

After Baker-Hamilton: What to do in Iraq

This is the Executive summary of a report on "Baker-Hamilton Report" prepared by the ICG

Slowly, incrementally, the realisation that a new strategy is needed for Iraq is finally dawning on US policy-makers. It is about time. By underscoring the US intervention's disastrous political, security, and economic balance sheet, and by highlighting the need for both a new regional and Iraqi strategy, the Baker-Hamilton report represents an important and refreshing moment in the country's domestic debate. Many of its key and controversial recommendations should be wholly supported, including engaging Iran and Syria, revitalising the Arab-Israeli peace process, reintegrating Baathists, instituting a far-reaching amnesty, delaying the Kirkuk referendum, negotiating the withdrawal of US forces with Iraqis and engaging all parties in Iraq.

But the change the report advocates is not nearly radical enough, and its prescriptions are no match for its diagnosis. What is needed today is a clean break, both in the way the US and other international actors deal with the Iraqi government and in the way the US deals with the region; in essence, a new multinational effort to achieve a new political compact between all relevant Iraqi constituents.

A new course of action must begin with an honest assessment of where things stand. Hollowed out and fatally weakened, the Iraqi state today is prey to armed militias, sectarian forces and a political class that, by putting short term personal benefit ahead of long term national interests, is complicit in Iraq's tragic destruction. Not unlike the groups they combat, the forces that dominate the current government thrive on identity politics, communal polarisation, and a cycle of intensifying violence and counter-violence. Increasingly indifferent to the country's interests, political leaders gradually are becoming warlords. What Iraq desperately needs are national leaders.

As it approaches its fifth year, the conflict also has become both a magnet for deeper regional interference and a source of greater regional instability. Instead of working together toward an outcome they all could live with a weak but united Iraq that does not present a threat to its neighbours regional actors are taking measures in anticipation of the outcome they most fear: Iraq's descent into all-out chaos and fragmentation. By increasing support for some Iraqi actors against others, their actions have all the wisdom of a self-fulfilling prophecy: steps that will accelerate the very process they claim to wish to avoid.

Two consequences follow. The first is that, contrary to the Baker-Hamilton report's suggestion, the Iraqi government and security forces cannot be treated as

privileged allies to be bolstered; they are simply one among many parties to the conflict. The report characterizes the government as a "government of national unity" that is "broadly representative of the Iraqi people"; it is nothing of the sort. It also calls for expanding forces that are complicit in the current dirty war and for speeding up the transfer of responsibility to a government that has done nothing to stop it. The only logical conclusion from the report's own lucid analysis is that the government is not a partner in an effort to stem the violence, nor will strengthening it contribute to Iraq's stability. This is not a military challenge in which one side needs to be strengthened and another defeated. It is a political challenge in which new consensual understandings need to be reached. The solution is not to change the prime minister or cabinet composition, as some in Washington appear to be contemplating, but to address the entire power structure that was established since the 2003 invasion, and to alter the political environment that determines the cabinet's actions.

The second is that it will take more than talking to Iraq's neighbours to obtain their cooperation. It will take persuading them that their interests and those of the US no longer are fundamentally at odds. All Iraqi actors who, in one way or another, are participating in the country's internecine violence must be brought to the negotiating table and must be pressured to accept the necessary compromises. That cannot be done without a concerted effort by all Iraq's neighbours, which in turn cannot be done if their interests are not reflected in the final outcome. For as long as the Bush administration's paradigm remains fixated around regime change, forcibly remodelling the Middle East, or waging a strategic struggle against an alleged axis composed of Iran, Syria, Hizbollah and Hamas, neither Damascus nor Tehran will be willing to offer genuine assistance. Though they may indeed fear the consequences of a full-blown Iraqi civil war, both fear it less than they do US regional ambitions. Under present circumstances, neither will be prepared to save Iraq if it also means rescuing the US.

In short, success in Iraq, if it still can be achieved at this late date, will require three ambitious and interrelated steps:

A new forceful multilateral approach that puts real pressure on all Iraqi parties: The Baker-Hamilton report is right to advocate creation of a broad International Support Group; it should comprise the five permanent Security Council members and Iraq's six neighbours. But its purpose cannot be to support the Iraqi government. It must support Iraq, which means pressing the government, along with all other Iraqi constituents, to make the necessary compromises. It also means agreeing on rules of conduct and redlines regarding third party

involvement in Iraq. This does not entail a one-off conference, but sustained multi-lateral diplomacy.

