 I lived in an area called “Amiriyah,” located 14 km to the airport west of Baghdad. On April 7th of the same year people in my area rushed into an armory storage facility and looted everything (AK-47s, pistols, RPGs, sniper rifles, and mortars).


\(^{248}\). Faure and Cede, Unfinished business: why international negotiations fail: p. 204.
primary key to success in such a torrid time. This structural approach of negotiations would have been the most suitable to this transitional period, because the political picture was still unclear.249

**Early Patterns of the Insurgency in Iraq vs. State of Denial by High US Commanders and Political Leaders**

The term “Iraqi insurgency” became popular after the 2003 US-led invasion. There was on-going violence targeting mainly the newly established Iraqi government and its security forces, and the Coalition forces led by the United States.250 What was the nature of insurgency in Iraq? Was it only directed towards US troops, Iraqi government and its forces, or both?

First let us understand what an insurgency is. Bard O’Niell defines insurgency as “a struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources…and violence to destroy, reformulate, or sustain the basis of legitimacy of one or more aspects of politics.”251 The army’s counterinsurgency doctrine and Field Manual defines insurgency as “an organized, protracted political-military struggle designed to weaken control of an established government, occupying power or other political authority while increasing insurgency control.”252 These define insurgency as conducted by a non-ruling, organized group which uses political and violent means to achieve their ultimate goal to change

249. Ibid.


an established government, political structure or to oust an occupying force. The political structure or power is the core issue for insurgency and counterinsurgency, with each side trying to convince the masses of their legitimacy, which is important for their survival. This was not the case in Iraq. Many Iraqis, mainly Sunni Arabs, boycotted the elections because they perceived that the new government was ethnically and sectarian based, and it also existed under the presence of foreign occupation by the US, thus it was illegitimate.

Right after the invasion there were patterns of attacks and causalities that resulted from the Sunni insurgency. These statistics gathered by US and British officials did not include minor incidents. Casualty numbers included mainly those attacks which included US allies and the Iraqi government. According to CPA evaluation and estimates, early rounds of attacks were mainly conducted by Former Regime Loyalists (FRL). Most of these attacks were highly concentrated in the Sunnis tribal areas like Fallujah, Ramadi, Mosul, and Tikrit and the capital Baghdad. In the beginning stages of the insurgency oil infrastructures and mosques were targeted, but the insurgents shifted targeting from Iraqi infrastructures to the Coalition, NGOs, and foreign diplomats.

Most of the attacks were carried out by suicide bombings and Improvised Explosive Devices (IEDs), which remained the main weapons of choice for the insurgency following the years after 2003. In 2003 the IEDs accounted for about one third of the total of US troops killed, and by 2007 the IEDs had accounted for more than 65% of US troop deaths; most of these IEDs were roadside bombs. The two most significant attacks took place in Baghdad: the first car bomb exploded on August 7, 2003 outside the Jordanian Embassy killing at least 15 Iraqis and wound-


254. Ibid., p. 68.
ing dozens—that was the first car bomb in Baghdad ever. Subsequently, on August 19, 2003 a truck exploded outside the UN headquarters, killing 24 people and injuring more than 100, including the head of the UN mission, Sergio Vieira de Mello. By October of the same year, the car bombings became more coordinated and the insurgents began to conduct more mortar attacks against the CPA and other offices inside the highly fortified “Green Zone.” During the same period, the insurgents shot down two US helicopters in just two weeks and about 60 U.S soldiers died.

The coalition force’s database was compiled from military reporting and included all attacks such as small arms fire, antiaircraft fire, indirect fire, and improvised explosive device attacks against coalition forces, as well as against civilian “neutrals” and Iraqi security forces. Figure 3 indicates the daily number of attacks carried out against all different targets in Iraq and how they increased from June 2003 to June 2004, and Figure 4 shows an increase in significant attacks against coalition forces.

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255. Ibid., p. 69.

Figure 3: Attacks on Coalition Forces, June 2003 to June 2004

Figure 4: Significant Attacks, June 2003 to June 2004

257 Ibid.
Reports presented by the CPA, US Military, Coalition and Media show a significant increase in the insurgent attacks against both Iraqis and Coalition forces. Meanwhile the CPA and senior U.S. government officials publicly assured Americans that the security situation was not as bad as press reports indicated. Yet internal CPA documents showed a growing concern about the density and reoccurrence of these attacks. In a memo to Secretary Rumsfeld, Bremer said the threat to U.S. forces came from several sources. The first included elements of the former regime, such as Ba’athists, Fedayeen Saddam, and intelligence agencies. They focused their attacks on three targets: the coalition forces, infrastructure, and Iraqi employees of the coalition.

“To date,” Bremer wrote, “these elements do not appear to be subject to central command and control. But there are signs of coordination among them.”

As more time passed the Iraqi insurgency became highly organized and their attacks began to have a greater impact on coalition forces and Iraqi civilians. While the situation called for a crucial counterinsurgency (COIN) strategy, in Washington D.C there was a state of denial about what was going on in Iraq. Nobody wanted to admit the insurgent nature of the war and a counterinsurgency strategy or measures were not addressed as part of the solution. One of the main reasons surrounding the state of denial about the insurgent nature of the war is that even though the frequency of attacks against the US troops took on a guerrilla-type warfare style, the US administration officials turned a blind eye to its true nature.

Iraqi insurgents developed sophisticated tactics against the coalition forces and the Interim Iraqi government (IIG) security forces. The insurgents succeeded in trapping US troops in

258. Ibid., p. 94.

259. Ibid.

260. Ibid., p. 95.
protracted urban warfare battles which resulted in a significant number of causalities for both sides.\textsuperscript{261} These attacks increased significantly beginning in June 2003, but in March 2004 the insurgent nature of the war escalated after four Blackwater security guards were killed and hanged at the Fallujah bridge. At the same time, the attacks against civilians increased and the shadow of an ethnic sectarian violence began to show its head.\textsuperscript{262} Despite the intensity and severity of these attacks, American decision-makers continued to be in a state of denial about the insurgent nature of the war and delayed the implementation of a counterinsurgency strategy.

Timing was essential for developing an alternative plan and shifting from a conventional warfare to counterinsurgency tactics, but by the time the US administration embraced and implemented COIN, the insurgency had reached its climax. As Colonel Hammes, explained, on June 30, 2003 Secretary of Defense Donald Rumsfeld defended his state of denial by claiming, “I guess the reason I don’t use the phrase “guerrilla war” is because there isn’t one, and it would be a misunderstanding and miscommunication to…the people of the world.”\textsuperscript{263} While earlier that same month, on June 12, 2003, the head of the CPA in Iraq, Ambassador Paul Bremer said, “We do not see signs of central command and control direction...These are groups that are organized, but they are small, there may be five or six men conducting isolated attacks against our soldiers.”\textsuperscript{264} A month later, on July 10, 2003, General Tommy Franks echoed this state of denial

\textsuperscript{261} Anthony, "Iraq's Militias: The True Threat to Coalition Success in Iraq," p. 91.

\textsuperscript{262} Ibid.


\textsuperscript{264} Ibid.
by claiming that, “Guerrilla and insurgency operations are supported by the people, and I have demonstrated…that the people of Iraq do not support the violence.” 265

There was definitely an insurgency brewing in Iraq, but nobody wanted to admit it, due to fear surrounding the domestic and international reaction to the US’s decision to go to wage war on Iraq. Admitting that not all was well in Iraq and acknowledging the insurgent nature of the conflict would undermine US victory over Saddam. In a similar manner, it would implicitly indicate that the US had lost its ability to project its military power. On July 16, 2003, weeks after Bush’s 2003 speech, General John Abizaid, the new Commander of Central Command explicitly admitted that, “…there are a mid-level…people that have organized at the regional level in a cellular structure and are conducting what I describe as a classical guerrilla-type campaign against us.” 266

However, the Pentagon along with the Bush administration avoided discussing the type of war the US was fighting in Iraq and, rather than identifying an alternative plan to counter the insurgency, they continued to denigrate the resistance in Iraq. 267 Finally, the continued rise and success of the insurgency can be attributed to the failure of top level politicians and military officers alike to face and address one of the basic principles of warfare, “know your enemy.” As a result, underestimating the insurgent characteristics of the enemy allowed them to gain the tactical advantage by changing the tactics in their favour, gaining the initiative and starting an urban-protracted war.

265. Ibid.
266. Ibid., p. 174.
267. Ibid.
In November 2005 the National Security Council published the “National Strategy for Victory in Iraq,” the US military’s approach to defeating the insurgency. This approach established an integrated counterinsurgency strategy covering three tracks: political, security, and economic. The US military determined that the nature of violence in Iraq was an insurgency and their strategy was focused on COIN operations. The insurgency in Iraq was heavily focused on ousting the US-led “invaders”. The US plan was heavily focused on COIN operations and putting more troops on the ground to win that conflict the traditional military way; political and the economic tracks were neglected.

Reports of the deteriorating security environment were reinforced by public opinion polls that were circulated throughout the CPA. According to one poll commissioned by the State Department’s Bureau of Intelligence and Research, “Results of the first American public opinion poll to be completed in Iraq confirm the view that Iraqis are unhappy with the conditions in their country after the end of Saddam’s regime.” Another poll conducted by Gallup showed that at least 94 percent of Iraqis in Baghdad believed the city was a more dangerous place to live after the U.S.-led invasion. Majorities also said they were afraid to go outside their home during the day (70 percent) and at night (80 percent) because of safety concerns. The anti-American sentiment in most areas of Iraq was extremely high but had not been dealt with in a serious way.


270. Ibid.
The Need for Dramatic Shift and Adapting a New Strategy in the US Military Operations in Iraq

Every army of liberation has a half–life to become an army of occupation.271

David Petraeus

The counterinsurgency war in Iraq and Afghanistan challenged the US armed forces and shaped a new generation of military leaders. Senior US security officials now appear fully convinced that irregular warfare has become the major challenge. It is “as strategically important as traditional warfare,” according to December 2008 Pentagon directives.272 This was not the case during the planning for or during the invasion and early occupation of Iraq. Although the US military has fought insurgencies in Vietnam and El Salvador, it failed to transfer these lessons and apply them to Iraq and Afghanistan.273 When the US invasion began on March 19, 2003, some US soldiers complained about body armour and other military supply shortages. Yet Rumsfeld replied with cynicism, “You go to war with the army you have…not the army you might want or wish to have at a later time.”274 This statement shows that the American administration had no strategy for a long war; their main goal was to crush the Iraqi army and topple the regime. The first phase of high tech conventional warfare achieved that, but later the US military was engaged in insurgency warfare. The situation on the ground proved that the war in Iraq was an insurgency which could not be defeated without a counterinsurgency strategy, a strategy shift nobody wanted to accept because it would require more troops, money, training, and a clear


273. Ibid., p. 53.

274. Kaplan, The Insurgents: David Petraeus and the Plot to Change the American Way of War: p. 56.
baseline. The Iraq war at its then current budget and preparation level was a nightmare for the Bush administration to pursue domestically and internationally. One can only imagine how the need for more money, equipment, and troops would be justified along with all the causalities that the US army tolerated on a daily basis in Iraq. Increasing troop presence in Iraq for COIN strategy had the potential of limiting US military capabilities, its ability to project military power elsewhere, and a negative impact on international and domestic politics.

Top US army leadership should have taken note of a small counterinsurgency experiment led at the time by Maj. Gen. David Petraeus—had they taken notice of his early successes and adopted the Petraeus model as its grand strategy they could have prevented the insurgency. This experiment began in Mosul; it is a good example of what the U.S. needed to do to decrease support for the insurgency. In the invasion’s aftermath, Petraeus was sent to Mosul, the third largest city after Baghdad and Basra. He led a force of 18,000 soldiers, 5,000 vehicles and 256 helicopters from Baghdad to Mosul and he made a 250 mile trip without much resistance.\textsuperscript{275} His job was to occupy and secure Mosul but he knew that the war plans consisted of four phases. Phase I: Set the conditions, Phase II: Initial Operations, Phase III: Decisive operations, Phase IV: Post–conflict stability operations. By the time Bush made his speech, the US military had accomplished phases I through III, but phase IV had not been initiated yet.\textsuperscript{276}

Petraeus was able to conduct phase IV with the money he found in the presidential palaces and without waiting for funds and instructions from his higher command. His experience and success in Mosul was based on what he told his brigade and battalion commanders: “we are go-

\begin{footnotesize}
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\item \textsuperscript{275} Ibid., p. 72.
\item \textsuperscript{276} Ibid.
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ing to do nation building.”²⁷⁷ By the end of May, he had successfully restored 90% of the city’s basic public services. He distributed posters around the base which read, “What have you done to win the hearts and minds of the Iraqi people?”²⁷⁸ Petraeus’ strategy and success was motivated by David Galula a French, military officer and scholar who was influential in developing the theory and practice of counterinsurgency warfare. Gulula’s 80/20 rules stated, “Military action is secondary to the political one, its primary purpose being to afford the political power enough freedom to work safely with the population. The armed forces are but one of many instruments of the counterinsurgents…a revolutionary war is 20 percent military action and 80 per cent political.”²⁷⁹ In Mosul, Petraeus also emphasized this concept to his soldiers so that they could grasp the significance of winning the Iraqis’ support. He wanted to grasp the trust and support of the population before the insurgency gained their support and used them to carry out their operations. His approach was not to make people in Mosul love America, but rather to make Iraqis feel that they had a stake in rebuilding the new Iraq. Victory in COIN could be defined and summarized as follows: “a victory is not just the destruction in a given area of the insurgent’s forces and his political organization. It is that, plus the permanent isolation of the insurgent from population; isolation not enforced upon the population but maintained by and with population”.²⁸⁰

One of the main military problems was that the US military saw COIN as a strategy for attacking the insurgents, when they should have attacked the “insurgents’ strategy.” They depended on conventional military strategy, but COIN is 80% winning hearts and minds of the

²⁷⁷. Ibid., p. 72.
²⁷⁸. Ibid., p. 73.
²⁸⁰. Ibid.
masses and 20% devoted to military operations. The army also became heavily dependent on its military technology, but this proved futile in defeating the insurgency because it undermined the concept of dominating by gaining influence among the people.  

If COIN Failed What Is the Alternative

COIN was not effective in handling this conflict and there should have been a shift towards a comprehensive strategy that would tackle insurgency, terrorism, and sectarian violence; and would include political and economic dimensions. Colonel Thomas Hammes argues that it is the era of a “Fourth Generation Warfare (4GW).” This type of war “uses all available networks political, economic, social and military to convince the enemy’s political decision makers that either strategic goal are unachievable or too costly for the perceived benefit.” This type of war is an evolved form of insurgency used in both Iraq and Afghanistan against the US troops, and the only type of war the United States has lost. The war in Iraq is in fact two wars: the US “started a 3rd Generation high tech war, and the insurgents in Iraq have used a 4th generation low tech war, it was very successful verses the projection of power enforced by a superpower like the US.” Since COIN failed to solve the Iraqi conflict in post conflict Iraq, it is time to follow a new strategy which integrates additional elements to defuse the sectarian violence and address the unrest. This strategy could be represented by a DDR process which could make a critical contribution to security and stability in a post conflict situation like Iraq.

282. Ibid., p. 4.
283. Ibid.
**DDR as an Alternative Strategy to Eliminate or Reduce the Insurgency**

The question naturally arises: when does violence reach the critical threshold that requires response? Well there is no handy template.\(^\text{285}\) Cary Cavanaugh

Kelman highlights that the objective of peace and conflict resolution is not to eliminate the conflict entirely, as much as it is to eliminate the violence and the destructive elements which inflame and sustain the dispute within a given conflict.\(^\text{286}\) Implementing a constructive DDR would have been a successful tool and played a major role through the transitional process in a post-conflict Iraq. Some of the militia and the irregular armed groups and affiliated political parties were largely part of the problem, but they supported a broad based disarmament initiative in principle. Once conflict moved on they were hesitant to proceed because they started to perceive a threat resulting from political rivalries, insurgent attacks and the ethnic and sectarian violence, and lack of trust towards the new governmental security forces.\(^\text{287}\)

The DDR process was fragile in post invasion Iraq because the CPA believed they it was not necessary, thinking that the former Iraqi Army was self-demobilized. Nobody believed that the former officers, soldiers and staff of this former army would later be the core of the Iraqi insurgency. When the CPA began to realize that DDR was useful they still lacked the political will to implement it until finally the insurgency was reaching a crest, and the CPA and US army turned towards COIN. The level of violence and the counter-insurgency war in 2006 was very


\(^{286}\) Ibid.

costly for the US, insurgents, Iraqi government and the disputed parties. It was “no one’s war,” involving the influence of neighbouring states.

Finally, the violence in Iraq started to decline after a series of pacts between the US military and insurgents through an informal process of reintegration. The US army started to approach the tribe leaders in the conflicted areas; within negotiations they highlighted an importance of a shared desire for greater stability. This local level and mutual decision work was accepted by the enemies of yesterday, because it indicated a great sense of dignity and respect.\textsuperscript{288} This process could have been viewed as another means of reintegration.\textsuperscript{289} After 2007, General Petraeus adopted a new strategy which resulted in successful negotiations, due to negotiating with various ethnic groups, local and tribal leaders and members of the local government. His success was behind the adoption of the “nation building” approach focusing on mutual interests and inventing options for mutual gains.\textsuperscript{290} Robert Axelrod argues “by establishing a direct connection between the actors' present behaviours and anticipated future benefits, a Tit-for-Tat, or conditional cooperation, can increase the likelihood of joint cooperation by shaping the future consequences of present cooperation or defection.”\textsuperscript{291}

Formal or informal DDR efforts along with approaches and reconciliation efforts with both local Sunni and Shia leaders had a positive outcome. In Al-Anbar Province which was known as stronghold of Al-Qaeda in Iraq (AQI), the negotiations with their tribe leaders established the creation of the awakening movement, which consisted of young males who organized

\textsuperscript{288} Berdal and Ucko, \textit{Reintegrating armed groups after conflict: politics, violence and transition}: p. 102.

\textsuperscript{289} Ibid

\textsuperscript{290} Schneider and Honeyman, ”The negotiator's fieldbook,” p. 680.

like small troops to fight against insurgents and terrorist. The US troops and Iraqi government saw the fruitful outcome manifested in an end to terrorism, and the US troops developing contracts with tribal leaders to secure the critical infrastructure which lead to the establishment of reintegrated forces - the “Sons of Iraq”. Many of the awakening council personnel who were interviewed were former disbanded Iraqi soldiers or officers, who had joined the insurgency but left once they decided to serve their country by joining either the Iraqi army or police.

In November 2006, a group of military and professors devised a new plan for the war in Iraq called “the surge”. This plan was designed to deploy about 20,000 additional US troops – five army brigades in Baghdad and 4,000 in Anbar province. In January 2006 administration officials told the media that Bush would award Petraeus a fourth star and name him as the new commander for the US troops in Iraq. Bush also declared that “the situation there is unacceptable and we need to change our strategy”. That happened in January 2007 with the adoption of a “counterinsurgency policy”. The new forces with the additional troops knew they were under the command of General Petraeus, but before conducting the surge, the US troops noticed a shift in the behaviour of Sunni insurgency in Anbar province which was represented by the phenomenon called the “Anbar Awakening.” It was a movement of Sunni tribes and sheikhs to enlist a group of fighters to kick out the jihadis because they committed atrocities against the people in that region. The same idea inspired General Petraeus, as he expanded the awakening plan beyond Al- Anbar province and made it applicable to other regions in Iraq, his plan was called “The


293. Ibid.


295. Kaplan, "The End of the Age of Petraeus: The Rise and Fall of Counterinsurgency."
Sons of Iraq.” He recruited more people who were past insurgents fighting the US troops; the US troops organized, equipped and funded them. Petraeus followed one of the other methods of Galula which was “cash is a form of ammunition.” This relative success in 2007 was not purely attributed to COIN and the Surge, other internal factors had emerged and contributed in other ways to the success of the US’s new strategy. One of these factors was the sectarian violence which shaped the distribution of cities and areas based on sectarian background. Also the fragmentation between al-Qaeda and the Iraqi insurgents had helped to ease the mission of COIN in Iraq.

