ISSAT Background Note

Security Sector Reform in Iraq

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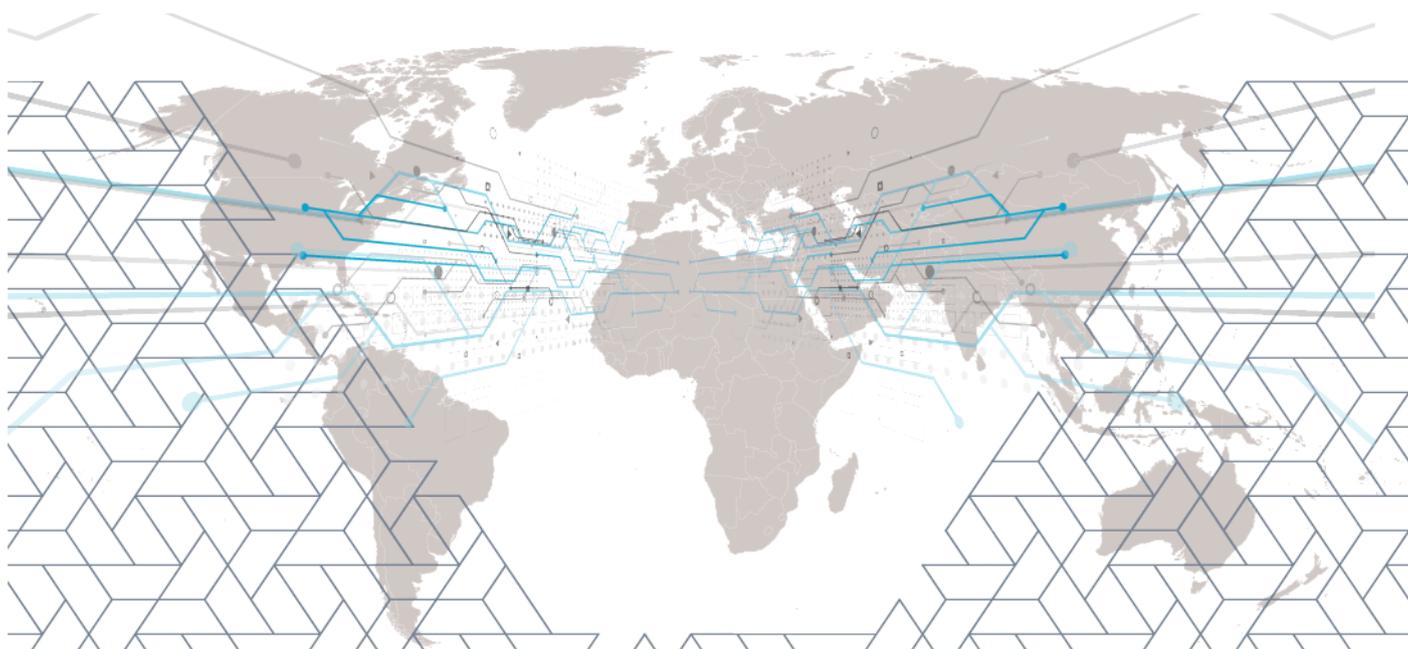
Iraq Key data

Location: Middle East

Population: 38,434 million ([World Bank 2018](#))

Capital: Baghdad (6,7 million)

Area: 437,072 square kilometers

Mineral wealth: significant diamond and gold reserves, gas and oil, phosphate rock, silica sand deposits, ammonia

Local authorities: 19 provinces of which 3 are autonomous Kurdish region

Languages: Arabic, Kurdish

Constitution: [Iraq constitution from 2005](#)

Political system: federal parliamentary representative democratic republic

GDP Growth rate: -0.563 ([World Bank 2018](#))

GDP per capita: 16,935USD ([UNESCO 2018](#))

Most Productive Sectors: petroleum, chemicals, textiles, leather, construction materials, food processing, fertilizer, metal fabrication/processing