A conference of all Iraqi and international stakeholders to forge a new political compact: A new, more equitable and inclusive national compact needs to be agreed upon by all relevant actors, including militias and insurgent groups, on issues such as federalism, resource allocation, de-Baathification, the scope of the

looking like the most probable scenario: Iraq's collapse into a failed and fragmented state, an intensifying and long-lasting civil war, as well as increased foreign meddling that risks metastasizing into a broad proxy war. Such a situation could not be contained within Iraq's borders. With involvement by a multiplicity of state and non-state actors and given that rising sectarianism in Iraq is both fuelled by and fuels

reconciliation process; and (d) Convening a conference of all of Iraq's political stakeholders (including insurgent groups and other disenfranchised but politically significant elements of society).

STEPS TO ENSURE REGIONAL COOPERATION

To the US Government
2. Alter regional strategy, renouncing

border.
9. Facilitate achievement of a national compact by using its leverage to control SCIRI and its channels in southern Iraq to influence the Sadristis.

To the Government of Saudi Arabia

10. Facilitate achievement of a national compact by using its influence with insurgent groups, in particular by cutting off funding from private Saudi

reflect present boundaries; (b) Acceptance of Kirkuk governorate as a decentralised governorate with an interim power-sharing arrangement to last at least ten years; and a UN envoy appointed to facilitate this arrangement and help create a mechanism to determine the governorate's final status;

(c) A process for equitable revenue sharing, under which income from oil, gas and other natural resources would accrue to a federal trust fund operated by an independent federal authority and would be distributed according to each region's demographic share;

(d) A relaxation of de-Baathification measures, with the principal criterion for exclusion being past proven crimes, not past party membership;

(e) Passage of a broad amnesty covering individuals who agree to put down their arms and subscribe to the national compact;

(f) Reintegration of officers of the former army unless proven to have committed human rights abuses or other crimes;

(g) Negotiation with the US of a relatively rapid timetable for the full withdrawal in stages of its forces;

(h) Agreement on a status of foreign forces, with rules of engagement focusing on the need to protect populations and respond to immediate threats against troop security, while requiring prior Iraqi command authorisation for any manoeuvres, offensives, arrest campaigns or other military actions outside this framework; and

(i) Agreement on a new electoral law providing for direct, constituency-based elections.

To Members of the Recommended International Support Group

14. Guide Iraqi participants in a peace conference towards accepting a national compact along the lines described above.

15. Condition further and augmented economic support on quick agreement on and implementation of elements of the national compact.

To the Government of Iraq
16. Organise, assuming agreement on a national compact is reached and reflected in a revised constitution, a referendum for its approval.

URGENT STEPS TO STEM THE VIOLENCE

To the Government of Iraq

17. Seek to reduce sectarian and ethnic polarisation and violence by:

(a) Stating publicly its commitment to work toward a new, more inclusive national compact, as described in this report;

(b) Condemning and seeking to halt the killing of civilians and torture by security forces, investigating allegations of abuse and

prosecuting offenders; (c) Suspending police units suspected of serious human rights abuses and participation in sectarian violence;

(d) Urging all government officials to desist from ethnic, sectarian or otherwise inflammatory statements, and pressing members of the council of representatives to do the same;

(e) Making a deliberate and widely announced effort to provide health services, opening bank branches and fixing power supply in predominantly Sunni Arab towns and neighborhoods; and

(f) Making a commitment to a peaceful solution to the Kirkuk question, and postponing referendums to determine its and other disputed areas' status.

To the US Government

18. Adopt a less aggressive military posture in Iraq by:

(a) Redirecting resources to a program of embedding US troops in Iraqi units; and

(b) Moving away from fighting the insurgency to focusing on protecting the civilian population, and in particular halting blind sweeps that endanger civilians, antagonise the population and have had limited effect on the insurgency.

19. Redeploy troops along the frontlines of the unfolding civil war, notably by filling in the current security vacuum in Baghdad.