Finally, the sectarian violence had prevented both Shi’as and Sunni insurgency from being united. Gen Petraeus biggest gamble was derived from the literal application of Galula’s dictum is “to live among the people”. Very soon after assuming command he ordered establishment of joint security stations comprised of both American and Iraqi forces to be spread among tense areas. Also he highlighted that the necessity to “secure the people where they can sleep”; and also the need to “Get out and walk, although it is very dangerous, but it will provide a good deal of effectiveness.”

296. Ibid.
297. Ibid.
298. Ibid.
CHAPTER 8

IDENTIFYING KEY PLAYERS AND DDR PATTERNS IN POST-CONFLICT IRAQ

Including DDR as part of a peace settlement can help to ameliorate the security problems groups’ face when they are asked to give up their guns and disband. 299

Caroline A. Hartzel

Soon after the coalition’s occupation of Iraq in April 2003, the situation began to deteriorate. Iraqi security was shattered and US army units which remained were unable to control the scale of violence caused by criminality. The political violence began to develop into a full-blown insurgency. The challenge posed by armed groups is considered one of the most crucial issues in a post – conflict zone, it veneered and jeopardized the legitimacy of the government. The government by then is obliged to lower the level of violence through different means. 300. The rise of the armed groups is a symptom of a deep issue, mostly related to the lack of trust and insecurity that existed in a post – conflict environment, mainly after the end of major military hostilities. This insecurity could be the result of an unstable government security structure, as it would was unable to provide a basic security level equivalent to the level of violence. This was the situation in Iraq after the 2003 invasion. Phil Williams argues that, “armed groups originated or (where they already existed) expanded largely because of the inability of the CPA and subsequently the Iraqi government to provide security to the large factions of the Iraqi society.” 301 In the second case the governmental security forces were the source of threat to the community. The govern-


301. Ibid.
ment’s and the CPA’s inability to provide a basic security level was the main reason for the creation and evolution of armed groups, mainly outside the governmental security forces.

**DDR, Understanding and Identifying the Key Armed Groups**

Armed groups and combatants are the core subject of any DDR process, these include those who are in support and against the government. If the overall conflict resolution goal is to reduce violence into society. To do this effectively, the combatants need to be understood both as individuals (with their dependents) and the members of their combatants groups. A DDR should build upon multi-faceted understanding of the combatants. 

Nicole Ball and Luc Van de Goor

It is of high importance to understand and identify the armed groups who were involved directly or indirectly in the political process of post-conflict Iraq. It is essential to know how DDR was created, negotiated and implemented. Later, we will examine which parties, militias and armed groups benefited from DDR and which did not.

Before getting any DDR processes done, any negotiator and mediator must be capable of identifying the key or major armed groups, militias and parties of the given conflict. The absence of vital groups and their armed elements from the peace process could turn them into spoilers.

The make-up and form of the Iraqi insurgency and how they fight is crucial. A solid understanding of the characteristics of the fighting forces will help negotiators or mediators to consider the most appropriate approach to DDR negotiations, which type of programme or process is needed and who will be eligible to be included in this DDR programme. That would enable the nego-

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304. Ibid.
tiator to determine which programme is needed and would be based on type of forces (regular, irregular, militia, guerrillas), their numbers, how they are organized, tactics and deployment, the structural organization of each group (leadership and communication), and most importantly the relationship between fighters and their leadership and commanders. 305 The precise and well gathered information and analysis to the armed groups enables the mediators to decide which course of negotiation strategy that they need to pursue and how to develop their confidence building measures. Also it is important for negotiators and mediators to be aware that conflict parties and their fighting forces often evolve and change over the course of conflict. 306

**The Iraqi Insurgency and Armed Groups Tactics**

The Iraqi insurgency is explicit about what it stands against, but not what it stands for. 307 Steven Metz, Insurgency and Counterinsurgency in Iraq, the Washington Quarterly, 2004.

The tactics and strategy that Iraqi insurgency groups used were very complex and hard to understand. As a whole, the insurgency was a fragmented group. Historically, most of the insurgencies in China during the 1920s-1930s usually formed under what China Mao Zedong has called the “national united front,” where the Communists and Nationalists, though differing in ultimate aim, presented the image of unity against a common Japanese enemy. US officers and strategic thinkers were most familiar with that type of insurgency. 308 Other historical examples, such as Vietnam, Latin America and Africa are based on both parallel political and military ef-

305. Ibid., p. 18.

306. Ibid.


308. Ibid.
forts. These first emphasize gaining the masses’ support, then continue to weaken the state through a low – medium intensity, protracted conflict, eventually moving to provide an alternative government.\textsuperscript{309} To elaborate according to the military, these traditional insurgencies start with small scale attacks called “Hit and Run” then improve their military capability until they manage to defeat the existing government. But this traditional pattern of insurgency was not what the coalition forces faced in Iraq.

In any insurgency, winning the masses is the key as each party whether government, insurgents, or occupation forces seek their utmost to win the hearts and minds of the people. The Iraqi insurgency was shadowy, it was combined of many groups, not united tactically, but they were united in their goals towards one aim to oust the US occupying force. This type of insurgency was both a blessing and a curse for the US. A delight because it was not united and headless which logically makes it easier to defeat, but most importantly it was fragmented lacking a definable centre of gravity which makes it unpredictable and very difficult to counter, kill, and defeat.\textsuperscript{310} The Iraqi insurgency remained inchoate and showed no progress in setting traditional and logical steps through the use of global information technology, interconnectedness, political and external support, finance and recruitment.

Finally, what was found in Iraq was the closest to what is known as a “net war” which means “small groups who communicate, coordinate and conduct their campaigns in an interknit-ted manner, without a precise central command.”\textsuperscript{311} That is what made the Iraqi insurgency unique, changeable, and difficult to crush.

\textsuperscript{309} Ibid.

\textsuperscript{310} Ibid.

**Iraqi Insurgents, their Composition and Evolution: Identifying the Key Armed Groups**

Analysis should also go beyond formalized warring parties, to include early assessment of all irregular armed groups, including those not party to a peace agreement.  

UN Department of Peacekeeping Operations (DDR) Section

The Iraqi war started as an external conflict, but after the US-led invasion there were two types of non-governmental armed groups in Iraq which started to blend together. I would simply classify it as “friendly armed groups or militia” or “less hostile” and “not friendly ones”, and the later one was the core of the Iraqi insurgency which emerged in the shadow of the 2003 US-led invasion. What I mean by the term “friendly” are those who were associated as “militia”, “paramilitary” and “armed groups” with the Iraqi parties who later became part of the new post 2003 Iraqi government or what was first known as the Iraq Governing Council (IGC) which was closely coordinating with Ambassador Bremer. The “unfriendly” armed groups and militias were those who emerged as the result of lack of security, mistrust and exclusion. They portrayed themselves as a “National Iraqi Resistance” against “Occupiers” represented by the US troops and the Foreign Coalition. Not only that but it extended to include the former Iraqi army and security structure as well as the new Iraqi army and security forces along with those who collaborate with both. They seek to attack the mentioned entities, trying to further destabilize the American presence and the efforts of establishing a new Iraqi government.

When the insurgency emerged in Iraq early after the 2003 post – conflict Iraq, both the US troops and the Iraqi government sought and preferred the use of force against these armed groups rather than finding a settlement through DDR or peace negotiations. Most of the studies

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and scholarly articles classify them into “Sunni” and “Shi’a” groups. They are labelled like that even though religion and sect has very little to do with their formation in the post – conflict Iraq violence. I would portray the Iraqi violence and conflict as a competition and struggle for power rather than ethnic or religious cleansing. Many different players emerged after the Saddam Hussein government fell that shaped the Iraqi insurgency. As I mentioned, despite their ethnic and ideological background I would classify them into two groups, based on their attitude or behaviour towards US troops, CPA and Iraqi government along with its forces.

**The Unfriendly or Hostile Armed Groups, Militias**

Insurgents, at first largely Sunni Arabs, were at the beginning highly motivated to oust the US occupation by using and organized resistance. Most of the Sunni Arab insurgency was comprised of former Iraqi employees, both civilian and military, mostly from those who lost their jobs as results to the CPA orders 1 and 2. Some of the Sunni insurgency factions were calling for the return of Saddam Hussein and the Baath party rule. They fought the US army and the coalition as “occupiers”. In the shadow of strongholds of the first type, another group emerged, as more fundamentalist and radical. This group was mostly represented by foreign and Arab fighters who entered the country, seizing the opportunity of the open and insecure borders.

Groups have embraced the imposition of a midlevel Al Qaeda operative, Abu Mussed al-Zarqawi and his organization al-Qaeda in Iraq or Mesopotamia (AQI). But later the Iraqi insurgency evolved to include a Shi’a militia like “Jaish Al-Mahdi” (Al-Mahdi Army) which was formed and led by a young radical Shi’a cleric, Muqtada Al-Sadr. I will try to classify them into different groups under the two main categories mentioned earlier.

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• **The First Group** emerged from what is known as the Sunni “nationalist” insurgents and Sunni Islamist extremists both groups played a major role in building a Sunni insurgency right after the invasion. The nationalists were the remaining “former regime elements:” ex-army, republican guards, intelligence, special security forces and high ranking Baath Party senior- and mid-level leaders and officials, those who were excluded and had no employment position after the former government was ousted. They wished and pushed hard to get back to the status quo, or at least destabilize Iraq to make the CPA and the new Iraqi government fail.

• **The Second Group** was composed of foreign, especially Arab fighters which formed the majority of Sunni Islamist extremism. These people managed to cross through the neighbouring borders because they were wide open after the invasion. These extremists poured in and built their own units and cells within Iraq’s safe haven mostly in Sunni areas. Later these Islamists were known as “neo-Salafi” insurgents: a mixture of foreign and Iraqi cadres, who were viewing Iraq as part of larger Islamic state, similar to the doctrine of al-Qaeda. This movement was controlled and dominated by what later became known as al-Qaeda in Mesopotamia or Iraq (AQI). By mid-2004 they seized full control of the insurgency and waged attacks against the US, Coalition, and Iraqi forces, and Iraqi civilians from all sects and ethnicities. Suicide attacks, suicide bombers and suicide car bombs, using different types of vehicles, including the bombings of the UN headquarters in Iraq. The killing of the head of the


315. Ibid.

316. Ibid.
UN mission and attack on the Jordanian Embassy in Baghdad were the main issues in August 2003. The violence in Baghdad was a mixture of tactics carried out by insurgents and foreign Islamic jihadist done by AQI and its late leader Abu Mussab al-Zarqawi. AQI videotaped the beheadings of many foreigners, Arabs, Iraqis, and workers with foreign contractors.\(^{317}\) AQI became known as a terrorist group waging an insurgency.

- **The Third Group:** The Shi’a militia was the most influential within the insurgency and sectarian violence. They were formed as a result of sectarian tension, exclusion, and CPA failures. This Shi’a militia was known as the “Al-Mahdi Army” and it was formed by a young radical Shi’a cleric Muqtada Al-Sadr an activist who played a controversial political role referring to coalition forces as “occupiers” since the first days of invasion.\(^{318}\) Al-Sadr activism, youth and challenge to the United States and the new Iraqi government gave him popularity among the poor and students. He never promised wealth, benefit and security, but he was the “voice of proud, authentic popular identity and advocated to use violent struggles against oppression”.\(^{319}\) Al-Sadr expanded his militia Al-Mahdi Arm and during the early days of its establishment, his militias collaborated with Sunni militias to launch insurgency attacks against coalition forces, but this honeymoon ended after the peak of the “sectarian violence” in February 2006 mainly after the bombings of the Shi’a Al-Askariya

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\(^{319}\) Ibid., p. 40.
mosque. After the erupted violence of 2006 and in the shadow of the “sectarian violence” that swept Iraq in February 2006, the Al-Mahdi Army Militia expanded to include 60,000 fighters all across Iraq. It played a primary role in “soft” sectarian cleansing against Sunni areas and militias in Baghdad.

The US coalition faced many challenges. The terrorists’ presence further complicated the situation in Iraq. Zarqawi was pushing in three dimensions: expelling US troops, establishing Islamic authority in Iraq, and extending the jihad and terrorism into the neighbouring secular countries of Turkey and Jordan. The bombings of three major hotels in Jordan 2005 were a result of that. Al-Qaeda successfully recruited “holy warriors” from other parts in the Middle East, North Africa, and even Western Europe. Suicide bombings were their most dominant tactic. These attacks targeted not only American troops but also Shi’as, Sunnis, Kurds, Arabs and other foreign entities like the UN, ICRC and Arab Embassies. At the Fallujah campaign the number of Arab fighters killed was 154. Through March 2005 the estimates said that 94 (61 percent) were Saudis, 16 (10.4 percent) were Syrian, 13 (8.4 percent) were Iraqis, 11 (7.1 percent) were Kuwaiti, 4 came from Jordan, 3 from Lebanon, 2 from Libya, 2 from Algeria, 2 from Morocco, 2 from Yemen, 2 from Tunisia, 1 from Palestine, 1 from UAE-Dubai, and 1 from Sudan. Figure 5 below shows the percentage of the foreign fighters and their origins.

The Saudi National Security Assessment Project, however, estimated that there were approximately 3,000 foreign fighters in Iraq by Spring 2005. These fighters had become a synonym

321. Ibid., p. 46.
to AQI. Zarqawi was pretty successful bringing in these fighters to Iraq. The US and Iraqi officials estimated in November 2005 that 90 percent of the insurgency was composed of Iraqi Sunni Fighters and only 2.8 percent were foreign fighters.\textsuperscript{324} The estimates may overlap due to the absence of enough US and Iraqi troops and the lack of accurate human intelligence. The US troops in Iraq and Afghanistan faced similar guerrilla and terrorism tactics, but the nature of war in Iraq was different because they were largely urban tactics and involved attacks on police stations, Iraqi army recruiting centres, and American military facilities.

Despite the US’ limited success in targeting Zarqawi and Al-Qaeda operatives, many viewed the approach to counterinsurgency in Iraq as leading to failures in many areas. Many American soldiers and Iraqi troops were overwhelmed by different types of complex attacks such as suicide bombings, helicopter attacks, and IEDs. By July 2007, IED attacks had killed or wounded almost 20,000 US troops in Iraq. Since March 2003, almost 1,400 US soldiers were killed by IEDs. Tens of thousands of Iraqi civilians also lost their lives as a result of these terrorist attacks.\textsuperscript{325} The AQI and the foreign insurgency remained the most lethal, destructive and dangerous armed groups in Iraq. Even in 2013, the insurgency is still deadly, and still carries the AQI footprint. In April 2013 about 712 Iraqis were injured. 595 of them were civilians.\textsuperscript{326}

\begin{footnotes}
\item 324. Ibid., p. 173.
\item 325. Ibid., p. 583-84.
\end{footnotes}
Finally, it is accurate to argue that the Sunni insurgency mentioned above was fragmented and diverse between nationalist and Islamist; in early 2006 the Crisis Group was able to identify 14 key groups under the Sunni Arab insurgency. Shi’a militias fought a less furious war than the Sunnis.

The evolution of criminal gangs and militias parallel to the insurgency also empowered the Iraqi insurgency’s position. Lack of security led to an increase in murder, kidnapping, burglary, carjacking, and assaults carried out by militias—these incidents reached approximately 1,763 in July 2003, maintaining the same level number till September same year.\(^\text{327}\) All these are estimates based on news and reports, because there were no Iraqi security forces or military coalition forces qualified to secure Iraq. This situation created by a lack of security increased negative sentiment against the coalition forces and the Iraqi government. Such sentiment encouraged the an-

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\(^{327}\) Anthony, "Iraq's Militias: The True Threat to Coalition Success in Iraq," p. 57.
gry masses to be part of these insurgent groups. Even if they were not fighters, many helped to harbour extremists within their areas either for a benefit or to feel secure.

The Friendly or Less Hostile Armed Groups and Militias (Paramilitary Groups Associated or Affiliated with the political Parties)

- **The First Group:** “Badr Militia” currently is just an organization, but once was associated with one of the largest Arab Shi’a political parties, the Supreme Council of the Islamic Revolution in Iraq (SCIRI). It represents the party’s military wing which was exiled. They hold significant ties to Iran; their own paramilitary “Badr” were equipped, trained and positioned in Iran, and had been using their territory to fight against the Saddam Hussein regime. After 2004, they were largely integrated into the police and security forces. Many of them worked either as officers in the ministry of defense or soldiers, while others worked with the ministry of interior as police officers. They were very active against the Saddam Hussein government during the eight years of the Iraq- Iran war and the popular uprising in 1991 Gulf war. Many Iraqis from different sects—even a Shi’a from Najaf province asserted that the Badr Organization was responsible for targeting and assassinating a number of senior clerics, teachers and Baathists. Badr was also accused of assassinating former Iraqi Military pilots, senior intelligence and military officials, something that was consistently denied by Abdul Aziz Al-Hakim, the head of SCIRI at that time. He always said that his organization was in support of the reconciliation working with the US government and participating in the new Iraqi government and political process. He

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328. Ibid.

329. Ibid., p. 39.
denied with equal vehemence that the Badr Organization has had no part in the series of assassinations and the ongoing violence, he blamed former regime loyalist and Sunni insurgents for these violent acts.330

- **The Second Group** consisted of Paramilitary militias accompanied or associated with main Kurdish political parties in the north of Iraq. The Kurdish parties and militias played a much less direct role in the open violence in Iraq after the change of Saddam Hussein’s regime.331 Those parties were in opposition against Saddam Hussein’s regime for the last two decades after invasion.332 They are much larger and represented by the Kurdish peshmerga, a core of 75,000 – strong fighters, more organized, and possessing light infantry which had fought Saddam’s regime for decades.333 The peshmerga are associated with the two major parties in the north of Iraq – the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). – Each party controls its own unit.334 The members of the Kurdish militia and two major parties were seeking a safe shelter in Iran, sometimes not able to fight with the former Iraqi army, but remaining one of the most important factors of the two Kurdish parties as they gained a lot of experience in their fight against the Iraqi army. When the US led invasion started they were pro-coalition and were not problematic at all. The PUK and the KDP claim that there are 100,000 Peshmerga troops, and they insist on

330. Ibid.
333. Ibid.
334. Ibid.
keeping the Peshmerga intact as the guardian’s and guarantors for the Kurdish security and their political self-determination.335

The CPA decided to keep the Iraqi political parties, militia, and armed groups intact after 2003. There were some other militias, armed groups and paramilitary aligned or affiliated with other Iraqi political parties who opposed Saddam Hussein’s regime, but their armed groups played a smaller role in the aftermath of the invasion. These militias were part of the following Iraqi political parties: The Iraqi Communist Party (ICP), the Shi’a Arab Iraqi Hezbollah, the Iraqi National Accord (INA), Iraqi National Congress (INC) and Al-Da’wa Party, and the Sunni Arab Islamic Party (AIP).

Bremer and the CPA relied heavily on these groups during the transitional period right after the invasion. He brought them to establish and form the core of the Iraqi Governing Council (IGC) and the New Iraqi Forces (Military and Police). The CPA aimed to use them to temporarily secure Iraq.

Right after the invasion and on the 7th of April 2003, I negotiated on behalf of the people of my area with the US army while they were advancing towards my area called “Amiriyah,” 14 km to the east of Baghdad International Airport (previously known as Saddam International Airport). I spoke with a captain Mark Philips from the 3rd armored division and I brought to his knowledge the lack of security we were facing and how looters took everything from the banks, schools and local clinics. I even raised my concern about the Embassies, mainly the Chinese embassy which is located less than 2.5 km from my house and the place where I was conducting my negotiations. He supported the same claim of the CPA and the US army, he told me “we came here to liberate you from Saddam Hussein’s regime, and it is not our duty to capture or detain

thieves and looters. There are some other troops that will come and take care of security”. I also told him that there were stockpiles of 82 mm mortar rounds and RPG rockets less than half mile away and I was afraid they might explode. He promised to send some troops but they never showed up. The next day we saw Iraqi civilian’ trucks taking all the rounds and munitions and driving away.