Poverty headcount ratio at national poverty line: 18.9 ([World Bank 2012](#))

Literacy rate adult age 15 and above: 50% ([UNESCO 2018](#))

Freedom House Index: 32/100 ([2019](#))

Corruption Index: 162/180 ([2019](#))

Human Development Index : 0.689 ([2018](#))

GINI Index: 29.5 ([World Bank 2012](#))

Contents

Critical Issues Summary:

- ➢ Weak governance and institutions
- ➢ Internal population displacement
- ➢ Armed groups and insurgency
- ➢ Weak territorial integrity and insecurity
- ➢ Lack of public trust
- ➢ Corruption
- ➢ Civil action and protests
- ➢ Weak public financial management
- ➢ Human Right violations and gender inequality

Introduction & General Background

Cultural and Geographic Background

Iraq is located in the middle east region, bordering Iran, Kuwait, Saudi Arabia, Jordan, Syria and Turkey. Vast parts of the country are desert landscape and the north are recognized by mountainous areas. Shia Muslims make about 60% of the population, mostly living in the southern parts and north of the capital Baghdad. Sunni Muslims count for 20% and live in the central and western parts of the country. Most of the Sunnis were driven away from Baghdad by Shia armed groups during the civil war, after the US invasion. The Kurds are mostly living in the three autonomous northern provinces. The territory that today belongs to Iraq is home to some of the earliest known civilizations. Iraq has traditionally had many sectarian and ethnic minority groups, mostly in the north and north-eastern parts.

Economic Background

Iraq is considered as an upper middle-income country. Despite its wealth, one out of five Iraqi people live under extreme poverty line. With an annual population growth of 2.6%, more than half of the population (55%) lives in urban areas. Government debt equals almost 50% of the GDP. Tax revenues in 2018 was 2%.

Iraq has one of the largest reserves of oil and natural gas, mostly located in Kurdish or Shia Muslim areas of the country, implying a political power balance. Oil revenues account for two thirds of the Iraqi economy and more than 90% of the government's income.

Historical overview

The country was ruled under the Ottoman empire between 1534-1918. In 1918, Britain seized Iraq from Ottoman Turkey and governed the country through a League of Nation mandate until 1932, when Iraq became independent. Since 1980, the country has been part of several wars and conflicts, and the 2003 US invasion led to a civil war.

Iraq continued its close ties to Britain even after independence. 1941, Britain re-occupied Iraq due to a pro-Axis revolt during the second world war. In 1945, the Kurdish leaders led an unsuccessful rebellion. In 1945, Iraq joined other Arab league members in the Arab-Israel war. In 1958, the Iraqi monarchy was overthrown in a left-wing coup led by the pan-Arab Baath party and until 1979, Iraq was ruled by series of military and civilian governments. Saddam Hussein thereafter became President of Iraq and established a dictatorship.

The Iran-Iraq war 1980-1988, began due to territorial and political disputes, and Iraqi concerns regarding the Islamic revolution in Iran in 1979. The war ended in 1988 with a UN peace agreement. In 1990, Iraq invaded Kuwait and gained control of additional oil and natural gas reserves. This led to severe international sanctions imposed on Iraq in 1991. Despite the Geneva accords, the situation escalated to the war known as the Gulf War, which included other Arab countries, NATO and the United States. In 1995-1998 the country experienced the Kurdish civil war. In 2003, the US together with an international coalition invaded Iraq and overthrew Saddam Hussein. This led to a civil war, increased guerrilla warfare and instability.

The security situation worsened after US withdrew its troops in 2011. The Islamic state (ISIL) gained territory and power in the country during 2013-2014. By 2015 the country had been split in three parts; the south controlled by the government, the northwest under the Kurdistan regional Government and the western part under ISIL rule. ISIL were overthrown from the country in 2017, but small and hidden cells are still operating in the country.