20. Focus on limiting the militias' role to protecting civilians in places where government forces cannot, rather than seek to forcibly disband them, while taking strong action against political assassinations, sectarian attacks, or attempts to overrun government offices.

21. Avoid steps to engineer a cabinet reshuffle aimed at sidelining Muqtada al-Sadr, which would further inflame the situation.

22. Shelve plans to hurriedly expand the Iraqi security apparatus and focus instead on vetting, restructuring, and retraining existing units.

23. Free and compensate Iraqi prisoners detained by the US without charge.

24. Compensate Iraqis who have suffered as a result of the U.S.-led counterinsurgency campaign.

25. Condition short-term financial support on the government reversing its policy of serving certain constituencies at the expense of others (most notably with regard to salary payment and basic service delivery).

26. Abandon the super-embassy project and move a reduced embassy to a more neutral location.

27. Publicly deny any intention of establishing long-term military bases or seeking to control Iraq's oil.

Courtesy of the International Crisis Group.



amnesty, and the timetable for a US withdrawal. This can only be done if the International Support Group brings all of them to the negotiating table, and if its members steer their deliberations, deploying a mixture of carrots and sticks to influence those on whom they have particular leverage.

A new US regional strategy, including engagement with Syria and Iran, an end to efforts at regime change, revitalization of the Arab-Israeli peace process, and altered strategic goals: Polite engagement of Iraq's neighbours will not do; rather, a clear redefinition of Washington's objectives in the region will be required to enlist regional, but especially Iranian and Syrian help. The goal is not to bargain with them, but to seek agreement on an end-state for Iraq and the region that is no one's first choice, but with which everyone can live.

There is no magical solution for Iraq. But nor can there be a middle-through. The choice today could not be clearer. An approach that does not entail a clean break vis-a-vis both Iraq and the region at best will postpone what, increa-

sectarianism in the region, the more likely outcome would be a regional conflagration. There is abundant reason to question whether the Bush administration is capable of such a dramatic course change. But there is no reason to question why it ought to change direction, and what will happen if it does not.

RECOMMENDATIONS

STEPS TO INTERNATIONALISE CONFLICT-RESOLUTION
To the Five Permanent Members of the UN Security Council

1. Establish an International Support Group, composed of the five permanent members of the Security Council, Iranian and Syrian help. The goal is not to bargain with them, but to seek agreement on an end-state for Iraq and the region that is no one's first choice, but with which everyone can live.

(a) Agreeing on rules of the game for outside parties vis-a-vis Iraq;

(b) Reaching agreement on broad goals and key compromises for Iraq;

(c) Appointing an empowered UN special envoy to begin work with all Iraqi constituents on a

in particular ambitions to forcibly remodel the Middle East.

3. Refrain from referring to Iraq as a "model" for the region or the new "front" in the anti-terrorism war.

4. Engage in discussions with Iran and Syria in a direct and sustained manner that acknowledges they have legitimate interests in Iraq's and the region's future.

5. In the context of the Quartet, and together with Arab countries, revitalise the search for a comprehensive Arab-Israeli peace.

To the Government of Syria
6. Enhance control at the Iraqi border.

7. Facilitate achievement of a national Iraqi compact by:

(a) Using its extensive intelligence on and lines of communication with insurgent groups to facilitate negotiations; and

(b) Drawing on its wide-ranging tribal networks to reach out to Sunni Arabs in the context of such negotiations.

To the Government of Iran
8. Enhance control at the Iraqi

sources to those that refuse to cooperate.

To the Government of Turkey
11. Facilitate achievement of a national compact by using its influence with all Iraqi actors, including insurgent groups.

12. Continue to develop peaceful economic and political relations with Iraqi Kurdistan.

STEPS TO ACHIEVE A NEW IRAQI POLITICAL COMPACT

To the Iraqi Government, Political Parties, and Insurgent and Militia Groups

13. Work with the UN special envoy and attend the International Support Group's conference to reach agreement on a political compact focused on power and wealth sharing, including:

(a) An asymmetric federal system providing a separate status for the Kurdish region, as currently defined and with powers broadly described in the constitution, and an Arab Iraq divided into fifteen decentralised governorates that

India's nuclear deal with the US: Will it lead to arms race?