I wanted in this previous section to give you a brief description of the major Iraqi armed groups and militias, as some of them were major players in the violence and insurgency which took place at the early stage in the aftermath of the invasion and continued. It is highly important to identify the key armed groups and major players, only then can one better design, negotiate and implement DDR. In the next section we will see whether there was an original DDR plan or something else. Also we will see which of these armed groups and militias benefited from the DDR process in Iraq after 2003.

**DDR as a Formula for Post – Conflict Iraq**

DDR is a standard tool used in most nation-building operations and is generally considered an effective strategy for transitioning from conflict and post-conflict situations to sustainable peace. In early 2003, the Pentagon’s Office of Reconstructing and Humanitarian Assistance (ORHA) donated 70 million dollars to design and execute a DDR plan. The majority of ORHA’s plan targeted the former Iraqi army’s reintegration and security. However, ORHA

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336. In my negotiation with the first US army units entered my area in 7th of April 2003, I was told to give their instruction to the civilians in my area of how to deal with the highway and the roads leading to the airport. And if they hold and carry any light weapons like pistols and AK47.

337. Rathmell, National Defense Research Institute, and Rand Corporation, *Developing Iraq's security sector: the Coalition Provisional Authority's experience*.

was replaced by the CPA on April 21, 2003 and retired General Jay Garner was replaced by Ambassador L. Paul Bremer. The DDR plan prepared by the CPA completely neglected the former Iraqi army and instead focused on emerging militia members for the political parties in the opposition which are now part of the new Iraqi government and the new political process. Slocombe and Bremmer expressed that they had no intention to spend money on Saddam’s defeated forces. The US—mainly the CPA’s—neglect for DDR processes not only left over 400,000 former Iraqi army personnel jobless, but it also ignored the status of the main Iraqi political parties’ militia and their future role in post-conflict Iraq. After the invasion the militias of these political parties became the core of the New Interim Iraqi Government. In the case of Iraq, DDR was supposed to focus on two goals: First, reintegrating the former Iraqi military personnel. However, this was avoided by the CPA. The second part of the program aimed for transition and reintegration (TR) of armed groups and militias associated with the political parties.

In reference to phase one of DDR, Central Command’s (CENTCOM’s) plan was to DDR the former Iraqi army after the end of major combat operations in 2003. CENTCOM provided a comprehensive and costly programme to ORHA in March 2003 which former military personnel at ORHA sought to complete the planning and implementation of by April- May 2003. At the early time of Iraq’s invasion, Colonel Paul Hughes was acting as the principal liaison between ORHA and remnants of the former Iraqi army. He was in touch with former Iraqi army officers who had in turn registered 137,000 former soldiers who were applying for the $20 (per month) payment that General Jay Garner promised to all Iraqi government employees as reinsertion

339. Ibid. p. 92.


341. Rathmell, National Defense Research Institute, and Rand Corporation, Developing Iraq’s security sector: the Coalition Provisional Authority's experience: p. 66.
package. This was supposed to be given to members of the former Iraqi army. This reinsertion package is meant to assist them during a transitional period until they are fully reintegrated in society. General John Abizaid and Frank’s deputy at the CENTCOM were also able to meet with former Iraqi army generals and commanders. Based on their contacts with former Iraqi generals, officers and employees, Hughes and other U.S. military officers believed that those people would react favourably to being recalled and serving as the core of a new Iraqi army. As a result of Bremer’s CPA order number two, Dissolving the Various-Security Entities (Army, Republican Guard, Special Forces, Iraqi Intelligence, etc...) on May 23, 2003, former Iraqi army personnel did not receive the $20 payment. Instead, they were offered a one-time termination payment, but it was not clear whether to include former Iraqi soldiers or not, the CPA considered only military officers for the termination payment. Concerning the CPA’s debate surrounding the termination payment to former Iraqi personnel, Ambassador Bremer’s advisor, Slocombe was told by the British that, “reintegration of former military into society will be an issue. Large numbers of unemployed former soldiers have created crime problems in other places.” Slocombe responded that, “the military was not an appropriate tool to solve the unemployment problem.” He continued that the “new military should not be expected to sop up unemployment, if only because at any plausible size, it would not sop up very much.” His statement was seen by many as irresponsible and did not indicate that he was qualified to fulfil this mission.


343. Ibid.

344. Ibid.

345. Ibid.
In the Summer of 2003, thousands of former Iraqi army officers and personnel gathered near an old military base in Baghdad (located in Al-Muthana Airport) asking for their monthly stipend and whether they would be recruited to the new Iraqi forces.

While they were waiting to register for payment and the reinsertion package they were humiliated by US MPs which resulted in clashes between the US army and the former Iraqi army personnel. Many of the Iraqis left and never came back, they were mostly mid- to high-ranking officers. In a different occasion thousands of Iraqi military officers gathered in a demonstration near the CPA’s headquarters in Baghdad (called the Assassin’s Gate) asking for a monthly stipend and to be reintegrated to the new Iraqi army, no one listened to them; they left the demonstration and nobody saw them again. Most of them were former Republican Guard officers and soldiers.

We spoke in the previous chapters about the armed groups in Iraq. The threats and problems caused by these armed groups was recognized late by Walter Slocombe, the CPA’s director for national security from May to November 2003. He realized that the problems of these armed groups could not be solved quickly. Slocombe and the CPA were very sympathetic with the armed groups associated with the Iraqi political parties. The CPA believed that these militias may play a vital role in stabilizing Iraq so they were seen as an “insurance policy.” Again, Slocombe not only played a negative role in the reintegration process of the former Iraqi army but also had no full knowledge of the situation in Iraq. This led Bremer to ask his successor, David Compert, to adopt a new strategy which forced the CPA to re-adopt a DDR strategy in Iraq: mili-

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346. I noticed this situation while I was working as interpreter and reporter for Reuters News Agency in 2003.
347. Covered these demonstrations while I was working with Reuters as reporter and interpreter after April 2003.
Militias should be eliminated either by dissolving them or reintegrating them into Iraq security forces as individuals.349

One year after the invasion, the CPA realized that the militias belonging to the political parties and the Iraqi government posed a threat to security and the CPA. On June 2004, the CPA announced order 91 which aimed to “DDR sub-state militias” – which means disarming, demobilizing and reintegrating armed personnel into society. However, the CPA did not implement or monitor the execution of order 91.350 It was left to the Iraqi transitional government to pursue that order on its own. However, the CPA announced that order 91 was completed and would be negotiated nationwide. The execution of order 91 became known as transition and reintegration (TR) which targeted militias and armed groups outside the Iraqi government’s control. In fact, this order neglected the militias that were outside the control of the Iraqi government and instead recognized and targeted the nine militias associated as paramilitary militias with Iraq’s political parties. Order 91 offered an “orderly, timely and complete transition and reintegration” for the mentioned groups and offered to reintegrate them within the national security forces, and other civil administrative jobs or retirement.351

Over the next several months, DDR evolved into a “transition” and “reintegration” or what is known as TR (the term DDR was avoided in Iraq). This TR strategy was aimed at achieving three security objectives. First: the elimination of the militias. This was heavily focused on what I have earlier called friendly militias which are affiliated with the Iraqi political parties inside the political process and the new Iraqi government. Second: defeating the insur-

349. Ibid.
351. Ibid., p. 63.
gents. But the issue was in identifying who the insurgents were. There was no intention to focus on the unfriendly militias which posed a challenge for both CPA and the new Iraqi government. Third: Creating effective Iraqi forces. Again those are the friendly militias but reintegrated in a legal and formal way.\(^{352}\) The TR process focused on three courses of action. First: to transfer militia members into security forces at the individual level. Second: retire militia members with pensions equivalent to what retired military personnel would earn. Third: place militia members into educational programmes. The TR programmes were given a time frame of five years from their official release to reintegrate the militias.\(^{353}\)

On June 7, 2004 CPA order 91 was released, the order noted that only legal armed forces in Iraq were considered to be Iraqi and Coalition forces. (The complete order is attached at Appendix D).\(^{354}\) All friendly armed groups and militias had to sign the order to become a “residual element” and a list that included all militia members had to be submitted to the Iraqi Government’s Transition and Reintegration Implementation Committee (TRIC) chaired by the ministry of Interior (MOI).\(^{355}\) After submission there would be a schedule for downsizing the militias and to register every single weapon belonging to each militia member.\(^{356}\) Any failure to comply with order 91 would result in changing the militia’s status from “residual element” to “illegal armed forces or militia” and may result in punitive measures that would be decided by TRIC and the

\(^{352}\) Mowle, "Iraq's militia problem."

\(^{353}\) Ibid.

\(^{354}\) Coalition Provisional Authority (CPA), "Coalition Provisional Authority Order Number 91, Regulation of Armed Forces and Militias within Iraq,” (Iraq, Baghdad: CPA, 2003).

\(^{355}\) Berdal and Ucko, Reintegrating armed groups after conflict: politics, violence and transition: p. 94.

Iraqi Coalition Authority.\textsuperscript{357} Iraq’s rotational Prime Minister Ayad Allawi at the Iraqi Governing Council stressed that all militia members who fought against Saddam would be considered part of the Iraqi security forces, and they would enjoy their retirements as well as other benefits. He said that 90,000 militia members would be processed and reintegrated to the Iraqi security forces or civilian life by January 2005.\textsuperscript{358}

The short time frame for the TR process was not realistic and it soon broke down.\textsuperscript{359} The committee dissolved due to bureaucratic infighting as the Iraqi government did not have the right institutional strength to push the process forward. Schwarz argued that this order and plan faced three significant problems:

- **First:** The order was issued by the CPA and US lawmakers which only had temporary status. This order or measure did not get momentum and credibility from the three successive Iraqi governments as they always assumed that they were in full control of the security situation in Iraq, however, they had no teeth to maintain a stable and durable peace within a post-conflict Iraq. The ban of weapons and disbanding the militias and armed groups was never imbedded or legislated within Iraqi law. All the militias signed and were supposed to comply, but the ban did not include or target the most problematic militias like Al-Mahdi Army Militia.\textsuperscript{360}

\textsuperscript{357} Berdal and Ucko, *Reintegrating armed groups after conflict: politics, violence and transition*: p. 94.

\textsuperscript{358} Mowle, "Iraq’s militia problem," p. 48.

\textsuperscript{359} Berdal and Ucko, *Reintegrating armed groups after conflict: politics, violence and transition*: p. 95.

\textsuperscript{360} Anthony, "Iraq's Militias: The True Threat to Coalition Success in Iraq," p. 63.
• **Second:** The order was not clear and not well resourced with enough money to demobilize and reintegrate militias and armed groups; thus they eventually turned to pose security threats and challenges.\textsuperscript{361}

• **Third:** The Iraqi political leaders saw an urgent need to have their own militia or armed group even if they had none before. That would help them to fill security gaps within the Iraqi police and army, defend their political power and positions, and enable them to have further influence over the police and army.\textsuperscript{362}

There was mutual lack of trust between the Iraqi government and the militia members and armed groups. The US authorities viewed the reintegration as a tool to bring the armed forces under legal and civilian control, while the militia leaders saw this process as a golden opportunity to insert more forces into the emerging security structure, which would enable them to exclude any potential rivals.\textsuperscript{363} The militias refused to comply with providing a list of the names of their members or register their weapons even though they had signed the articles of the CPA order 91 only weeks earlier. The militia members were divided in their loyalties between their parties and the government. Also many of their members were asking for higher ranks than what was offered to them within the new Iraqi forces.\textsuperscript{364} The “residual elements” were left untouched and no significant action was taken to punish transgressors. Also, order 91 did not set explicit directions of what measures could be taken to correct such violations.\textsuperscript{365}

\textsuperscript{361} Ibid.

\textsuperscript{362} Ibid.

\textsuperscript{363} Berdal and Ucko, *Reintegrating armed groups after conflict: politics, violence and transition*: p. 95.

\textsuperscript{364} Mowle, "Iraq's militia problem," p. 49.

\textsuperscript{365} Berdal and Ucko, *Reintegrating armed groups after conflict: politics, violence and transition*: p. 95.
The implementation of TR had unintended consequences because most of these militias were inactive and were in support of the Iraqi new government. Disarming these militias would create another problem by undermining support for the new Iraqi government. As it was, the TR jockeyed for positions and a balance for power. They became embedded within the Iraqi political process as members in the Iraqi governing council. The order 91 freed those militias to operate as they wished. The lack of enough US troops to secure Iraq and the fear of provoking the Shi’a militia created another violent insurgency similar to the existing one represented by criminal and Sunni factions.

The CPA and the new Iraqi government should have focused on the militias who were out of the political process. Militias like Al Mahdi Army were excluded along with many other Sunni factions from the TR. The incompleteness of DDR and the creation of Transition and Re-integration (TR) were not enough to defuse and limit the Iraqi conflict.

In 2006 the US ambassador to Iraq, Zalmay Khalilzad, indicated that existence of militias would undermine the security situation and that the Iraqi government should implement what he called a “comprehensive DDR”. He said such a plan had been developed since the fall of Saddam and it was time to implement it. That was not true; DDR as a comprehensive process and the identification of the word “militia” was not evident in the US reports in a post – conflict Iraq. For example, the official National Strategy for Victory in Iraq mentioned militias only twice: first, “militias and armed groups that are outside the formal security sector and central govern-

367. Ibid.
368. Ibid.
ment command […] as a continued challenge that hamper the rule of law”, and second, “have sparked violent exchange in areas of the country that are otherwise peaceful”.369

There were several other strategic mistakes as well that undermined the whole TR process. As we mentioned earlier, the process was not considered necessary after the invasion in 2003, because Bremer and his assistant asserted that the former Iraqi and security forces had formally self-demobilized. That assumption was not true. The Iraqi army and security forces were demobilized temporarily and they were waiting for the chance to be recalled and take part in the new Iraqi army, which did not materialize. When the CPA started to realize that a DDR process was needed urgently to address and fix the deteriorating security situation it was too late. The CPA and US army were swamped by the wave of violence and could not control it. They had too few soldiers, staff, budget and equipment.370

According to a 2005 RAND report, the DDR process lacked the support of both the CPA and the interim Iraqi government. As mentioned, Order 91 lacked a legal mechanism, and was poorly negotiated and implemented. The CPA and the Iraqi government had insufficient power to outlaw the armed groups and militias as the political parties and their leaders did not see any carrot (incentive) or a stick (forceful law or mechanism) to convince them to comply.371 To support this claim, in April 2004, a Badr Corps member and a Shi’a politician reviewed the order and stated “we would consider standing down for the right reasons, but nothing has been put on the table for CPA to convince us we should do this”.372 The poor negotiations with the Iraqi armed groups and militias, and the sidelined position of the CPA led to catastrophic outcomes.

369. Ibid., p. 51.
371. Ibid.
372. Ibid.
This vague situation motivated political party leaders and armed group commanders to follow different trends. This order further complicated the situation rather than solving it.

After handing the security profile to the Iraqi military, parties assumed full control of the government and security institutions. The ministry of Interior was fully controlled by Badr Corps. Since it changed its name as an organization, Badr corps was allowed to hold and implement the same ideology within the ministry of interior and the Iraqi police.\(^{373}\) Actually their leader and the interior minister had raised no objections on such acts. Many Shi’a militia were allowed to place members in Iraqi army and Iraqi police units, they served their own political interests and gained more influence within government institutions. They had become better off as they were enabled to serve as legalized militias. This situation was clearly demonstrated in the South of Iraq, when the Shi’a militias challenged and undermined the implementation of the law and its enforcement when it was initiated by Prime Minister Nouri Al-Maliki.\(^{374}\)

The CPA and high US officials and military commanders saw that there was no grave threat posed by militias and armed groups affiliated with the opposition Iraqi parties which later become integral to the Iraqi government and its security apparatus. In May 2004 Paul Wolfowitz suggested that the US government accept the continuation of the current existing militias, as long as they remained friendly to the United States. On the same track other officials saw that these militias might play an ad hoc role in stabilizing a post-conflict Iraq.\(^{375}\) Since that date, leadership, funds, negotiations and implementation of DDR essentially stopped at all levels; DDR efforts that targeted militias stalled or were simply cancelled. On March 2006, Secretary of De-

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374. Ibid.

375. Ibid.
fense Donald Rumsfeld and Chairman of the Joint Chiefs of Staff General Peter Pace addressed militias in Iraq through a press conference by saying “the Iraqi government must get control of its militias”. This statement came at a very late time when both sectarian violence and insurgency were at a peak and harvested the lives of thousands all over Iraq.

The Iraqi government allocated $150 million dollars towards DDR in its 2007 budget, but the Ministry of Finance held the funds until the Iraqi government passed legislation agreeing to the plan for disarmament. Unfortunately, the Iraqi leaders and legislators neglected this initiative and did not see it as a high priority. The July Assessment declared that the time was not the best for DDR and reconciliation due to the peak of the insurgency violence.

The complexity of DDR programmes increases over time. The main task of the first phase, disarmament, is the removal and the destruction of weapons. Reintegration activities need much more comprehensive attention, as they need to be integrated into a wider post-war recovery process. This can be shown clearly in Figure 6 below:


377. Ibid.

In the next chapter I will look in depth to the negotiations and implementations of DDR processes phase by phase, and evaluate the pros and cons in relation to Iraq. The Iraqi conflict is interconnected regionally and internationally, and is not viewed as a single event, because it is an open-ended, on-going conflict. For that reason, I did not identify a specific negotiation theory, approach, technique or strategy.

379. Ibid.
CHAPTER 9

DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR) NEGOTIATIONS IN DEPTH AND HOW THEY WERE IMPLEMENTED IN IRAQ

A Tailored DDR Programme for Iraq

It is nearly like in old times – the powerful in the country determine what the people have to do. This is a disservice to the democratization of a country and the trust of the population in the rule of law. However, hardly anyone speaks of this anyway. Security and the end of violence are more important.³⁸⁰

Data collected by the International Republican Institute (IRI) in 2006 indicated that most Iraqis viewed militias as very dangerous and thought there should be efforts to disband them—the Al-Maliki Administration proceeded with efforts to placate these concerns.³⁸¹ In June 2006, Major General William Caldwell from the Multi-National Force in Iraq said that “the Iraqi government should tackle illegally armed groups on three levels: political, economic, and security”.³⁸² A RAND report confirmed that there were multiple militias operating independently from the government since 2004. The 2006 Report to Congress submitted by the Department of Defense mentioned that most of the militias were operating openly and they were gaining more popular support, especially in areas where the national security forces and institutions failed to provide the essential security requirements for the Iraqi population.³⁸³ In 2006, Iraqi Prime Minister Nouri Al-Maliki established the groundwork for DDR. In June of that same year he declared

³⁸¹ Anthony, “Iraq's Militias: The True Threat to Coalition Success in Iraq,” p. 64.
³⁸² Ibid.
³⁸³ Ibid.
a 24-point reconciliation plan for insurgents and militias who were willing to lay down their arms and agree to be Iraqi citizens. Those who chose to abide by the 24-point reconciliation plan would be granted amnesty. Right after this announcement, the commander of the Multinational Security Transition Command in Iraq, Lieutenant General Martin Dempsey described the reconciliation plan as, “the precursor to willingness on the part of militias to disband, until militias are convinced that a legitimate government is working on their behalf, there is very little incentive for them to disband and demobilize.” He also stressed that the Iraqi government needed to have a well-organized plan before establishing contact with them, and that there must be something there to attract them to negotiate and abide by that plan. During an interview Al-Maliki stated that, “many people contacted me the day I announced the reconciliation plan, and there is a lot of support even from militias.”