Current Political Context and Governance System

Iraq's constitution was adopted in 2005. General elections have been held in 2005, 2010, 2014 and 2018. Next elections are planned for 2022.

The federal parliament consists of the Council of Representatives, *Majlis al-nuwwab*, with 329 members. Parliamentary elections are held every four years. The president is assigned by the parliament for a maximum of two four-year periods. The president assigns the Prime Minister, whom usually has higher influence on daily politics. The Prime Minister then assigns the government, which is then given confidence in the parliament. Informal practice is to divide parliamentary seats and ministerial positions according to the three main ethnic groups. The President is typically Kurdish, the Prime Minister typically Shia Muslim and the Parliament's spokesperson usually Sunni Muslim. Since 2018, the Iraqi President is Barham Salih and since 2019 Adil Abd al-Mahdi is Prime Minister.

After the US invasion in 2003, Iraq became a federal State with 18 provinces, each province governed by a council. The provinces may aggregate to create regions, which could have a very high level of autonomy, including the right to legislate. To date, only three of those provinces have become one autonomous region under the Kurdish government. The Kurds have autonomous control of three provinces, Dahuk, Erbil and Sulaymaniyya, since 1992. They have their own President and Parliament and govern through the Kurdish Regional Government (KRG). The territorial boarders between the Kurdistan region and the rest of Iraq is still disputed. A referendum for independence was held in 2017 but was invalidated by the government in Baghdad. Increasingly, the Shia-Muslims are demanding an autonomous region in the south.

Iraq was governed solely by the Baath party until 2003, led by Saddam Hussein. The party was banned after the international coalition's invasion, but it continued as an informal resistance movement. Today, Iraq is a multi-party governing system and since 2003, several new parties have been created often with a religious or identity-based link. For example, in the 2014 elections, 276 parties put forward candidates. After an electoral reform in 2009, the country has a proportional representation system, allowing votes

both for party and individual candidates. In the 2018 election, the voter turnout was 44,5%. The outcome of the top 8 parties were:

Party	%	Seats
Forward (Sadr)	14,4%	54
Conquest Alliance (ISCI)	13,2%	48
Victory Coalition (Abadi)	11%	42
Kurdistan Democratic Party	8.4%	25
State of Law Coalition (Maliki)	7%	25
National Coalition	6%	21
Patriotic Union of Kurdistan	6%	18
National Wisdom Movement	5.3%	19

Overview of the Iraqi Security and Justice Sector

The Government of Iraq has an Iraqi National Security Strategy (NSS). It was developed by the Office of the National Security Adviser (ONSA) with international advice and assistance provided through the United Nations Development Programme (UNDP). It was approved by the government in 2015. The Iraqi National Security Council (INSC), established in 2004, is responsible for drafting legislation, coordinating and overseeing the security policy in the country. The core message set out in the NSS is:

"the legacy of the former regime, the rapid transition from dictatorship towards democracy, and changes in the strategic environment are all characterised by violent political conflict, corruption, the outbreak of sectarian violence, terrorism and crime, and all serve collectively to weaken the social structure, which accelerates insecurity and instability".

Composition of the State Security Sector

The State security sectors have traditionally been poorly equipped and trained. Due to high unemployment rates, young men volunteer to join the police and defence institutions. The police have been accused of arbitrary arrests and extrajudicial killings. More recently, police officers and police stations have been attacked by several armed groups. Oversight of both army and police has been difficult as the expertise in Parliament has lacked the necessary skills and resources.

Police

The police are governed by Ministry of Interior. The current police organisation was set up in 2009-2010 with support from the US. The police are divided in three branches:

- **Iraqi Police Service:** General patrol of the territory
- **Federal Police:** Paramilitary organisation to bridge the gap between army and police to provide rapid response towards for example counterinsurgency, counterterrorism or civil disobedience. During the recent years of fighting ISIL, the Federal Police has transformed more into a paramilitary force rather than focusing on law enforcement. Its membership is reported to be between 37 000 - 44 000.
- **Supporting forces:** Border police, Prison services and facilities protection.
- **Municipal Kurdish Police:** oversees law enforcement in Kurdistan

Defence

The Iraqi armed forces were initially formed in the 1920s. They report to the Ministry of Defence and Ministry of interior, and the Iraqi Counterterrorism bureau. The most recent restructuring of the army was conducted in 2004.