BARRISTER HARUN UR RASHID

ON 18th December, President Bush signed the legislation in the East Room of the White House, attended by Indian Americans, permitting civilian nuclear cooperation with India. Prior to that, both Houses of the US Congress had approved the agreement on December 9. In April of this year, President Bush and India's Prime Minister Dr. Singh agreed on the deal.

During signing, President Bush said: "The US and India are natural partners. The rivalries that once kept our nations apart are no more and today America and India are held by values".

The law Bush signed carves out an exception to the US Atomic Energy Act, which prohibits nuclear trade with countries outside the 1970 Non-Proliferation Treaty. India, being not a party to the Treaty, is made an exception under the law. US companies will now be allowed to trade in nuclear fuel and to invest and build nuclear plants in India.

India and the US have entered a new strategic partnership through a nuclear deal. The Manmohan Singh government believes that it cannot achieve the economic revolution of the 21st century without American participation. The US-India nuclear deal is the beginning to achieve its objective.

Let us examine what the deal is about?

The US-India deal would allow shipments of civilian nuclear fuel to India, overturning a three-decade-old US anti-proliferation policy. In return, India would accept safeguards and inspections at 14 civilian nuclear plants. Eight military plants would not be subject to inspection.

These inspections curb on access to certain technologies, such as re-processing, enrichment, and heavy-water technology, are excluded from the ambit of the agreement. This means, according to nuclear scientists, that an important part of the fuel cycle is excluded and as a result full civil nuclear cooperation between the two countries

falls much short of it.

The US law says that if India conducts nuclear tests, all cooperation with the US will be suspended.

The law only permits non-strategic reserves but no creation of strategic reserves of nuclear fuel over the lifetime of its reactors. This is a setback for India.

The law logically expects India's foreign policy to be "congruent to that of the US" and demands support for isolation of Iran. Some say that the foreign policy objective of India would have to be consistent with that of the US. This means foreign policies of both countries are tied with one another.

However, the nuclear deal between the US and India has produced mixed reactions within India's political parties and among retired atomic scientists.

One view is that India seeks to raise production at its atomic power plants with the assistance of the US to sustain the rate of economic expansion, which has exceeded eight per cent in six of the past seven quarters. The other view is that the deal makes India a "client state" of the US.

The leader of the Bharatiya Janata Party, L.K Advani, opening the debate in the Indian Parliament reportedly stated: "I want this law to go. The primary objective is to cap, roll back and ultimately eliminate our nuclear weapons capability."

India's two main Communist parties, members of the Congress-led coalition government, said that the law would "seriously undermine" New Delhi's foreign policy. Its independence and flexibility in foreign policy is likely to be severely restricted. In the international community, India is likely to lose its reputation of being a country that could stand up against the super power.

Critics think India appears to have jettisoned two of its policies by concluding the nuclear deal with the US. Independence in conducting India's foreign policy has been seriously undermined and secondly, India will not be able to lecture others on anti-nuclear proliferation. Its moral standing in international community has been

considerably tarnished.

The deal still faces three final tests:

(a) India must now conclude an agreement with the Vienna-based International Atomic Energy Agency over inspections, (b) India must work out a technical agreement with the US on nuclear trade, and (c) both the US and India must persuade the Nuclear Suppliers Group (which includes China) to accept the US-India agreement.

Many pacifists say that granting an exception to India creates a dangerous precedent and undermines Bush's efforts to pressure Iran and North Korea to abandon nuclear aspirations. Bush also provoked further concern after his signing ceremony by saying that he reserves the right to ignore certain safeguards built into the legislation.

Furthermore, there are serious concerns over provisions in the law that would enable Bush and his successors to determine whether New Delhi is cooperating with Washington's efforts to confront Iran about its nuclear programme.

Some see double standard of US policy on nuclear proliferation. On one hand the US does not want Iran to continue its peaceful nuclear programme for energy; on the other it provides nuclear fuel to India, which is not a party to the 1970 Nuclear Non-Proliferation Treaty. This policy is seen as flawed and discriminatory.

Furthermore, nuclear weapons states, including the US, have not taken any step in nuclear disarmament in terms of the 1970 Treaty (Article VI). Rather, the US has gone into manufacturing new nuclear "smart" bombs. This being so, it becomes hollow for the US to say that it would oppose nuclear proliferation anywhere in the world.