The International Crisis Group (ICG) recommended that the Al-Maliki government explicitly state the benefits of DDR to raise awareness among people before its implementation. Another aim was to clearly identify the illegal armed groups and militias, and announce publicly the punishment measures against DDR violators. If this advice had been taken seriously, it could have prevented or at least limited the militia and armed group violence because it would have raised people’s awareness about the benefits and the outcomes of DDR. At a time when violence reached its peak, militias and armed groups might have encouraged armed groups to

384. Ibid., p. 65.
385. Ibid.
386. Ibid.
387. Ibid.
accept the negotiations process. This would have been perceived as a beneficial alternative to
and preferable to engaging in violence.\textsuperscript{388}

The reconstruction efforts by the coalition forces should have been continued and not
disconnected or suspended because of the on-going violence. The programmes and concerns
were heavily directed towards the militias and armed groups in Iraq, but too little was achieved.
To prevent an insurgency or any form of violence the government or any authorized authority
should work hard on excluding the fighters from their own surroundings and society. The normal
individuals and people represent assets for their continuity and sustainability.

The economic factor and its impact in DDR negotiations was another crucial factor that
was undermined. There is absolutely no use for DDR if it does not include economic incentives
for disarmament. Until now, the only tangible progress made in Iraq towards containing the non
– state professional fighters away from militias and illegal armed groups was only a short living
stipend programme for former Iraqi soldiers by the CPA in 2003.\textsuperscript{389} Disarming the militias and
armed groups would be absolutely useless without finding another alternative that keeps the
fighters funded and engaged. Also the plan should include both “bottom – up and top – down”
approaches, meaning that the militia leaders as well as their followers and lower ranking fighters
should be included in the process.\textsuperscript{390} In the case of Iraq, General Dempsey noted that, an effect-
ive DDR plan is “something that has to happen from both ends – the top (by) political mandate,
(and the bottom), with enforcement.”\textsuperscript{391}

\begin{footnotesize}

\textsuperscript{389} Anthony, "Iraq's Militias: The True Threat to Coalition Success in Iraq," p. 66.

\textsuperscript{390} Ibid.

\textsuperscript{391} Ibid.
\end{footnotesize}
DDR process is seen from a narrow perspective in a post–conflict situation. Security is viewed as making peace between the rivals and warring parties, and the naive perception is that if one side of the conflict wins then the other side will be demobilized. As a result, the winning side will reduce the number of combatants after winning the conflict.\textsuperscript{392} In fact, it’s not about who wins or loses as much as it is about the political will that drives the parties of the conflict. DDR is highly driven and motivated by the political will to stop the fight and bring an end to the conflict. This cannot be done only through sincere and constructive negotiations.\textsuperscript{393} In the case of Iraq we have seen on more than one occasion that there is no constituency. Decision-making is exclusive to the parties, rivals and the armed groups in the conflict. Instead, it should take under consideration the people, the whole society, and the essential need to improve their overall well-being and security. The exclusion and marginalization of certain groups, sects, and ethnicities fuels the post-conflict situation and keeps peace from materializing.\textsuperscript{394} The same applies to political parties and their relationship with rivals and fighting armed groups. If their relationship is governed by mistrust and suspicion, parties will be afraid that they will be marginalized and exploited if they accept DDR and peace negotiation efforts. This point must be taken seriously by mediators, negotiators, and decision-makers when it comes to easing the obstacles that might derail a DDR or a peace agreement.\textsuperscript{395}

In the shadow of the post-conflict situation and after the end of major military hostilities in Iraq after the initial 2003 invasion, the protection of lives, rights and safety were and still appear to be a very low priority. Community security is a process by itself in which “communities

\textsuperscript{392} Brzoska, "Embedding DDR programmes in security sector reconstruction,” p. 98.

\textsuperscript{393} Ibid.

\textsuperscript{394} Ibid., p. 99.

\textsuperscript{395} Höglund, Peace negotiations in the shadow of violence, 6: p. 20.
participate in identifying and prioritizing their security needs as to develop appropriate and effective responses. This is where the grave danger is; the inter-state war is the easy part of the game, it is winnable due to the projection of power and military superiority. But the initiation of an intra-state war which emerged sooner than anyone expected, showed that external force was not enough to help in restoring order, security and the enforcement of law. There lies a fundamental problem between the balance of power which brings Iraq as a strong state before 2003 and the internal dynamics which have emerged in the shadow of the 2003 invasion. The CPA’s assumptions were not analysed in depth, and created a gap between the administrative and the military strategy that increased the security gap in the country. The CPA’s establishment and the hasty, unbalanced decisions pushed the situation to its nadir.

After briefly reviewing the ups and downs of the DDR process for Iraq, the next sections will try to review it much more in depth by examining the literature and technical aspects of each phase separately, and try to link it to the negotiations and implementation process in Iraq and identify the gaps. The Iraq case will enable us to come up with the best practices and proposals for similar cases in the future as we try to avoid the most crucial mistakes that accompanied planning, negotiating and implementing DDR in Iraq.

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First: Negotiating and Implementing the First “D” Disarmament

Like other areas where pride, standing, and history are at stake, questions related to DDR and weapons control have to be introduced gradually, with a watchful eye to timing.  

Julian Thomas Hotinger

Disarmament is officially defined as “the collection, documentation, control and disposal of small arms, ammunition, explosives, and light and heavy weapons of combatants and often civilian population.” It is a necessary step and measure to establish a secure environment mainly after a post conflict situation. The UN Security Council supported this statement highlighting the importance of disarmament at its symbolic level as follows:

Even if full disarmament and demilitarization prove to be unachievable, a credible programme of disarmament, demobilisation and reintegration may nonetheless make a key contribution to strengthening of confidence between former factions and enhancing the momentum towards stability.

Bedral argues that disarmament on its own cannot be considered as a credible option for eliminating all forms of violence in the short and mid-term; instead, disarmament could be viewed as a procedure to ease the challenges of the “security dilemma” in any war-torn divided society.

Disarmament is a very vital and integral tool for any given DDR process, without it, it is very hard to move to a demobilisation level and later to establish grounds for reintegration. The presence of arms and munitions in post–conflict countries is always a major security problem.


399. Özerdem, Post-war recovery: disarmament, demobilization and reintegration, 3: p. 15.

400. Ibid.
and an obstacle towards reconstruction and stability operations.\textsuperscript{401} Iraq apparently lacked a clear DDR strategy, and the TR which was designed to defuse the situation inflamed it and made it more critical. Iraq faced incomplete disarmament and that led to a fragile security situation. The US and the new Iraqi government exercised soft political will and selective coercive tactics among certain armed groups. That led to a disastrous outcome with escalating violence. According to Bedral partial disarmament can be potentially destabilizing because when the conditions on the ground are fluid and the government is weak in the absence of clear security apparatus, some weapons can encourage armed groups and insurgents to intensify the conflict.\textsuperscript{402} The flow of arms within the local society will hinder the establishment of a secure environment. Bedral adds that:

As a rule disarmament planners should not attempt to disarm factions until they have organized effective state wide security or at least the guarantee of achieving it. In the uncertain period after the reduction of hostilities, a failed or half successful disarmament can encourage a proliferation of smallest groups at different local levels.\textsuperscript{403}

Politics is the primary determinant of success to any DDR process and weapons control. Bedral highlighted the importance of “political will,” he stated clearly that disarmament should not be initiated unless there is a clear will.\textsuperscript{404} Lack of political will could be catastrophic. It’s not just a waste of time and money, but most importantly lives. Any negotiator or mediator should take the chance for a real effort towards disarmament. This window might be opened only for a

\textsuperscript{401} Berdal and International Institute for Strategic Studies, \textit{Disarmament and demobilisation after civil wars: arms, soldiers and the termination of armed conflicts}, no. 303: p. 24.

\textsuperscript{402} Ibid., p. 28.

\textsuperscript{403} Ibid.

\textsuperscript{404} Ibid.
very short time after the hostilities. Shibuya argues that little in a post-conflict situation will guarantee an automatic peace. This situation is fertile for gangs, looters and many others to make their living out of a transitional and chaotic situation. Tensions are high with so many weapons available all around. In a heavily armed country like Iraq, the situation is much worse than you can imagine, partly from the weapons left in the streets, but if you are dealing with a society like Iraq where guns are part of their culture, heritage and norms, then you have just added a new weapons collection to the existing ones. Shibuya added that the prior cultural practices can be very problematic when weaponry is heavily integrated within the beliefs and long standing norms of these societies.

The collection of arms and munitions—or disarmament—was fully understood as a necessary step towards promoting security and stability. Almost all DDR experts agree that putting disarmament as the first step of any DDR programme is essential to stabilizing any armed conflict. This consensus was based on the tangible evidence of success through the number of units collected in arms and ammunitions. On the ground, however, specialists saw that “disarmament” by itself was not enough; it needed to be associated with other paralleled activities, and no one wished for a deadlock or a security dilemma. These activities varied between information sharing, confidence-building and security-enhancing activities such as reconciliation activities.


407. Ibid.


409. Ibid.
Policing and the rule of law are necessary priorities in the disarmament phase implementation.410 There is also considerable evidence that assault rifles and light weapons used by the army during the war – from rocket propelled grenade launchers and heavy machines guns to grenades and mortars – can resurface due to the lack of security and the rise of criminality.411 In any post conflict- situation, militias and armed groups arise when people arm themselves to restore order and police their homes against looters, thugs, and gangs. In post-conflict Iraq, what is left of police and civilians are outgunned by the number of thugs, looters and criminals. The weapons they use are often the ones originally looted from their country’s own arsenals and inventories.412 From 2003 and afterwards, before US troops entered my area Alamiriyah—14 km to the East of Baghdad International Airport—on April 4, 2003, news spread about a civilian shelter full of weapons and munitions that used to belong to the ministry of interior. My father and I rushed into the place and saw thousands of weapons that were being taken. We did not find any small arms like pistols and Ak47s, they were all taken. We found that there were only RPGs, rocket launchers, 82 mm mortars and hand grenades with thousands of boxes filled with different ammunition. People were parking their cars and load them with weapons and ammunition. To support this claim, during my interview with Paul Hughes, a retired colonel and chief of staff at the United States Institute of Peace (USIP) said:

Have you been to Iraq? It was creepy, you are walking to a school and classrooms, regular size classrooms with this stack to the roof, to the ceiling, was full of ammunition and weapons. And it was everywhere, it was just incredible. We in ORHA, the Office of Reconstruction and Humanitarian Assistance had responsibility originally under the presidential directives of securing all these sites. And there were 167 of us, how am I sup-

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410. Ibid.


412. Ibid.
posed to secure literally tens of thousands of locations across Iraq? And this is where the resource issue for us came in, you know the US military had to secure these places. But the military was not given enough soldiers because Rumsfeld did not want the military to stay, by the end of August, they were only to keep 25,000 troops left in Iraq, and when heard that I knew that we were in trouble.\textsuperscript{413}

As for myself and the other neighbourhood residents, we took ownership of the weapons we found in that building to protect our families, our houses, and the neighbourhood. Days before the invasion, when the army and police units started to disappear, the looters started to loot from banks, schools, clinics, and stores. The people in the local areas started to organize as small police unit groups and tried to stop the looters in nearby areas. Armed groups will form, evolve and get stronger, and the existence of one armed entity will lead to the appearance and the establishment of others. Their interest will go beyond the security situation, pushing them to compete. They will do everything they can and arming themselves is one of the first options to protect their own interest.\textsuperscript{414} Any peacemaker might keep these factors in his mind when it comes to disarmament.

Understanding the nature and society’s cultural background is highly important in these situations. For example, in Iraq before the war, some individuals were permitted to have guns in their homes but not to carry them publicly in the street. Yet if you drove 70 to 100 km in any direction from Baghdad, you will see that some tribesmen carry weapons in their cars or near to where they live. The UN and some governments involved in DDR tried to use a standardized

\textsuperscript{413} Paul Hughes (former Army colonel) in discussion with author, February 2013.

\textsuperscript{414} Giustozzi, \textit{Post-conflict disarmament, demobilization and reintegration: bringing state-building back in}: p. 8.
template in handling different post – conflict scenarios for example in Yemen and Afghanistan, where it is normal to see males carrying AK-47 in the streets.\textsuperscript{415} 

In these cases Giustozzi explains that, “it is very difficult to assert, however, to which extent the arms were kept for political purposes and not for other reasons such as tradition, personal security, commercial asset, or for further personal revenge.”\textsuperscript{416} This situation caused a lot of enmity when the US troops raided houses in conflict zones searching for weapons; so many people were abused and imprisoned just for holding a weapon in the wrong place. In cities where terrorists, insurgents, and militia members were operating, it gave them a safe haven making their targeting difficult. In Iraq weapons are not only held by individuals but also communally owned for the tribe or clan protection.\textsuperscript{417} In Iraq that was the case even before the invasion, and afterwards the society became intensively armed due to the availability of free weapons left by the army and security forces, the lack of governance, security, and lawlessness. In such situations negotiators and mediators should be aware of whom they include in a DDR programme, they need to consider the use of weapons and their ownership carefully.\textsuperscript{418} Also, semantics could have a great effect on the conflicted parties when it comes to addressing disarmament. Some participants might take the word “disarm” as offensive. For example, the Arabic translation of disarmament connotes forcible removal of weapons, a very different concept than that adopted by DDR programmes.\textsuperscript{419}

\textsuperscript{415} Ibid. 
\textsuperscript{416} Ibid. 
\textsuperscript{418} Ibid. 
\textsuperscript{419} in Arabic it is “نزع سلاح”
In the past twenty years there has been an increase in importance towards weapons control mainly through disarmament, demobilisation, and reintegration (DDR) in peace processes, either through the negotiation of the peace agreement or in the implementation phase. That said, the post war disarmament has been neglected in the negotiation phase. The political personnel involved as negotiators and mediators in DDR have often failed to get the desired outcome, because they simply focus on the technical side and neglect the negotiations process as whole. In most DDR negotiations, the negotiators or mediators delay discussing sensitive issue such as weapons, because they fear that the whole process might collapse.

When we talk about disarmament there are many shortcomings on the strategic and political level. Also, there is very little or almost no consideration for the former combatants’ social and economic implications for their dependents as a consequence of disarming. To transform a combatant or militia member from a combat setting into a civilian setting means understanding the economic values that stand behind each combatant’s weapon. We are asking them to give up their weapons, which can be a “point of no return”; they and their militias or political parties need to have faith in the future, in which the advantages from peace must exceed those which come out of conflict.

There are several approaches that could be useful in dealing with disarmament. Starting from the negotiations phase and then continuing to design and implementation. We will review

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421. Ibid.


423. Ibid.
some of the useful approaches and see the result of disarmament in Iraq—whether it was useful or not.

**Step by Step Approaches in Negotiations and Mediations**

This approach has proven to be the most successful and effective method to tackle the disarmament and weapons issue. It is successful because it generates trust and gradual “confidence building” among rivals, fighting groups, and parties.\(^{424}\) Linking the weapons issue with other measures creates a window of opportunity for individuals to surrender their weapons. This phased stage specifies the level of success and would pave the way for another phase regarding the militias and state forces political inclusion. In this case it is the former army of the state in post conflict situation.\(^{425}\) There are a certain set of negotiations where the disarmament negotiations are at the table but at the wrong time and manner which makes some armed groups and parties walk away. Putting the most urgent matters at the beginning of negotiations might not be a good idea even though negotiators and mediators are keen to stop violence and the ongoing fighting; it is imperative to keep the rivals interested in the negotiations.\(^{426}\) The negotiators and mediators must come up with alternative issues and use them to manoeuvre at these times. The parties or rivals may walk away if there is only one issue, one which they may not like to discuss, especially when things are related to disarmament, weapons, or downsizing the fighting members. Finally, despite the tricky and sensitive issue associated with disarmament, a balance is needed; it should not be left to the final moment nor should it be implemented too early. The savvy negotiator or mediator should wait for the ripe time to the “non-retour.” As soon as parti- 

\(^{425}\) Ibid.  
ties, armed groups and militias start to organize, then that is the right time to get to the point and make everything clear. At this stage there is less chance that the parties will walk away. All DDR questions and issues, mainly arms and weapons need to be addressed gradually, but not at the expense of time. A balanced and gradual approach is required, but it should not exceed the time limit set for negotiations and the reality on the ground (the ongoing fight or the conflict).

**Weapons as Bargaining Chips**

Weapons are considered to be the most powerful bargaining chips at the negotiations table. They are a coercive tool that parties use to change the intensity of the conflict or ease it depending on the relative gains they are having or making in the negotiation rounds. Parties and armed groups tend to cheat by exaggerating the quantity of the weapons they possess, to strengthen their position in the negotiations. Also, when it comes to disarmament implementation they will try to hold some of the weapons, mostly the good pieces in case they have to use them again as a bargaining chip for more benefits. The most common problem with DDR is turning in an old and unusable weapon, while all the better weapons are kept intact. All weapon-related issues must be clearly negotiated with the parties and clearly mentioned within the items of DDR or peace agreement. The inclusion of experts in DDR would reduce the chances of manipulation and deception by parties and armed group leaders. However, a written form or document will not be fulfilled without creating a monitoring mechanism to ensure a smooth and clear implementation.

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427. Ibid.

Who to Include in the Negotiations

The post conflict-institution and the lack of government and institutional structure may create a larger variety of groups. Mediators and negotiators must be careful about their DDR processes and examine all the components of the armed conflict. Any inclusion or exclusion of parties could be very costly. The negotiations might include former army members, armed opposition groups, paramilitaries, criminal and terrorist networks. Not only that, but there are armed groups that may be fragmented into more than one division and although the leader of that group is present at the negotiation table, it does not guarantee that the other armed subdivision members are happy with their representative participating in the negotiations. These subdivision groups could act as spoilers and endanger the whole peace process. Also it is highly important to concentrate on a larger variety of groups and people when it comes to disarmament. One of the strategies is that armed groups will distribute weapons to civilians with the intention to expand the conflict’s depth and keep the government or whoever is in charge chasing after the wrong persons and the bad quality weapons. In other cases, the lack of security established by the conflict will push the civilians to arm themselves. In Iraq for example many civilians acquired light weapons just to secure themselves, their property and families, but that did not mean that they were militia or insurgency members.

Language and Interpretations

Security, DDR and conflict resolution often overlap and generate contradictory perspectives for the experts, negotiators, mediators and the targeted groups. This does not undermine DDR as a

429. Ibid.
430. Ibid.
431. Ibid.
According to many DDR mediators and negotiators the armed groups are heavily focused on the first D of DDR, for armed groups “arms” means survival and strength, they are not ready to lay their weapons down until they get a tangible asset for their security. There is no DDR that is one size fits all, but if we are going to implement DDR into the minimum threshold any mediator and negotiator should take these three points below under consideration.

1) DDR process and weapons control are strongly conditioned by the nature of the conflict.

The negotiators or mediators need to be engaged. Mediators don’t need to engage in the depth of identity, religious, political, ethnic and sectarian nature. A mediator should be aware of the ongoing conflict and the situation on the ground. If he or she is addressing a conflict without first- hand knowledge of the situation then he or she must mediate with caution. It is important to get out and engage with the parties of the conflict and listen to their positions from the ongoing conflict. I always believe in a saying: “a good leader is a good listener.” I would modify it by saying a good mediator is a good listener. Hearing the news from the intelligence sources and agencies is not as vital as hearing it from the sources of the conflict itself. That gives a better understanding and great manoeuvrability for any mediator or negotiator in any given DDR or weapons negotiation processes.

2) DDR and weapons control is complicated and entails a series of elements, it’s not as simple as negotiating a cease-fire and the disarmament automatically follows. This strategy is naïve neglecting the need for the conflict mediation to evolve as the perceptions and

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433. Ibid., p. 31-33.

434. Ibid.
vision of conflicted parties and armed groups change. The margin of trust among rivals may ebb and flow; what is required is a total vision. 435

3) DDR processes are not perfect and no one has all the solutions. Peace agreements represent political compromises at their finest points. Disarmament and weapons control exist in a grey area where nothing is really sorted in a fixed way or manner. 436

Finally, there is no “one size fits all,” solution to negotiate disarmament. Some parties can go over long details of how the process is going to be negotiated, what the agreement should contain, and what it should and should not implement. 437 There are some important areas that negotiators and mediators should understand and realize. For one thing, they must understand the None State Armed Groups’ (NSAG) cause and what they are fighting for, their structures, and logic. 438 They also need to be ready for other issues that might jump onto the negotiation table. For example, issues that were raised many years ago, the place of negotiations, or other societal and cultural related issues. All rivals and conflicted armed groups and parties may not be willing to give up their arms or start a disarmament negotiations phase unless they have a “total vision” of their future. It’s not solely about DDR, but it might extend to include power-sharing mechanisms and economic incentives. 439

Disarmament in many DDR processes and experiences does not ensure a total collection and arms disposal—it is more specifically designed to transition the conflict into a certain level from war-to-peace. It will always remain a very sensitive and delicate issue in any given pro-

435. Ibid.

436. Ibid.


438. Ibid.

439. Ibid.
gramme or peace process. Despite all its hardship and challenges it remains a very important and crucial phase because it paves the way towards the establishment of a “secure environment”. However, Bedral noted that there is “no automatic” relationship between the process of disarmament and the creation of a secure environment.\textsuperscript{441} Relationships between irregular armed units, militias and fragmented groups pose a significant challenge in a post conflict environment which the negotiations and mediations must consider carefully in order to achieve some level of stability that contributes to the sense of security for all parties.\textsuperscript{442} One final issue which is rarely understood by negotiators and mediators is that peace agreements generated and drafted among parties are just initial understandings among the conflicting parties on how things need to be done and implemented. These agreements and documents are rarely perfect. Yes, there are certain issues of disarmament and obligations, but none is complete. They should be detailed and always straight to the point.\textsuperscript{443}

The lack of trust between the fighting parties or the party and the government is the most problematic in any DRR or peace processes; usually disarmament falls under this category. Some parties and armed groups feel as if they were sold out by their commanders, being afraid of the future, and it’s the mediators’ responsibility to prevent such things from happening and to ensure that all actors are reassured.\textsuperscript{444}

\textsuperscript{440} Ozerdem, "Disarmament, Demobilisation and Reintegration of Former Combatants in Afghanistan: Lessons Learned from a Cross-Cultural Perspective," p. 965.

\textsuperscript{441} Ibid.

\textsuperscript{442} Ibid.

\textsuperscript{443} Hottinger, "Engaging non-state armed groups in disarmament," p. 30.

\textsuperscript{444} Ibid.
DDR, disarmament and weapons reduction programmes are often subject to conflicting and ambiguous labelling. The conceptual and practical difficulties rise from the differentiation between “armed groups and civilians,” which was quite clear in Iraq’s case.\(^{445}\) The more time the conflict takes, the more severe the insurgency gets and the more difficult it gets to distinguish civilians from insurgents and armed groups. That situation has jeopardized many counterinsurgency efforts as well as security measures. Considering the difficulties encountered with weapons reductions and disarmament negotiations, we will review briefly the practical ways and methodologies for collecting weapons, and which of these approaches were attempted in Iraq along with their strength and weaknesses.

**Weapons Reduction Programmes and DDR**

In the aftermath of military hostilities, persuading combatants and civilians to give up their weapons is a really hard and challenging task, because weapon possession can be valued in a different perspective by its holders, their value varies for social, economic and security.\(^{446}\) Programs such as, Collecting the Small Arms and Light Weapons (SALW) might reduce violence and take the society from war to peace, but it can also strengthen certain parties and groups which may eventually act as spoilers, heighten the insecurity, and endanger the whole disarmament or DDR process.\(^{447}\) Since we are familiar with the definition and duties of DDR, we will briefly define SALW:

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\(^{447}\) Ibid.
It is a wide range of measures to control and reduce availability and the flow of Small Arms and Light Weapons, not only in post conflict countries but also in other state experiencing problems of armed violence, insecurity, or illicit trafficking. The SALW includes voluntary weapons collection programmes from civilian public arms destruction events moving forward to the trade and use on regional and sub-regional levels … 448

The SALW would work to cover the gaps made by the implementation of DDR programmes, which sometimes have shortcomings in the following areas:

- Arms Collections: Disarmament and arms collection programmes are sometimes successful in collecting considerable amount of weapons, but some of the weapons remain hidden in armed caches within armed groups in order to be use later in case DDR process fails.449

- Weapons buy-backs: To collect illicit weapons from ex-combatants by offering cash incentives. This method was used for a while in Iraq after 2003, but it had other shortcomings such as inflating the prices of weapons and creating illegal trade and weapons circulation. The difference in prices will establish arms deals within the country and the region. Weapons trafficking will bloom and create warlords. Finally, it will create a sea of resentment among civilians as they observe that militia and armed groups have been rewarded for the atrocities that they have committed in the past. Weapons buy-back prices must be set below the market price in order to create incentive to turn arms down, but without encouraging this as an import industry.450

448. Ibid.

449. Ibid.

• Registration failure: When significant ex-combatants fail to register in the DDR initiative, they can play a dangerous and disruptive role in violence.\textsuperscript{451}

These were some of the cons of DDR programme in dealing with weapons reduction issues compared to the SALW which can handle some of these gaps.

Weapons reduction has a longer history than DDR. It was rooted in the early 20\textsuperscript{th} century with the crime prevention unit. Weapons reduction can be classified into at least two categories. First: Reduction by command (Phase one) and Second: voluntary reduction (Phase two).\textsuperscript{452}

Weapons reduction by command often forms immediately after DDR or peace negotiations, while voluntary weapons reduction and destruction programmes are often introduced later in a longer transitional period. The second phase is usually a combination of individual or collective incentive.\textsuperscript{453} Recently there have been huge efforts to generate a community-based-incentives weapons reduction program. The “buy-backs” are voluntary and focused on individuals, while programmes such “weapons in exchange for development” is a community based. In contrast, programmes such “stop and search” are involuntary and individual-focused. The “community searches” tend to be coercive and target a big number of communities.\textsuperscript{454}

These incentives for arms reduction are shown individually and collectively in Figure 7.

\textsuperscript{451} Ginifer, "Considering armed violence in the post-conflict transition: DDR and small arms and light weapons reduction initiatives."

\textsuperscript{452} Muggah, "Emerging from the shadow of war: A critical perspective on DDR and weapons reduction in the post-conflict period," p. 194.

\textsuperscript{453} Ibid.

\textsuperscript{454} Ibid.
Figure 7: Incentives for Arms Reduction

The weapons reduction programmes, mainly those who are conducted within DDR, cannot be pursued independently without broader structural reforms. DDR is now in the rethinking process, mainly disarmament in the context of transition and a post conflict environment. Still, DDR remains a very vital tool if negotiated and implemented in a timely manner. DDR and weapons reduction programmes generate the motivation to overcome past experiences through clear objectives and achievable benchmarks, and to work on overcoming the organizational, cultural and institutional barriers.

455. Ibid.
456. Ibid., p. 201.
The methodology that was followed in Iraq was a mixture of “buy-backs” which are voluntary and focused on individuals, and “stop and search” which are involuntary and individual-focused. The second method was usually accompanied with US checkpoints and raids directed towards homes and civilians in the streets. Once they came across weapons they simply confiscated them. My interview with an anonymous former Iraqi Brigadier General who worked at the Iraqi Ministry of Interior, where he was involved in the disarmament (buy-back) plan revealed that:

We officers at the Iraqi ministry of Interior and our counterparts from the US army planned for a buy-back programme. The programme was based on a voluntary initiative and we put that in an advertisement. We set prices for certain types of guns and ammunition and we designated three locations in eastern Baghdad and another 3 locations to the west as collection points. In return, we would issue a check for cash payment based on the type of weapon to anyone who turned his weapon in.\footnote{Iraqi Brigadier General Ministry of Interior, February 23, 2013. Interview with the author.}

He added that the programme was fully monitored by Iraqi security forces and the Iraqi government. “But the programme stopped due to corruption issues which were associated with some members of the working team on that programme and we had to shut it down.”\footnote{Ibid.}
Soldiers of the 306th Iraqi National Guard Battalion unload one of hundreds of 155 mm artillery shells and AK-47s Machine Guns to be disposed of during a weapons buyback program in eastern Baghdad. Anti-Iraqi forces commonly use these shells to make improvised explosive devices. Photo by Spc. Jan Critchfield, USA \(^{499}\)

Figure 8: Weapons Buyback

The full draft of the translated plan is attached at Appendix E. After a short revision of the plan you will see it was insufficient to deal with the Iraqi situation for several reasons. First, the timeline to turn in these weapons was too short compared to the amount of weapons spread all over Iraq mainly among civilians. Second, it was totally run by the Iraqi officers instead of a third party to monitor any cases of cheating and corruption. Third the amount of weapons sur-

rendered were way below what was expected according to the brigadier general’s statement. Also, they noticed that the militia members who were willing to cooperate under that programme tended to cheat by surrendering bad quality and unusable weapons, while keeping all the good stuff for later. Weapon buy-backs for civilians and ex-combatants offering cash incentives will sometimes create a major difficulty as this process inflates weapons prices creating a parallel market where weapons proliferate. This fosters illegal trade and a black market. Colonel Paul Hughes expressed a similar view by saying that the buy-back programmes were a bad idea for Iraq because it created a market for people to sell back arms, similar to the US buy-back programmes. People simply brought the things that did not work and kept the good stuff as a hedge towards future violence.

These weapons buy-back programmes were conducted and pursued in an independent way with no direct link to any DDR programmes. An anonymous retired Iraqi Army general supported this claim by saying:

What happened with the disarmament in Iraq was not under the authority of the DDR committee; the Iraqi government established a buy-back committee and they were working separately. The buy-back programmes were general in nature and not narrowly directed toward militias and armed groups; rather they included anyone who held a weapon. There were a lot of weapons in the streets that needed to be controlled. This programme was, however, successful in Sadr city, especially after the emergence of the Shi’a militia there. It was necessary to pay attention to the spread weapons within this area.

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He also noted the downside of this buy-back programme by adding:

These buy-back programmes were not efficient as they lacked real estimates of the number of weapons being circulated. They also established a business in arms trade, because the money paid for an AK-47 semi-automatic machine gun at $200-$300 dollars per weapon, was significantly higher than the price paid by militia members and civilians to purchase them on the black market for only $75 per weapon. The difference in the price motivated many to become arms dealers. These programmes were counterproductive, because instead of reducing weapons it created a business demand. Iraq before the invasion had a massive amount of these weapons and they were all looted. Eventually these programmes did not work well with in Iraq, and [they were] ended.\textsuperscript{463}

In negotiating DDR and mainly “disarmament” whether on the militia or individual level (civilians), the experience showed that armed groups and persons were unwilling to surrender their most effective weapons at the beginning of the weapons reduction DDR processes. The negotiating parties simply kept the good weapons and surrendered the bad ones.\textsuperscript{464} That was true in dealing with armed groups, militias affiliated with political parties, and individuals. The reason was to hedge against the possible failure of DDR and the peace process based on lack of trust among rivals as well as the government. Mediators should act swiftly and decisively, as time is of the essence in the whole negotiations process. Also, regardless of the authority or body who mediates, they should not indicate that DDR or weapons reduction is a sign of defeat, loss of prestige, or weakness for the parties giving up their weapons; rather, it is their duty to clarify this possible misperception to the conflicted parties in order to gain their trust and cooperation.\textsuperscript{465}

This was not the case in Iraq as the Transition and Reintegration committee (TR) was under the full control of Iraqi staff who worked for the Ministry of Interior. The anonymous retired Iraqi army general said:

\textsuperscript{463} Ibid.
\textsuperscript{464} Ong, "Managing fighting forces: DDR in peace processes," p. 45.
\textsuperscript{465} Ibid.
According to my experience with DDR or more precisely the TR committee in Iraq, DDR cannot be implemented voluntarily; it needs to be monitored by a third party. It is better to have an independent monitor or mediator who is not aligned with any Iraqi political entity, party or government. Most of the Iraqi ministries, for example the interior ministry, were run or managed by political parties who had militias in the first two years of the Iraqi transitional government. In that case there was no neutral party to monitor or mediate the DDR process in Iraq in an unbiased and trustworthy way. I personally would have preferred that the United States would take part in the mediation and negotiations of the DDR process. The CPA order 91 for Transition and reintegration was bound to a timeline; none of the Iraqi political parties, however, were bound by this timeline. Each time we pushed the parties to commit to a deadline they pushed the process into deadlock. The government forces, both Iraqi police and army, failed to push the parties to comply, simply because the loyalty of these government forces was with the political parties rather than their duties as military and police. All these circumstances led to the failure of the DDR as whole, because it was not mediated by a third independent power, but instead was highly politicized.\(^{466}\)

In war affected countries like Iraq and even in the shadow of countries with only a few weapons, potential security problems and disarmament by itself is not enough to eliminate and eradicate all means of violence, even though it might work for a short term. Disarmament must be quickly followed by demobilisation and reintegration incentives or the ex-combatants will be tempted again to rearm and the violence will soon erupt.\(^{467}\)

\(^{466}\) Anonymous (former Iraqi General) in discussion with author, February 2013.

Second: Demobilising Militias and the Armed Groups

The demobilisation process should not be seen as an end in itself but should include an extended process of making the military more streamlined and able to respond efficiently to the changing national security needs.  

Naison Ngoma

The UN Department of Peace Keeping (DPKO) define demobilisation as “the process by which armed forces (government, opposition or factional forces) either downsize or completely disband, as part of a broader transformation from war to peace.” The IDDRS defines demobilisation as “the formal controlled discharge of active combatants from the armed forces or other armed groups. The first stage of demobilisation may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilisation encompasses the support package provided to the demobilized, which is often called reinsertion”. The IDDRS attempts to merge the end of the demobilisation with the beginning of the reintegration phase of the DRR. The demobilisation serves as an indicator of the level of trust reached between the conflicting parties and groups and it is more reliable than the weapons removal. Demobilisation serves to disband the militia and armed group structure between the fighters and their commands. Demobilisation really represents the core of any given DDR programme or process.


470. Ibid.

471. Ibid.
Giustozzi noted that Mobilising armies are much easier than demobilising and that most of DDR expert’s face this problem:

While mobilizing people for war and making them soldiers have been a major challenge for states, so has demobilizing those soldiers after war, and retaining their political loyalty once they become veterans. The politics of military demobilisation have had major impact on state formation and, in particular the creation of welfare institutions in modern states.\(^{472}\)

One of the most crucial issues in preparing for demobilisation is to find the incentive to convince each party to demobilize armed groups, militias and parties. These incentives must address their concerns in terms of sustainability of the peace or DDR process, and the guarantees and improvements to their safety and the overall situation, and most importantly the financial benefits that they will gain along with their dependents, to encourage fighters and their commanders to give up the fight for better opportunities.\(^{473}\) This phase is also of much more importance when it comes to the future of the security forces like army and police, who will be selected from those demobilized to be part of the new security apparatus. A long term conflict among parties leading to a “military stalemate” might encourage rivals and warring parties to accept demobilisation and enter into a peace agreement particularly if the parties have become exhausted and see will make no achievement.\(^{474}\)

The demobilisation phase should be achieved with a foundation of a reintegration phase for the combatants and armed groups members in a post – conflict society. The combatants must have hope, economic incentive and security so they can reintegrate in the community. The break of personnel from the military and armed life towards civilian life could be a very traumatic ex-


\(^{474}\) Shibuya, *Demobilizing Irregular Forces*: p. 64.
perience. Many developed countries have made great efforts and huge programmes to assist their military personnel to adapt to civilians life, so we can only imagine how difficult it is in poor, internally disturbed and post conflict countries. 475

The longer those combatants get exposed to a rigid military structure and fight, especially if they are highly devoted to a political movement or a party the more difficult it is for them to demobilize; as long as the conflict is ongoing they are separated from the civilian moral code. 476 Even after they get demobilized they prefer to stay together. The reason behind this is the security situation; they need each other in the shadow of a fragile society. If violence erupts they can return to simple formations that they feel will protect each other. The most important reason sometimes is the economic one, High poverty and unemployment rates might reunite them in a struggle for their survival and livelihood. 477

During DDR and peace negotiations, one of the first confidence building measures with regard to demobilisation is the disclosure of all numbers and locations of the armed groups, militias and parties. Normally all parties are willing to share this information, but once negotiations start some of them will hide the true numbers and the real locations. 478 The reason behind that is that every party, militia and armed group wants to make sure that they have enough guarantees in terms of security and benefits behind the process. To avoid this obstacle well-planned DDR, security, transparency and efficiency, will enhance the confidence building measures and will en-

475. Ibid.


477. Ibid.

courage larger parties and groups to engage to disarm and demobilise. Any failure in sustaining the combatants after their discharge into a well-designed reintegration might encourage them to go back to the fight. The following Figure 9 shows the logical steps of the demobilisation phase.

479. Ibid.
In the case of Iraq we heard a lot about the term “self – demobilisation”, in which was repeatedly referred to by Slocombe the assistant to Paul Bremer the head of CPA. For a clearer understanding, it’s important to clarify the meaning of “self- demobilization”. It is defined “as when combatants demobilize themselves”, by disbanding after a military defeat or end of hostilities, where there is no command structure in place. They will simply walk back to their homes, towns, villages and some of them may cross the borders to neighbouring regions.\textsuperscript{481} This is exactly what happened in Iraq after the US led invasion in 2003. Most of former Iraqi army and security forces left their weapons both (light and heavy) on the streets and walked back home.

\textsuperscript{480} Ibid.
\textsuperscript{481} Ibid. 
Other units decided to defend and die. “Self- demobilisation” is different than the other a situation in which there is no longer any former obligation to belong to an army or armed group.  

Another challenge that became evident during Iraq’s demobilisation was the CPA’s and the U.S. army’s characterization and poor understanding of the Iraqi conflict. The assumption that both Walt Slocombe and Paul Bremer made was that the former Iraqi army “self-demobilised” was completely wrong. In an interview with Paul Hughes, a retired colonel and chief of staff at the United States Institute of Peace (USIP) said:

[Slocombe and Bremer] always said [the Iraqi army] would demobilise itself, and that’s when I said guys you do not understand what you are dealing with. They are out there. They really talk to one another. You don’t see it because you expect to see an army that looks like the US one. They just could not comprehend the idea that the Iraqis had the ability to coordinate, that was happening, and it was between the time of the disbanding of the Iraqi army up until August 19, 2003. The insurgent groups were watching us, they were studying us. They were trying to figure out how the US behaved at the tactical level. At the time that the CPA and US administration was not comprehending that the insurgency was forming.

It is critical to understand who will be demobilized and whether they are members of a clan, militia or organized armed groups, or former Iraqi army personnel. DDR in Iraq was too broad and came as an afterthought. CPA order 91 “Transition and Reintegration” (TR) came a year later and targeted the wrong armed groups again, and fully ignored the core of the Iraqi conflict and insurgency. It was important to provide former Iraqi army members and the excluded militias and armed groups with these structures, they should be kept intact or included within DDR process. When it comes to DDR and pro-government militias it is more difficult to get them to the negotiating table than other armed groups who hold their arms against the govern-

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482. Ibid.

ment and the political process. In fact in some cases friendly or pro government militias are much more threatening than the hostile ones, it makes it more difficult to predict their moves and next steps in a negotiations process. The pro government Iraqi militias were hardening the negotiations and instead of complying with order 91 which they signed—they acted as spoilers. They had to prevent a negotiated settlement, otherwise if they reached one and complied with it, they would lose their power. They wanted to hedge against the Transition and Reintegration or any given DDR process and maintain the status quo, for this reason they did not disarm and demobilize. All parties were buying time until they could guarantee their parties influence in the new Iraqi security forces. Maintaining the struggle had become beneficial to them.

Third: The Forgotten “R” Reintegration: Former Army Members and Irregular Armed Groups

There were hundreds of soldiers in the Green Zone, many of them majors and colonels, working for the CPAs as drivers, guards, and simple workers.