The security of South Asia is interlinked among the countries of China-India-Pakistan. If one country strengthens military capacity, the other will follow. The nuclear deal with the US is likely to start an arms race in the region. Both China and Pakistan will not sit idle.

The absence of common security doctrine in South Asia among states is a great impediment in establishing trust and confidence among states. Such arms race is likely to destabilize the security situation further.

The US-India deal represents a strategic calculation by Bush that it is better to embrace India, a regional power, in reshaping the geopolitical balance as China asserts itself in Asia Pacific region.

American Asian policy is, among others, driven by a few major aims: denying the supremacy of China in the Asia Pacific region, opposing Iran and North Korea from nuclear proliferation, strengthening defence of Japan and Taiwan and excluding Iran from any share of energy profits.

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Sri Lanka: The issue of Northeast de-merger

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TO clearly signify the political status of the Northeast of Sri Lanka, one always wonders whether to write it as 'North-East' or 'North-east' or 'Northeast' or 'North and East'. In this regard, the judgment of the Supreme Court of Sri Lanka on 16 October 2006 and debates thereafter raise significant issues. A five-judge bench comprising of Chief Justice Sarath N. Silva, Nihal Jayasinghe, N.K. Udalgama, Nimal Gamini Amararatunga and Rupa Fernando ruled that the merger of northern and eastern provinces of the Island in 1987 was "invalid". The 23-page judgment reasoned that the merger was made by the then President JR Jayawardene under Emergency Regulations even though neither of the conditions mentioned in Section 31 (1) (b) of Provincial Councils Act No 42 of 1987 was met. The two conditions were cessation of hostilities and surrender of arms by all militant groups. The court observed that the merger was in "excess of the powers reposed in the President" and only Parliament was competent to decide on such a subject. The ruling came in response to a fundamental rights petition filed by the JVP petitioners asking the apex court to declare that the Proclamations issued by former President JR Jayawardene on 2 and 8 September 1988, enabling the Northern and Eastern Provinces to be one administrative unit administered by one elected Council and purported amalgamation of the Northern and Eastern Provinces, were null and void. The petitioners argued that the consequential failure to afford the petitioners and other inhabitants of the Eastern Province an opportunity to exercise their right to vote at an election for membership of the Provincial Council of the Eastern Province was a denial of their right to equality and equal protection of the law. They demanded a separate provincial council for the East after de-merger of the two provinces. Ironically, the court refused to entertain intervening petitions filed by some Tamils of the East. For the record, the merger came out of the Indo-Sri Lanka Accord signed on 29 July 1987 by the then Indian Prime Minister Rajiv Gandhi and the then Sri Lankan President JR

Jayawardene. Paragraph 1.4 of the Accord stated: "the Northern and the Eastern provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups." The two conditions imposed by the Provincial Council Act were waived by President Jayawardene's regulations in September 1988. Successive presidents extended these regulations on an annual basis. The present government seems not in a mood or hurry to act on the Supreme Court judgment. There is deep divide within the regime on the issue. While the hard line elements of the government maintain that the judgment should be allowed to prevail, moderate forces including the opposition UNP prefer a new act of parliament to make the merger of the two provinces permanent. However, what the people of the region think is important. A referendum, perhaps, would be in a position to cull the opinion. But, in the current situation a referendum may not be free and fair. Afflicted by incessant violence and constant displacement of people, the geographical extent of the eastern province is not entirely under the control of the government. Will the LTTE allow those from the 'uncleared areas' to participate in a referendum? The stand taken by dissident Karuna group has so far been ambiguous. Initially, they were against the merger, but later retracted to support the merger. The Muslim community is yet to take a firm collective stand on the issue. The international community has expressed concerns on upsetting the status quo on the issue. To avoid serious implications, what is appropriate is that the merger issue be placed in the wider context of a final settlement to the ethnic issue. If there is a federal solution, the whole of northeast should be considered as one federal unit. Within that unit, north and east should function as sub units to address local grievances and sentiments. Under eastern sub region Muslims should enjoy sufficient autonomy. This way the Muslims may not feel insecure of a probability of domination by the Tamil community. Is it not better to call it "North-East" in both letter and spirit?

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