Rajiv Chandrasekaran

Reintegration is described as the critical phase or the end of the beginning; it is viewed by some experts as the most important phase of the whole DDR process. It is the point when everything comes together and former combatants integrate with the larger community following the path of long term peace. The reintegration phase is more difficult than disarmament and demobilisation, despite the level of success in these previous phases, because the entire DDR process is heading towards “reintegration” by shifting combatants to civilians. Also the relationship

between ex-combatants and the community will take a long time to develop towards reconciliation.\footnote{487}{Ibid.}

Reintegration can be defined as an open-ended process during which the DDR programme merges from the ongoing post – conflict. The political reintegration is the process when ex-combatants are part of the decision making process, but the economic reintegration enables them by having an access to employment and improving their economic situation.\footnote{488}{\ozerdem, \textit{Post-war recovery: disarmament, demobilization and reintegration}, 3: p. 21.} It is also paramount that reintegration accompany a local reconciliation process because it will work to enhance the relationship between the former militia members and the people. The successful reintegration helps in building confidence among the former rivals and works to reduce the risk of the conflict’s renewal.\footnote{489}{Oye, “Explaining cooperation under anarchy: Hypotheses and strategies,” p. 21.} Finally the International Labour Organization set three principles for a successful reintegration. First the motivations of former combatants, second the acceptance and the support of the community, and last the facilitation and the measures provided for employment and income generation. The reintegration usually requires an intervention in the political and economic structure.\footnote{490}{Ibid.} The social uproar and the level of violence resulting from the disadvantages of a post –conflict economic environment could have been better managed by focusing on well planned and well executed reintegration activities.\footnote{491}{Ibid., p. 178.}

Reintegration has been described as the “Achilles heel” of the DDR process, because it is long and confronts many challenges to achieve a sustainable and better economic livelihood for
ex-combatants. Most of these challenges are highly related to financing and implementation.\footnote{Muggah, \textit{Security and post-conflict reconstruction: dealing with fighters in the aftermath of war,}\ 8: p. 27.} On certain occasions some scholars refer to the “reintegration” as the forgotten “R,” because it sometimes represent a missed opportunity for ex-combatants to be integrated into the new security forces, and here we are not talking about ex-military personnel after the end of hostilities.\footnote{McFate, ”The Link between DDR and SSR in Conflict-affected Countries,” p. 10.}

When speaking about negotiation and implementation of reintegration in Iraq, we need to classify it into three different timeframes and processes. The first period, after the end of military hostilities and right after the advancement of the US-led invasion in 2003, and mishandling of the former Iraqi army personnel and other related security institutions. The second is associated with the Coalition Provisional Authority (CPA) order 91 which created Transition and Reintegration (TR), which allowed about 102,000 militia fighters who were affiliated with different Iraqi political parties to be reintegrated into the new Iraqi security forces, the Army and police. The third type of reintegration became known as the “awakenings” also referred as the “Sons of Iraq” by the U.S. Army. I will explain each phase in detail below.

\textbf{First: The Reintegration of the Former Iraqi Army and Security Forces}

On March 20, 2003 coalition forces began a full scale invasion against Iraq with no mandate from the United Nations Security Council. The coalition fought a “light footprint” war and they won it. The fall of the statue of Saddam Hussein on April 9, 2003 symbolized to the world that his regime was gone forever.\footnote{Anna, \textit{The Reintegration Process of Former Soldiers in Iraq}: p. 19.} The Iraqi army faced highly equipped and well trained coalition forces and simply disappeared. Paul Bremer’s Assistant, Slocombe issued a well known statement, “that there was not a single unit intact when the major combat ended. All Iraqi sol-
diers who survived had self-demobilized.” On October 2002 the US State Department put its vision to a post-war Iraq through the Future of Iraq Project. This project was an outcome of different workshop led by professors, Iraqi professional and many others and they came up with many recommendations related to the humanitarian, political, economic and most importantly the one related to disarmament, demobilisation and reintegration (DDR). The report highlighted the importance of not alienating the regular troops, because a functioning army would be necessary to police Iraq and sustain public orders.

General Jay Garner the US Chief Civilian Administrator in Iraq, and the head of the Office of Reconstruction and Humanitarian Assistance (ORHA), had a very insightful vision about the future of post-war Iraq, mainly the former Iraqi army. He proposed the removal of the senior officers and high-level Ba’athists and Saddam Hussein supporters, but keeping the officers and soldiers of the former Iraqi army and including them in reconstruction efforts. The US commanders realized from the very beginning of the 2003 war that it was difficult to control a large nation of 25 million people and to secure the border with Syria, Iran, Saudi Arabia, Turkey and Kuwait. However, Garner’s ambition and plans towards the Iraqi army were demolished on May 12, 2003 when Paul Bremer was assigned as the CPA’s chief in Iraq. On May 15, two days after Bremer’s arrival, Garner learned of the planned order to disband the Iraqi army and tried to convince him by insisting, “We have always made plans to bring the army back,” but Bremer insisted on his original decision. In an interview an anonymous retired Iraqi army general said:

495. Ibid.
496. Ibid.
497. Ibid.
Most of the Iraqi opposition including myself were against disbanding the Iraqi army, which would create first a security vacuum; second, enmity because you will exclude all these young officers which cannot do anything except serve as commanders. So by doing that you have just created an enemy. Most of the Iraqi insurgency were [made up] of Sunni militias composed of most of the former Iraqi army officers and soldiers. They turned their sentiment against the new Iraqi security and US troops. The United States by doing that had just created a strong and organized Iraqi insurgency. That was the least that the US and CPA should have to expect from the decision of disbandment... Simply it was a disaster.499

When Paul Bremer head of CPA’s took over he mishandled the situation in Iraq, and issued his controversial orders disbanding the Iraqi Army and intelligence service and a number of other related institutions. The intention was to create a new Iraqi army that would not be a replica of the previous one. However, the United Nations senior humanitarian official in Iraq, Lopes de Silva, in more than one occasion stated that the decision to demobilise 400,000 soldiers without any re-integration process was an ill-advised decision which could result in conflict.500 At that time the Iraqi resistance or later what was preferred to it as an insurgency was at its low level a reintegration process for those army personnel could have reduced the level of violence and prevented them from joining the insurgency. However, the ex-combatants require assistance with physical security, food water, housing and health. These things were essential to them after the war, at least it could have kept them registered and within a controlled circle as a veteran society.

At the time the war began the Iraqi army was also top-heavy, Saddam’s army had been about the size of the American army, but CPA officials discovered that it had 11,000 generals compared to roughly 300 in the U.S. Army. This figure apparently included colonels, and many officers who were effectively retired, but it was still comparatively large.501 An anonymous re-


tired Iraqi army general explained that, “The former Iraqi army was big and huge, it was not easy for the new Iraqi government or the CPA to reintegrate it all. All political parties with all their militias combined cannot even form a brigade the same size as the former brigade of the former Iraqi army.”

In fact when Paul Bremer issued his directive to disband the Iraqi army, plans to reintegrate former soldiers did not exist. None of these army generals or soldiers were considered for reintegration. In my interview with Paul Hughes, he explained that:

It was a misunderstanding by the Americans, because we the United States expect to fight enemies that look like us. Bremer and Walt Slocombe expected to see an Iraq army that looked like the American’s army with divisions and headquarters. But if you become an occupied force you are told to stand down, and the Iraqi soldiers went home. I wanted to establish communication with former Iraqi members even if they did not look like what Bremer and Slocombe expected.

Colonel Paul Hughes a retired colonel and chief of staff at the United State Peace Institute (USIP), and whom I interviewed for this research had been acting as ORHA’s principal liaison with remnants of the Iraqi army. He was in touch with officers who had in turn registered 137,000 former soldiers and officers who were applying for the $20 payment that Garner had promised to all Iraqi government employees after the invasion in 2003. Most of them had not been paid for the past several months. Hughes and several U.S. military officers believed, based on these contacts that the bulk of the Iraqi army would respond positively to a recall.

Later on Slocombe and other CPA officials argued that they could use only a small percentage of the old officer caste, leaving the vast majority disgruntled. Slocombe and Bremer real-

ly underestimated the power of the Iraqi army as a national symbol. During Slocombe stop in London he had been told by some British counterparts that the “reintegration of former military into society will be an issue. Large numbers of unemployed former soldiers have created crime problems in other places.” Slocombe’s initial response was stiff: “The military was not an appropriate tool to solve the unemployment problem.” He continued by saying that the “new military should not be expected to sop up unemployment—if only because at any plausible size, it would not sop up very much.”

On May 19, Bremer explained in message to Secretary of Defense Rumsfeld, that “the order will affect large numbers of people.” A month later in another note to Rumsfeld, Bremer stated that when the CPA dissolved the Ministry of Defense and the old armed forces, it left roughly 230,000 officers and non-commissioned officers unemployed, “some of whom have been demonstrating in cities around Iraq protesting their not having been paid.”

Again Slocombe and other CPA officials initially resisted paying soldiers who only weeks earlier had been in arms against the United States. Most of these soldiers simply went home as they had been urged to do by the U.S. military through radio channels and leaflets dropped from above their heads. It was not until the middle of June 2003 that the CPA was able to obtain the personnel roster of the Iraqi army, which was needed to make payments. The CPA could have begun using the list of the 137,000 soldiers which was assembled by colonel Hughes and with that they could have avoid many troubles with those who were not being paid.

According to Paul Hughes:

505. Ibid.
506. Ibid.
507. Ibid.
508. Ibid.
In 2003 right after the invasion the time might have been right for a DDR, in the immediate fall of Baghdad before disbanding the Iraqi army, you know, we had a window of opportunity. And this was when I was talking with Iraqi officers as were other generals, US generals in Iraq at that time, talking with Iraqi officers about how we are going to do this and then out of the blue, the army is abolished. The United States completely lost legitimacy, because we were there and Iraqis truly believed that we were partners in the new Iraq.509

By the time the CPA declared they had no intention to pay former Iraqi soldiers, the demonstrations which lasted for months by both former soldiers and officers had stoope. It was too late to fix the situation because that was during this period when the insurgent groups began to pay young men $100 to kill a U.S. soldier and $500 to disable a Bradley or Abrams armoured vehicle.510 Paul Hughes added that:

Bremer finally told the CPA staff to begin a process for providing payments to the Iraqi military and it took eight weeks to get it going. By that time, the cat was out of the door and the horse was out of the barn, whatever. It was too late because insurgency was now getting ready to kick off. I went to the first payments set for old Iraqi military soldiers and officers in Kirkuk, yes people they showed up and get checked in the list, but that time was too late. The window of opportunity that ORHA and CPA had, closed a long time ago, weeks before even issuing the disbanding of army order.511

In an interview done by Anna Jorgensen with former Iraqi Air force Captain, Awas Al-Qaisi, he blamed the disbandment of the Iraqi army for the deteriorating security situation all over Iraq by saying:

Iraqi army officers and soldiers are patriotic people, but they have suddenly found themselves bankrupt and degraded. They had to do something to restore their dignity. It is widely thought that many of them have been engaging in anti–US actions. Many of them demonstrated and warned the US…but the US did not listen to them. They [the occupying forces] have brought it on themselves.512


As I mentioned and many others highlighted, disbanding the Iraqi army might have worked in theory but that was not true on the ground. Demobilising between 230,000 up to 400,000 former Iraqi army soldiers and officers in an economy of about 60% unemployment without taking under consideration how these persons and their families may live was the most ill-advised decision ever. All these people were later easy to be recruited by insurgent groups. For most of the former combatants the main and essential motive and incentive for their reintegration was to find gainful employment or income. DDR and downsizing the former armed forces should take place after the end of hostilities. In Iraq, DDR first was not there and then it came as if it was an afterthought, and by that time former Iraqi army personnel were closer to being integrated into the insurgency, militias, and armed groups. For those persons who joined the insurgency, their main goal was to find a sustainable way of getting income to support them and their families. Due to high unemployment, poverty and lack of economic support, ex-combatants regrouped after the 2003 invasion as members of insurgent groups.

Second: A New Strategy Emerged “Transition and Reintegration” (TR)

Insurgency was not the only problem that faced CPA and the Iraqi government, but the existence and emergence of militias also posed the most dangerous and imminent challenge. Re-integration of militias affiliated with certain political parties who were participating in the political process created a special type of DDR in Iraq. The process which was created was called a “transition” and “reintegration” or what is known as TR, the term DDR was avoided in Iraq. This strategy of TR was aimed to achieve three security objectives. First, the elimination of the militias. This was heavily focused on what I called earlier friendly militias, affiliated with the Iraqi political parties inside the political process and the new Iraqi government. Second, defeating the

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insurgents, yet without complete understanding of who the insurgents were. Third, creating effective Iraqi forces from friendly militias but reintegrated in a legal and formal way into the newly established Iraqi forces.514

The CPA order 91 was issued on June 7, 2004 CPA noting that only legally armed forces in Iraq were considered to be Iraqi and Coalition forces. All friendly armed groups and militias had to sign the order to become a “residual element” and that would be achieved only through the submission of a list that included all the militia fighters to the Iraqi Government Transition and Reintegration Implementation Committee (TRIC) chaired by the ministry of Interior (MOI).515 The TR was theoretically achievable but practically was far from materializing. The programme lacked the funds needed for reintegrating 102,000 fighters. Besides funding, the programme lacked realism; neither the Iraqi or American side were able to provide solid guarantees for fighters to be reintegrated.516 The targeted militias within order 91 identified as “residual elements” did not comply and refused to give any information regarding their composition or armaments. The timeframe of the programme was supposed to expand for five years mainly with the reintegration, instead the programme was reduced into one year.517 The reintegration process of the TR created a lack of trust and goodwill as it divided the views of both US and CPA and Iraqi political parties. The first viewed it as a constructive step by bringing militia armed forces under a legal framework, but the Iraqi political parties viewed that a golden opportunity for them to push their supporters within the security forces and gain more power while excluding their


515. Berdal and Ucko, Reintegrating armed groups after conflict: politics, violence and transition: p. 94.

516. Ibid.

517. Ibid.
potential rivals. In examining the CPA order 91 Transition and Reintegration in Iraq, it included the major militias controlled by the Iraqi Political Parties who fought against the former regime. The political parties were interested in TR, but they were pushing thousands of names in an attempt to over exaggerate their fighters and militia numbers. By including them in the new security forces, they wanted to guarantee their future political weight and power. An anonymous retired Iraqi army general said:

The DDR was not efficient in Iraq mainly the TR and order 91, because the Iraqi political parties tried to over exaggerate the numbers of their militia in order to get them an influential position inside the new Iraqi security forces—army or police—and that enabled them to compete against each other and gain more influence. The TR or DDR drifted from its main goals and that’s why it failed.

Some warring parties made the right decision about the number of their fighters, and retained some of their forces for future insecurity. However, some of the parties’ members and their leaders had a growing interest in the numbers of the fighters who would be included in the DDR process.

In Iraq’s case some militia members and paramilitary groups had been hastily reintegrated into the new security forces to work as ad hoc security forces that could fill the security gap after the invasion. Later joint department of defense and state department inspector general reports described this as “a problem not easily undone.” In similar context the same anonymous retired Iraqi army general added:

The parties included or who signed on the TR CPA order 91, in reality seized the opportunity to recruit more members of their militias and pushed them hard into the forces of

518. Ibid.
521. McFate, "The Link between DDR and SSR in Conflict-affected Countries."
the Iraqi police and military, mainly after the first year of invasion. Most of these militia fighters were not fit physically, intellectually and professionally. They were not qualified to be either soldiers or officers in the military or police forces.\textsuperscript{522}

The reintegration phase failed to meet its objective in Iraq in two ways. First it did not bring the former Iraqi personnel either into civilian life or reintegrate them to the new Iraqi security forces, military and police, in a professional and efficient way. The second failure was through reintegrating the militias and paramilitary into the security forces without disarming them or looking into their background and motivation to reintege rate in peaceful way. The same general added:

DDR or TR mainly order 91 had instead of helping to stabilize it just created a security problem. The militia who signed the order were not demobilised; neither were they disarmed. Here, as if we had achieved nothing. The main purpose of the TR process was to secure the political process in Iraq. As a matter of fact these militias were still posing a challenge and they played a negative role in the process. Those militia members were still loyal to their political parties. Consequently, they created smaller militias within the security institution itself in both military and police and by gaining this status they became more dangerous. They served as informers by taking the government security plans and reported back to their party leaders. They did not act as a disciplined and loyal army and police force; instead they challenged the will and the instructions of the government. This was clear in the Al-Fursan (Knights) enforcement of law campaign in Basra, as some of these members fought against their fellow officers and soldiers. They did not act as a disciplined and loyal army and police force; instead they challenged the will and the instructions of the government. The reintegration was highly politicized in Iraq, and the parties had the upper hand in the process. The TR and DDR took a sectarian trend and led into a big failure.\textsuperscript{523}

Also the Transition and reintegration (TR) targeted the friendly militias who were already in the political process and neglected the most dangerous one. In that sense the general added:

The DDR and TR processes targeted the wrong militias, Kurdish and Shi’a parties did not have any conflict among them or against the government. For example Order 91 was addressing parties and militias that were originally in the political process such as Kurdish Parties, Iraqi Communist Parties, SCIRI, Da’wa party, Iraqi National Congress (INC), all of them were reconciled with the Iraqi government. Beside that all these militias were disarmed except the Kurdish Peshmarga, because the US advised them to come into Iraq disarmed. Even the Badr Brigade (SCIRI) armed militia entered into Iraq without any

\textsuperscript{522} Anonymous (former Iraqi General) in discussion with author, February 2013.

\textsuperscript{523} Ibid.
weapons. When order 91 was issued it motivated them to create an entity that did not exist, it just offered them the framework or the legal background to become one. This order created a militia problem that had not existed before. The order should have tackled the militias who were really behind the main violence in the country and mostly was represented by Sunni militias and the AL-Mahdi Army. These problematic armed groups and militias were fully excluded from order 91. The order dealt with hypothetical militias but did not tackle the real problematic ones. 524

Finally, the “residual elements” continued to beach order 91 despite the strong language it included. Because there was no significant action taken, the militias were allowed to operate as before. The Iraqi government and CPA were not only overwhelmed by the insurgency but added the militia role to the complexity of the situation. TR proved to be another failed programme due to its poor negotiations and implementation. As the head of the TRIC committee described it, “the first rounds of negotiations were easy during the early phase of the TR, but later the negotiations rounds tended to be harder. Because the Iraqi political parties viewed this as an opportunity to gain more influence and power from this process, instead of demobilising and disarming they started to act as spoilers.” This situation jeopardised the whole process. Also the lack of a mediator impeded success bringing the process ever closer to failure. Simply, TR had complicated the situation much further.

Third: The “Awakenings” or “Reintegration” by Other Means

In 2006 the sectarian conflict and insurgency peaked in Iraq targeting randomly almost everyone. The trend and intensity of the attacks as we explained reached unprecedented levels. Anbar province, however, began to see a turnaround based on the phenomenon called the “Anbar Awakening.” It was a movement of Sunni tribes and sheikhs to enlist a group of fighters to kick out the Takfiris mainly represented by Al-Qaeda in Iraq (AQI), because they had crossed the limits and started to commit atrocities against the people in that region. The shift in the Sunni tribes

524. Ibid.
became a strategy that accompanied an operation launched by the Iraqi government under the supervision of the Iraqi Prime Minister Nouri Al-Maliki. This operation was called Fardh Al-Qanoon (enforcement of Law). 525 In the same year and towards the end of 2006 the US adopted a new “counterinsurgency policy” in Iraq called “the surge.” This plan was designed to deploy about 20,000 additional US troops – five army brigades in Baghdad and 4,000 in Anbar province. The new forces with the additional troops knew they were under the command of General Petraeus. 526 The surge beside its objectives towards Al-Qaeda and Sunni insurgency was heavily directed toward Muqtada Al-Sadr Militia (Al-Mahdi Army) to limit and undermine this militia’s armed activities. 527 Before the US proceeded with that plan, the awakening idea inspired General Petraeus to expand his plan beyond Al-Anbar province and apply it to other regions in Iraq; his plan was called “The Sons of Iraq.” 528 These operations resulted in a great reduction in the level of violence. Before conducting the surge, the US troops noticed a shift in the behaviour of the Sunni insurgency that established a type of “informal process of reintegration.” General Petraeus at the local level tried to build confidence through reaching mutual decision making in coordination with the previous enemies (insurgents) in order to build alliances based on fostering a great sense of dignity and respect. 529 This process could have been viewed as another means of reintegration. 530 After 2007, General Petraeus adopted a new strategy which resulted in successful negotiations with various ethnic groups, local and tribal leaders and members of the local


526. Kaplan, "The End of the Age of Petraeus: The Rise and Fall of Counterinsurgency."


528. Kaplan, "The End of the Age of Petraeus: The Rise and Fall of Counterinsurgency."


530. Ibid.
government. These negotiation tactics and techniques, if they had just been followed by the US since the invasion in 2003, could have enhanced effectiveness of the communications and trust with local civilians and military in Iraq, whether in the field of stable security, transition and reconstruction (SSTR), or countering insurgency. \(^{531}\) The negotiations proved the most significant part of military operations in Iraq by expanding the level of trust between the coalition, Iraqi government and the locals. That allowed the process of recruiting more people who had served in the past as members of insurgent groups. Later the US troops organized, equipped and funded them, encouraging the new reintegrated entity Sons of Iraq. This security gain was successful in reducing tensions between the rivals and reduced sectarian violence because it brought the Shi’a and Sunni tribal leaders together and they were more determined than ever to sustain peace and stop the fighting within their area of influence. \(^{532}\) This reintegration strategy succeeded in reducing the cycle of violence because it reached out to the insurgents, as they were willing to put down their guns or at least stay on the side lines to the benefit of both the Iraqi government and the CPA. This partial DDR approach and through successful negotiations and coordination established a new strategy in dealing with more dangerous and extreme insurgent groups. The improvement in the military – civilian negotiations promoted and enhanced the tactical operations for both coalition forces and the Iraqi government mainly after 2007. Also part of the success in improving the security situation was related to what conflict resolution scholars highlight through the concept of “ripeness” and “mutually hurting stalemate”. As the conflict after 2006 whether between militias or against the Iraqi government and the CPA were heading nowhere, there was no decisive victory. All parties were holding their own in terms of power. Everyone

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was exhausted and seeking a way out of the conflict. The informal type of reintegration represented by the “awakenings” and “sons of Iraq” resulted from these concepts. In a similar context Zartman argues that parties are encouraged to negotiate through the concept of “mutually hurting stalemate,” in which state conflicting parties find themselves locked in this ongoing conflict which they cannot escalate into absolute victory while the status quo is painful for all parties.533

The negotiation process was able to engage as the armed groups and parties found themselves marginalized under the CPA order 91 opening the window of opportunity to reach or at least pave the way for a political settlement.534 For that purpose, the application of informal negotiation through contacts and multi-track diplomacy is often useful especially when direct contact between the conflicting parties and rivals is unlikely. Mediation may play a very vital role in the process especially when it comes to implementation. These approaches are very productive when tied to a defined constituency such as tribes, clans, ethnic groups and ideologically motivated groups such as militias, paramilitaries and their parties.535

This process is all about inclusion, mutual respect and joint gain through assurances of a better future with the incentive of power sharing. All these elements can only be materialized through successful peace process negotiations. DDR represents only one tool of these peace processes mainly after a post–conflict situation like Iraq. The story of success rests on the foundation and the establishment of a direct connection between the actors involved in any given situa-


535. Ibid.
tion. Linking the present behaviours and anticipated future benefits, a Tit-for-Tat, can increase the likelihood of joint cooperation by shaping the future consequences of present cooperation.\textsuperscript{536}

CHAPTER 10
CONCLUSION

As explained and defined in this research, disarmament, demobilisation and reintegration (DDR) is a very important element of a broad peacebuilding strategy. Nobody disagrees about its importance as an integral part of peace processes and how it can pave the way for a long, solid and durable peace. It allows for a transitional process: DDR is often associated with a ceasefire, peace agreement, or any other mechanism and technicality, but it cannot be imposed on just any type of conflict. DDR processes might occur as a result of a peace agreement or they can be individually designed, negotiated and implemented. DDR, as this paper explained, is a complex and difficult process, because it needs funds, political will, and involves both military and civilian aspects. In addition, it may involve national, regional and international players depending on the case and the conflict that it tackles. DDR in most cases aims to transition post-conflict countries and regions toward peace and stability, but it is often faced with obstacles and challenges presented by political transition, lack of security, destruction of institutional systems and infrastructure, poverty, economic hardship and fund raising. DDR might seem to be the best solution, but only if it can overcome the aforementioned challenges.

DDR needs a very special environment to achieve success. The success of the process is highly dependent on how the DDR terms are negotiated. Also, DDR must go shoulder to shoulder with other programmes and processes; it cannot stand alone. DDR often overlaps with issues related to SSR, reconciliation, rebuilding and transition, transitional justice and many others. Time, environment and political will are elements which cannot be avoided or neglected for any DDR process.
Any DDR process needs a credible and reliable guarantor. This body must be an efficient and reliable national entity with security and the guarantees associated with those institutions, because no armed entity or group is willing to turn in their weapons if they do not have some guarantee of their future security.

DDR is more of a process than a programme, because it does not have a narrow narrative to pursue. Also DDR cannot be standardized, because each country has its unique situation and elements. Each DDR process has its own positive and negative side. Finally, DDR is a transitional process and its implementation does not guarantee the elimination of all other political, security, economic and development issues. However, despite the downside and sequence of DDR, it remains a key to immediate post-conflict stability. It is the best method of transforming conflicts into peace and preventing the recurrence of violence, but only if the programme is engineered, negotiated and implemented in a smart way.

DDR in a post conflict Iraq did not immediately exist. It was in the original plan of ORHA but was never pursued by the CPA. Later, elements of DDR appeared, but it was designed, negotiated and implemented haphazardly. Even with the CPA order 91 of “Transition and Reintegration”—which is still not a complete DDR—a follow-up and monitoring process was lacking, which was necessary to measure the degree of compliance of “demobilisation and reintegration” of the militias. Iraq’s case shows how random the process was. Disarmament and demobilisation are not enough; even reintegration without the first two Ds are not efficient. The CPA TR 91 complicated the situation further by bringing to Iraqi civilians’ minds the importance of militias and armed groups. Even if they had not been paying attention to arming themselves, it became essential to have a weapon, because if you have more fighters the better off you will be within the army and police forces. You will gain more power in legitimate ways, so instead of
disarming, demobilising and reintegrating the existing militias flourished. The TR should have been better designed and implemented.

DDR in Iraq should have been negotiated and implemented immediately after the end of military hostilities led by the US invasion in 2003. TR and DDR lacked the political will by the CPA and the new Iraqi government, although we can’t put too much blame on the Iraqi government, because there was no government in the shadow of the US-led invasion in 2003. The transitional process took much more time and was decisive in that it pushed the CPA to adopt a rudimentary DDR. The marginalization occurred toward many factions in Iraq, like former Iraqi army members. Some of the militias who emerged after invasion have been a major problem in a post-conflict Iraq. All these groups emerged due to the lack of security, because people and armed groups seek protection in the absence of reliable security institutions.

The disintegration of the former army and security apparatus, unemployment, emergence of new militias, and finally the exposed borders to the Takfiris (mainly al-Qaeda) contributed significantly to the instability in Iraq. The situation was underestimated which led to poor design, negotiation and implementation in terms of the DDR process.

Then, hasty demobilisation and reintegration in the new security forces motivated the political parties to over exaggerate their numbers. They sought a new domain of influence by pushing more of their militias into the formal security apparatus, endangering the security institutions. DDR in Iraq should have been implemented right after the end of 2003 military hostilities. Instead, DDR was done randomly, and did not account for the Iraqi experience. DDR in a post-conflict state like Iraq required a range of activities, and should have placed more importance on how legitimate the process was for the major players. The uncertainty of the CPA and the US administration also undermined DDR.
The DDR process does not happen overnight and there should be a group of components which should accompany the process. DDR in Iraq moved between maximalist and minimalist approaches of negotiations since the early days of invading Iraq. This created a sense of hesitancy and uncertainty. Also, DDR could have been successful if it depended on methods related to power sharing and constitutional arrangements. Including and engaging all parties would have been the key for success in Iraq’s case.

Finally, DDR in Iraq remains a unique case because of its complex nature and number of influences. The challenges posed in post-2003 Iraq became obvious as the country’s socio-economic fabric, political institutions and national identity quickly unravelled. The dismantling of what remained of Iraq by the CPA through De-Bathification and dissolution of the security forces generated enormous problems. Daily life in Iraq became and remains tense and politicized; normal economic and business pursuits are still complicated to realize. DDR should have been put in place before the collapse of the former regime, and no one should have been excluded in a post conflict Iraq. It is now imperative to learn the critical lessons of these mistakes – and learn them well – in order to avoid them in future cases similar to the Iraqi situation.
APPENDIX A

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 1

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war, I hereby promulgate the following:

Section 1

The Coalition Provisional Authority

1) The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development.

2) The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

3) As the Commander of Coalition Forces, the Commander of U.S. Central Command shall directly support the CPA by deterring hostilities; maintaining Iraq’s territorial integrity and security; searching for, securing and destroying weapons of mass destruction; and assisting in carrying out Coalition policy generally.
Section 2

The Applicable Law

Unless suspended or replaced by the CPA or superseded by legislation issued by democratic institutions of Iraq, laws in force in Iraq as of April 16, 2003 shall continue to apply in Iraq insofar as the laws do not prevent the CPA from exercising its rights and fulfilling its obligations, or conflict with the present or any other Regulation or Order issued by the CPA.

Section 3

Regulations and Orders issued by the CPA

1) In carrying out the authority and responsibility vested in the CPA, the Administrator will, as necessary, issue Regulations and Orders. Regulations shall be those instruments that define the institutions and authorities of the CPA. Orders…
are binding instructions issued by the CPA. Regulations and Orders will remain in force until repealed by the Administrator or superseded by legislation issued by democratic institutions of Iraq. Regulations and Orders issued by the Administrator shall take precedence over all other laws and publications to the extent such other laws and publications are inconsistent. The Administrator may also from time to time issue Public Notices.

2) The promulgation of any CPA Regulation or Order requires the approval or signature of the Administrator. The Regulation or Order shall enter into force as specified therein, shall be promulgated in the relevant languages and shall be disseminated as widely as possible. In the case of divergence, the English text shall prevail.

3) CPA Regulations and Orders shall bear the symbols CPA/REG/Date Month 2003/_. and CPA/ORD/Date Month 2003/_. A register of the Regulations and Orders shall indicate the date of entry into force, the subject matter and amendments or changes thereto, or the repeal or suspension thereof.

Section 4
Memoranda

1) The Administrator may issue Memoranda in relation to the interpretation and application of any Regulation or Order.

2) CPA Memoranda shall bear the symbols CPA/MEM/Date Month 2003/_. The provisions of Section 3 shall also apply to the promulgation of CPA Memoranda.

Section 5
Entry into Force

This Regulation shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/REG/16 May 2003/01
APPENDIX B

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 1
DE-BA`ATHIFICATION OF IRAQI SOCIETY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, and the laws and usages of war, Recognizing that the Iraqi people have suffered large scale human rights abuses and depravations over many years at the hands of the Ba`ath Party, Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Ba`ath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba`ath Party officials, Concerned by the continuing threat to the security of the Coalition Forces posed by the Iraqi Ba`ath Party, I hereby promulgate the following:

Section 1
Disestablishment of the Ba`ath Party

1) On April 16, 2003 the Coalition Provisional Authority disestablished the Ba`ath Party of Iraq. This order implements the declaration by eliminating the party’s structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Ba`athist elements returning to power and that those in positions of authority in the future are acceptable to the people of Iraq.

2) Full members of the Ba`ath Party holding the ranks of ‘Udw Qutriyya (Regional Command Member), ‘Udw Far’ (Branch Member), ‘Udw Shu’bah (Section Member), and ‘Udw Firqah Group Member) (together, “Senior Party Members”) are hereby removed from their positions and banned from future employment in the public sector. These Sen-
ior Party Members shall be evaluated for criminal conduct or threat to the security of the Coalition. Those suspected of criminal conduct shall be investigated and, if deemed threat to security or a flight risk, detained or placed under house arrest.

3) Individuals holding positions in the top three layers of management in every national government ministry, affiliated corporations and other government institutions (e.g., universities and hospitals) shall be interviewed for possible affiliation with the Ba`ath Party, and subject to investigation for criminal conduct and risk to security. Any such persons detained to be full members of the Ba`ath Party shall be removed from their employment. This includes those…
and risk to security. Any such persons determined to be full members of the Baath Party shall be removed from their employment. This includes those holding the more junior ranks of ‘Udw (Member) and ‘Udw ‘Amil (Active Member), as well as those determined to be Senior Party Members.

4) Displays in government buildings or public spaces of the image or likeness of Saddam Hussein or other readily identifiable members of the former regime or of symbols of the Baath Party or the former regime are hereby prohibited.

5) Rewards shall be made available for information leading to the capture of senior members of the Baath party and individuals complicit in the crimes of the former regime.

6) The Administrator of the Coalition Provisional Authority or his designees may grant exceptions to the above guidance on a case-by-case basis.

Section 2
Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming all of the provisions of General Franks’ Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption,

Reaffirming the Instructions to the Citizens of Iraq regarding Ministry of Youth and Sport of May 8, 2003,

I hereby promulgate the following:

Section 1

Dissolved Entities

The entities (the “Dissolved Entities”) listed in the attached Annex are hereby dissolved. Additional entities may be added to this list in the future.

Section 2

Assets and Financial Obligations

1) All assets, including records and data, in whatever form maintained and wherever located, of the Dissolved Entities shall be held by the Administrator of the CPA (“the Admin-
istrator”) on behalf of and for the benefit of the Iraqi people and shall be used to assist the Iraqi people and to support the recovery of Iraq.

2) All financial obligations of the Dissolved Entities are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.

3) Persons in possession of assets of the Dissolved Entities shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.

Section 3

Employees and Service Members

1) Any military or other rank, title, or status granted to a former employee or functionary of a Dissolved Entity by the former Regime is hereby cancelled.

2) All conscripts are released from their service obligations. Conscriptions is suspended indefinitely, subject to decisions by future Iraq governments concerning whether a free Iraq should have conscription.

3) Any person employed by a Dissolved Entity in any form or capacity, is dismissed effective as of April 16, 2003. Any person employed by a Dissolved Entity, in any from or capacity remains accountable for acts committed during such employment.

4) A termination payment in an amount to be determined by the Administrator will be paid to employees so dismissed, except those who are Senior Party Members as defined in the Administrator’s May 16, 2003 Order of the Coalition Provisional Authority De-
Ba`athification of Iraqi Society, CPA/ORD/2003/01 (“Senior Party Members”) (See Section 3.6).

5) Pensions being paid by, or on account of service to, a Dissolved Entity before April 16, 2003 will continue to be paid, including to war widows and disabled veterans, provided that no pension payments will be made to any person who is a Senior Party Member (see Section 3.6) and that the power is reserved to the Administrator and to future Iraqi governments to revoke or reduce pensions as a penalty for past or future illegal conduct or to modify pension arrangements to eliminate improper privileges granted by the Ba`athist regime or for similar reasons.

6) Notwithstanding any provision of this Order, or any other Order, law, or regulation, and consistent with the Administrator’s May 16, 2003 Order of the Coalition Provisional Authority De-Ba`athification of Iraqi Society, CPA/ORD/2003/01, no payment, including a termination or pension payment, will be made to any person who is or was a Senior Party Member. Any person holding the rank under the former regime of Colonel or above, or its equivalent, will be deemed a Senior Party Member, provided that such persons may seek, under procedures to be prescribed, to establish to the satisfaction of the Administrator, that they were not a Senior Party Member.
Section 4
Information

The Administrator shall prescribe procedures for offering rewards to person who provide information leading to the recovery of assets of Dissolved Entities.

Section 5
New Iraqi Corps

The CPA plans to create in the near future a New Iraqi Corps, as the first step in forming a national self-defense capability for a free Iraq. Under civilian control, that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps.

Section 6
Other Matters

1) The Administrator may delegate his powers and responsibilities with respect to this Order as he determines appropriate. References to the Administrator herein include such delegates.

2) The Administrator may grant exceptions any limitations in this Order at his discretion.

Section 7
Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/ORD/23 May 2003/02
Institutions dissolved by the Order referenced (the “Dissolved Entities”) are:

- The Ministry of Defence
- The Ministry of Information
- The Ministry of State for Military Affairs
- The Iraqi Intelligence Service
- The National Security Bureau
- The Directorate of National Security (Amn al-‘Am)
- The Special Security Organization

All entities affiliated with or comprising Saddam Hussein’s bodyguards to include:

- Murafaqin (Companions)
- Himaya al Khasa (Special Guard)

The following military organizations:

- The Army, Air Force, Navy, the Air Defence Force, and other regular military services
- The Republican Guard
- The Special Republican Guard
- The Directorate of Military Intelligence
- The Al Quds Force
- Emergency Forces (Quwat al Tawari)
The following paramilitaries:

- Saddam Fedayeen
- Ba`ath Party Militia
- Friends of Saddam
- Saddam’s Lion Cubs (Ashbal Saddam)

Other Organizations:

- The Presidential Diwan
- The Presidential Secretariat
- The Revolutionary Command Council
Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Recalling that U.N. Security Council Resolution 1483 (2003) calls upon the CPA to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability,

Noting that the former oppressive regime of Saddam Hussein has been removed,

Further noting the adoption of the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004,

Further noting that Article 27(B) of the Law of Administration for the State of Iraq for the Transitional Period provides that “Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law,”

Acknowledging that those who fought against the Ba’athist regime in resistance forces should receive recognition and benefits as military veterans for their service to their people,

Intending to give such individuals the chance to further themselves, support their families, and serve their peoples by pursuing civilian lives and jobs,

Considering that the Iraqi Armed Forces and other Iraqi security forces are in need of trained and experienced professionals,

Desiring to establish a mechanism that will ensure armed forces and militias come into compliance with the Law of Administration for the State of Iraq for the Transitional Period,
I hereby promulgate the following:

Section 1

Definitions

1) “Administrator” means the Administrator of the Coalition Provisional Authority and, following transfer of full governance authority to the Iraqi Interim Government, the civilian head of the Iraqi government exercising national command authority, or his or her designee, unless otherwise designated.

2) “Armed Force” means an organized group of individuals bearing firearms or weapons. The term “Armed Force” includes government forces and Militias.

3) “Militia” means a military or paramilitary force that is not part of the Iraqi Armed Forces or other Iraqi security forces established pursuant to CPA Orders, Regulations and Memoranda, or pursuant to Iraqi federal law and the Law of Administration for the State of Iraq for the Transitional Period.

4) “Private Security Company” means a private business, properly registered with the Ministry of Interior and Ministry of Trade that seeks to gain commercial benefits and financial profit by providing security services to individuals, businesses and organizations, governmental or otherwise. Private Security Companies are subject to, and must comply with all applicable criminal, administrative, commercial and civil laws and regulations unless exempted by CPA Order Number 17, “Status of Coalition, Foreign Liaison Missions, their Personnel and Contractors.”

5) “Illegal Armed Force or Militia” means an Armed Force or Militia existing in violation of the prohibition contained in Section 2 of this Order.
6) “Residual Element” means the parts of a former Armed Force or Militia under an approved Transition and Reintegration Plan that are still extant and drawing down during the period of transition and reintegration and that are regulated by the relevant governmental authorities in accordance with this Order and the Transition and Reintegration Plan for that Armed Force or Militia.

7) “Qualified Member” means a member of a Residual Element who:

a) is specifically identified by an Armed Force or Militia, at the time the Armed Force or Militia’s command becomes subject to a Transition and Reintegration Plan, as having been a member of the Armed Force or Militia on or before May 1, 2003;

b) has not engaged in terrorist activities or violated the laws of war or Iraq’s recognized principles of human rights

c) has not been convicted of a felony offense under the criminal laws of Iraq after May 1, 2003;

d) is not acting as an agent of a foreign government; and

e) Continues at all times to meet the criteria for qualification set forth herein.

f) Transition and Reintegration Plan” means a documented and recorded plan that sets forth milestones and processes for the complete transition and reintegration of a Residual Element of an Armed Force or Militia.
Section 2

Prohibitions

Armed Forces and Militias, and membership therein, are prohibited within Iraq, except as provided for herein.

Section 3

Exceptions

1) The prohibition contained in Section 2 shall not apply to:

   a) Armed Forces and members thereof under the control of the CPA (or, following transfer of full governance authority, the Iraqi Interim Government and any future Government of Iraq) including, but not limited to, all security forces under the control of the Ministry of Interior and the Iraqi Armed Forces under the control of the Ministry of Defence;

   b) Armed Forces specifically permitted under the Law of Administration for the State of Iraq for the Transitional Period;

   c) Armed Forces and members thereof under the operational control of the Commander of the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolution 1511, and any relevant subsequent resolutions;

   d) A Residual Element currently and continuously meeting the criteria set forth in Section 4.5, to include members thereof. Those Residual Elements currently meeting the criteria for an exception under this Section 3.1(d) are listed in Annexes A, Armed Forces, and B, Militias; and
e) A Private Security Company or the officers and employees of such Private Security Company provided the Private Security Company meets all of the following criteria:

i. the Private Security Company is properly licensed and regulated by the Ministry of Interior and Ministry of Trade;

ii. all firearms and weapons used by the Private Security Company are licensed in accordance with applicable CPA Orders, Regulations, and Memoranda, and Iraqi laws and regulations; and

iii. all company officers, armed members, and supervisors exercising control of armed members of the Private Security Company have undergone background checks conducted by the Ministry of Interior and possess the requisite weapons authorizations issued by the Ministry of Interior.

f) Those contractors covered by CPA Order Number 17.

Section 4

Transition and Reintegration of Residual Elements of Armed Forces and Militias

1) Only Armed Forces and Militias that are identified by the Administrator or after the transfer of full governance authority the Transition and Reintegration Implementation Committee as participating in the political process leading to a peaceful, prosperous, and progressive Iraq will be considered eligible for Residual Element status and for transition and reintegration in accordance with this Order.

2) In order to attain the status of a Residual Element, a Transition and Reintegration Plan must be accepted by the commander, head or leader of an Armed Force or Militia, and the Administrator or after the transfer of full governance authority the Transition and Re-
integrity Implementation Committee. The plan must include:

a) a complete list of Qualified Members, including all members of the Residual Element, and such list must be provided to the Iraqi Veterans Agency;

b) the processes by which all of its Qualified Members will be transitioned or reintegrated; and

c) Clearly defined milestones for completion of the transition and reintegration of the Residual Element.

3) Only the Administrator or after the transfer of full governance authority the Transition and Reintegration Implementation Committee may decide to confer Residual Element status to an Armed Force or Militia. Upon approval of the Transition and Reintegration Plan, the Armed Force or Militia shall become a Residual Element.

4) Once a Transition and Reintegration Plan has been approved by the Administrator or after the transfer of full governance authority the Transition and Reintegration Implementation Committee, processes and milestones may be revised only with the consent of the Transition and Reintegration Implementation Committee.

5) Residual Elements of an Armed Force or Militia qualify for the exception in Section 3.1(d) once there is an approved Transition and Reintegration Plan. Continued qualification for the exception in Section 3.1(d) is dependent upon meeting all of the terms of the applicable Transition and Reintegration Plan, and complying with the following conditions:

a) All Qualified Members of the former Armed Force or Militia registered with the Iraqi Veterans Agency as members of the Residual Element. The Iraqi Veterans Agency shall provide this information to the Ministry of Interior immediately upon registering
a new Residual Element.

b) The Residual Element shall not recruit or otherwise add members, either to its active forces or to its reserve or stand-by forces.

c) The Residual Element shall not conduct operations or activities of any type, whether armed or unarmed, without express advance authorization from the Ministry of Interior and the Commander of the Multinational Forces operating in Iraq pursuant to United Nations Security Council Resolution 1511, and any relevant subsequent resolutions.

 d) The Residual Element shall not organize, support, or participate in criminal activity, undertake any effort designed to destabilize any portion of Iraq, promote violence, or otherwise threaten the safety and security of the Iraqi people.

e) The Residual Element and all of its members must promptly register all firearms and weapons with the Ministry of Interior in accordance with CPA Order Number 3 (Revised/Amended), Weapons Control, dated December 31, 2003, and any other applicable Iraqi laws.

f) The Residual Element shall not manufacture, purchase, or otherwise acquire additional firearms, weapons, or ammunition; nor shall the Residual Element’s members acquire firearms, weapons, or ammunition for use in Militia activities; nor shall the Residual Element or its members import firearms, weapons, or ammunition into Iraq from a foreign country, or hire others to do so on their behalf.

g) The Residual Element and its members shall not endorse, finance, or campaign for candidates for political office at any level.

h) The Residual Element shall be subject to and fully cooperate with such actions as the
CPA or government of Iraq following transfer of full governance authority deems necessary to verify compliance with the accepted process and ensure transparency and accountability of the Residual Element’s members, functions and operations during the period of transition and reintegration.

6) During the period of transition, the Transition and Reintegration Implementation Committee is responsible for determining if a Residual Element fails to comply with any of the milestones, processes or conditions set out in the agreement required by Section 4.5. A determination that a Residual Element has failed to comply with its Transition and Reintegration Plan disqualifies the Residual Element and all of its members from the exception in Section 3.1(d) and results in re-designating the Residual Element as an Illegal Armed Force or Militia, pursuant to Article 7 of this Order. However, if a Transition and Reintegration Plan is rendered unachievable due to changes in the availability of positions for Residual Element members in any component program, then the Transition and Reintegration Implementation Committee may adjust the Transition and Reintegration Plan, and the Residual Element will not be deemed to have failed to comply with it. Such adjustments will be limited to changes in transition and reintegration schedules, and in particular will not permit an increase in the number of Qualified Members of a residual element.

7) Qualified Members of Residual Elements may be transitioned and reintegrated into Iraqi society using the following processes:

a) Entry of individuals into the Iraqi Armed Forces or other Iraqi security forces. In accordance with administrative instructions to be promulgated by the Ministry of Defence or the Ministry of Interior, as the case may be, and subject to the manning needs
of the respective forces, individuals with the appropriate training and experience may enter into the Iraqi Armed Forces or other Iraqi security forces, to include security forces under ministries and agencies other than the Ministry of Interior. In accordance with administrative instructions to be promulgated by the employing ministry or agency, individuals whose service in a former Armed Force or Militia can be characterized and quantified shall be given credit for their time in service.

b) Retirement. In accordance with administrative instructions to be promulgated by the Ministry of Defence, individuals whose service in a former Armed Force or Militia can be characterized and quantified, and who would qualify for retirement had they served in the Iraqi Armed Forces shall be provided the opportunity to retire with the same pension they would have received had they served in the Iraqi Armed Forces.

c) Reintegration. In accordance with administrative instructions to be promulgated by Iraqi Ministries, agencies and the Transition and Reintegration Implementation Committee, individuals who do not qualify for retirement and who do not enter into the Iraqi Armed Forces or other Iraqi security forces shall be offered a reintegration program designed to help assimilate them into Iraqi civil society and economy. Elements that may be included in a reintegration program include skills screening, education benefits, job training and placement, and a limited stipend program. All relevant CPA offices and Ministries will cooperate in supporting established reintegration programs.
Such Qualified Members shall be deemed to be military veterans for purposes of determining eligibility for benefits, preferences and programs, and time in service if they transition into one of the Iraqi Security Forces.

8) In accordance with administrative instructions to be promulgated by the Ministry of Defence, widows and orphans of deceased members of Armed Forces and Militias that are subject to a Transition and Reintegration Plan shall be entitled to benefits based upon the service of the deceased member in accordance with any applicable statutes, regulations and rules determining such benefits for which current members of the Iraqi Armed Forces qualify; provided that the deceased member must have died on or before May 1, 2003, and such deceased member’s service can be characterized and quantified.

9) In accordance with administrative instructions to be promulgated by the Ministry of Defence, disabled members of Armed Forces and Militias that are subject to a Transition and Reintegration Plan shall be entitled to benefits based upon their service in accordance with any applicable statutes, regulations and rules determining such benefits for which current members of the Iraqi Armed Forces qualify; provided that the member was disabled on or before May 1, 2003, and the member’s service can be characterized and quantified.

10) Any individual receiving benefits or status under this Order shall forfeit the right to such benefits or status should they thereafter participate in an Illegal Armed Force or Militia.

11) In view of the recognition given to Qualified Members in deeming them to have been former soldiers, and consistent with Article 28(B) of the Law of Administration for the State of Iraq for the Transitional Period, in no event may a member of a Residual Element be a member of the National Assembly, Minister, Prime Minister, or member of the
Presidency Council unless the individual has resigned his or her commission or rank, or
retired from duty in the Residual Element, at least eighteen months prior to serving.
Nothing herein shall affect limitations on political activity that will be applicable to Qual-
ified Members who choose to join the Iraqi Armed Forces.

12) Residual Elements and their members shall enjoy no special privileges or immunities and
shall be subject to all applicable Iraqi civil, administrative, and criminal laws.

13) Nothing in this Order shall be interpreted as exonerating individuals belonging to Armed
Forces, Militias, or Residual Elements from responsibility for criminal acts or war crimes
conducted individually or as part of such Armed Forces, Militias, or Residual Elements.

Section 5
Transition and Reintegration Implementation Committee

1) The Transition and Reintegration Implementation Committee (“Committee”) is hereby
established to exercise oversight of the transition and reintegration process and to take
such disciplinary or other action as may be necessary upon a determination that a Residu-
al Element of an Armed Force or Militia no longer qualifies for an exception. The Com-
mittee shall be chaired by the Minister of Interior and shall report to the Ministerial
Committee for National Security.

a) In addition to the Minister of Interior, the Committee shall include permanent repre-
sentatives from the Ministry of Defence, Ministry of Justice, Ministry of Foreign Af-
fairs, Ministry of Finance, Ministry of Labor and Social Affairs, Ministry of Educa-
tion, Iraqi Veterans Agency (separate from the representative from the Ministry of
Defence), and such other ministries, agencies, and governorates as the Ministerial
Committee for National Security may determine.

b) The Chair may invite representatives from other ministries, agencies, and organizations, both governmental and non-governmental, to attend Committee meetings or participate in Committee activities as needed.

c) The Commander or other representative of the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolution 1511, and any relevant subsequent resolutions, may be invited to attend and participate in Committee meetings.

2) The functions of the Committee are to:

a) Oversee the status of the various transition and reintegration programs;

b) Revise individual Transition and Reintegration Plans when programs to absorb Residual Element members are not available as planned or for other reasons as agreed to by the Committee and the Residual Element of the Armed Force or Militia involved;

c) Coordinate Iraqi government transition and reintegration policy and implementation with various governmental and non-governmental agencies and Ministries;

d) Regularly inform the Ministerial Committee for National Security, and through it the Administrator or after the transfer of full governance authority the Prime Minister, of the status of transition and reintegration related programs and any issues that affect Iraqi security arising from these programs;

e) Coordinate with the CPA, and subsequently consult with coalition diplomatic missions which are directly supporting Transition and Reintegration Plans, on programs and policy related to transition and reintegration;

f) Coordinate with the Commander of the Multinational Force on Iraqi policy, decisions, and determinations that have security implications; and
g) Perform other functions related to transition and reintegration as determined by the National Security Advisor.

3) The Committee will meet regularly with the leaders of the various Residual Elements, and the political parties that support them, as well as relevant governmental and non-governmental agencies and Ministries to coordinate transition and reintegration efforts and share information.

Section 6
Disciplinary Measures and Penalties

1) An Armed Force or Militia that does not qualify for an exception as set forth in Section 3, or a Residual Element that having previously qualified for an exception under Section 3.1(d) has ceased to so qualify by virtue of failing to continue to meet the criteria for such exception, shall be considered an Illegal Armed Force or Militia. All weapons and other property, whether movable or immovable, held by an Illegal Armed Force or Militia shall be subject to immediate confiscation through such measures as may be determined by the Transition and Reintegration Implementation Committee in coordination with the Ministry of Interior and the Commander of the Multinational Force. An Illegal Armed Force or Militia shall be subject to any actions as the Administrator or following the transfer of full governance authority the Transition and Reintegration Implementation Committee decides is necessary for the safety and security of the Iraqi people.

2) All members of an Illegal Armed Force or Militia shall be subject to criminal prosecution in accordance with the laws of Iraq. The Transition and Reintegration Implementation Committee shall notify the Ministries of Justice, Interior and Defense immediately upon a
determination that a Residual Element has become an Illegal Armed Force or Militia. Paragraph 135 of the Iraqi Penal Code, Law No. 111 of 1969, as amended, is hereby modified to add the following aggravating circumstance:

“(5) The commission of an offense while acting as a member of an Illegal Armed Force or Militia or while a member of a Residual Element.”

3) A person who fills a leadership position or otherwise participates in an Illegal Armed Force or Militia in violation of the prohibition contained in Section 2, or who is a principal, accessory, or conspirator in such violation, shall be subject to judicial action in accordance with the Iraqi Penal Code, Law No. 111 of 1969, as amended, to include possible prosecution under paragraphs 194 and 195 of the Penal Code, and to such other civil and administrative actions as may be provided for in CPA, Orders, Regulations and Memoranda, and in Iraqi laws and regulations.

4) A member of an Illegal Armed Force or Militia may not hold political office at any level. An individual determined to have been a member of an Illegal Armed Force or Militia shall be barred from holding political office at any level for a period of three years from the date such individual ceased to be a member of an Illegal Armed Force or Militia.

5) The penalties specified herein, to include the amendment to the Penal Code, shall apply only to Illegal Armed Forces and Militias and to those who commit criminal offenses after the date this Order is published in the Official Gazette.

6) Any political party, and the leaders of any political party, that controls, supports or is associated with an Illegal Armed Force or Militia shall be subject to penalties in accordance with Iraqi electoral law.
Section 7
Existing Law

Any laws or regulations inconsistent with the provisions of this Order are hereby suspended to the extent they are inconsistent with the provisions of this Order. Nothing in this Order shall affect the rights or obligations of the Multinational Force under United Nations Security Council Resolution 1511, including the right to take measures in relation to Residual Elements or Illegal Armed Forces or Militias necessary to contribute to the maintenance of security and stability in Iraq.

Section 8
Administrative Instructions

Ministers and heads of agencies may issue administrative instructions, not inconsistent with Iraqi law or any CPA Order, Regulation, or Memorandum, as they deem necessary to carry out the duties for their respective ministries and agencies described in this Order.

Section 9
Entry into Force and Effective Dates

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/ORD/02 June 04/91

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APPENDIX E


Advertisement

In order to disarm the citizens of weapons that has become a source of murder, terrorism, and destruction, especially when carried by the terrorists who murdered lots of Iraqis, the Ministry of Interior Affairs announces purchasing weapons and heavy equipment from them as following:

First: The weapons purchasing starts on August, 1st, 2004 till the end of the official working hours on August 30, 2004.

Second: A punishment of seven years term imprisonment will be imposed against anyone caught with the possession of aforementioned equipment and ammunition beyond this date according to the provisions of weapons Act.

Third: Weapons delivery centers are as following:

a-Delivery centere No.1 (Police directory of ) Risafa.
b-Delivery centere No.2 (Police directory of ) Risafa.
c- Delivery centre No.3 (Police directory of ) Risafa.
d-Delivery centre No.4 (Police directory of ) Kharkh.
e. Delivery centre No.5 (Police directory of ) Kharkh.
f. Delivery centre No.6 (Police directory of ) Kharkh.

Fourth: Those who wish to sell their ammunition and arms must disjoint them and put inside plastic bags before bringing to delivery center.
**Fifth:** Table of the weapons and ammunition that falls under this buying programme and they are indicated as follows:

**Table: Prices and Types of Weapons for Iraqi Ministry of Interior Buyback**

<table>
<thead>
<tr>
<th>NO</th>
<th>Types of Weapons</th>
<th>Type of Ammunitions</th>
<th>The Value in US dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rocket Propelled Launchers (RPG7)</td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td>2</td>
<td>Rocket Propelled Grenade</td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td>3</td>
<td>Hand Grenade</td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td>4</td>
<td>Mortar Artillery 60 mm</td>
<td>60mm Mortar Shell</td>
<td>$100</td>
</tr>
<tr>
<td>5</td>
<td>Mortar Artillery 80 mm</td>
<td>80mm Mortar Shell</td>
<td>$150</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Long Range artillery Shell</td>
<td>$300</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Medium Range artillery Shell</td>
<td>$200</td>
</tr>
<tr>
<td>10</td>
<td>AK 47 Machine Gun</td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td>11</td>
<td>RBK Machine Gun</td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td>12</td>
<td>Medium Range Machine Gun (PKC)</td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td>13</td>
<td>Russian heavy Machine Gun (Dushka) 12.7mm</td>
<td></td>
<td>$600</td>
</tr>
<tr>
<td>14</td>
<td>Long Range Machinegun – Doshka 14.5mm</td>
<td></td>
<td>$600</td>
</tr>
<tr>
<td>15</td>
<td>Anti-Tanks Artillery 106mm</td>
<td></td>
<td>$800</td>
</tr>
<tr>
<td>16</td>
<td>Anti-Tanks Artillery 73mm</td>
<td>Anti-Tank Shells</td>
<td>$800</td>
</tr>
<tr>
<td>17</td>
<td>Semi Rifle</td>
<td></td>
<td>$300</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td></td>
<td>$50</td>
</tr>
</tbody>
</table>
The Plan of Purchasing Gears and Arms

Aim

Purchasing ammunition and heavy equipment from the citizens aims to stop leaking to terrorists and gangs, and handing in to the police forces to maintain security and public order.

Stages of Plan Implementation

1- Advertisiisng the authorities plan to purchase ammunition over the media (T.V. Radio, papers), and by billboards on the buildings and centers of the police directories.

2- The advertisement includes the deadline for the purchase (a month), otherwise anyone caught with possession of any ammunition will be exposed to maximum penalties according the rules stated on the weapons Act.

3- Determining the type and size of the ammunition (according to the schedule attached).

4- Locating delivery centers by the chief of police in Baghdad ranging from three centers in Rasafa, and three in Kharkh. It is recommended that the centers are located at the police directories headquarters.

5- Providing the necessary fund for the process.

6- Creating committees by the chief of police ranging from three in Kharkh and three in Rasafa, one committee for each center to receive delivered ammunition.

7- Providing a good store for the ammunition and another for weapons in each centre of the six centers as well as providing full protection around the clock.

8- Providing another big store in a different location to store all delivered ammunition and weapons from the aforementioned six centres with full protection in preparation for handing them in to the Ministry of Defense or Coalition Forces.
9-The chief of police should put top confidential plan about the process of delivering ammunition from A-Z, taking into consideration sabotage attempts.
REFERENCES


Coalition Provisional Authority (CPA). "Coalition Provisional Authority Regulation Number 1." Iraq, Baghdad: CPA, 2003.


Ruter, R. "Disarmament, Demobilisation, and Reintegration (DDR): Conceptual Approaches, Specific Settings, Practical Experiences."


Yamaçoğuz, Nihan. "Understanding the Civil Violence in Iraq."


LIST OF INTERVIEWEES

Interview 1 – Anonymous former Iraqi Diplomat member of disarmament negotiations team. Interviewed by email in Baghdad- Iraq, on February 26, 2013.

Interview 2 – Anonymous former Iraqi General member of DDR negotiations after the invasion. Interviewed by phone in London, United Kingdom, on February 17, 2013.