- **Army**: The Iraqi Army was initially created by the United Kingdom. In recent years, the US assisted Iraq in the development and organisation of its army between 2003 and 2009. Iraq today has full ownership of its army, but the last ten years have been dependent on military aid from the US, including training and equipment. The army consists of 14 divisions and four brigades.
- **Air force:** It is officially named Iraqi Air Force (IQAF). The former structure of IQAF was destroyed in the US invasion. The US thereafter rebuilt and provided training to the air force. Recently they have updated its aircraft inventory from Russia, Belarus and Iran.
- **Navy**: The Iraqi Navy was previously known as *Iraqi Coastal Defense Force* but was renamed in 2005. The navy is relatively small with 1500 sailors or officers and 800 marines. The navy also protects offshore oil platforms.
- **Peshmerga:** The separate army of the Kurdish region is composed of about 10.000 soldiers, overseen by the KRG Ministry of Peshmerga Affairs. Armed groups of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) are part of the Peshmerga

Composition of the State Justice Sector

Judiciary

Under the Constitution of Iraq, the judiciary is independent, and no power is above the judiciary except the law. The judiciary is composed of:

- Higher Judicial Council
- Supreme Court
- Court of Cassation
- Public Prosecution Department
- Judiciary Oversight Commission
- Supreme Criminal Tribunal
- Central Criminal Court

The criminal justice system in Iraq is described as weak and lacks resources and capabilities. The insecure and weak governance situation in the Iraq has created a politicised judiciary. Further, the system is understaffed, and staff lacks training and equipment to carry out their daily work and duties. Lack of resources causes lengthy delays before and during trials. Corruption is widespread among the judiciary, who are also under pressure from tribal and religious groups. Paramilitary groups have been able to commit serious crimes without being addressed by the judicial system.

Prison and Corrections Services

Prison services are managed by the Ministry of Justice, whereas detention facilities are managed by the Ministry of Interior, Ministry of Defence and Ministry of Labour and Social Affairs, and the Kurdish regional government. The prison administration system is named Iraqi Correctional Service and it included 9 prisons and 7 pre-detention facilities in 2007.

In 2015 it was estimated that 45.000 people were in prison with a prison population rate of 126 per 100.000 population. The prisons are generally overcrowded with an occupancy rate of 136% in 2014. Only 2.6% were female prisoners in 2014.

Prison and detention facilities conditions in Iraq need to improve to meet universal human right standards. Overcrowding, torture, deaths and sexual violence are commonly

reported. Adults and children are often mixed. This in addition to slow process of detention, interrogation and trials.

Non-State Security and Justice Actors

About 75% of the Iraqi population is part of, or closely associated with, one of the 150 tribes within the country. Tribes continue to play a key role for justice and security provision in Iraq, especially in areas where State presence is low or weak.

Iraqis often turn to tribal and religious dispute settlement mechanisms due to lack of trust in the public sector and weak access to justice. However, tribal justice mechanisms in Iraq, include practices that could be against basic human rights and gender equality principles such as exchange of women as dispute resolution measures or collective violent punishments.

There are several armed and insurgency groups in Iraq, including Iran-backed groups, groups linked to Shia political parties and Hawza armed groups which are not connected to political parties. There are also armed groups from the main minority groups; Yazidi, Christian and Turkmen. Finally, there are also Tribal Mobilisation (TM) armed groups, consisting mainly of local Sunni fighters.

They remain active to both contribute to and challenge security conditions in the country. Popular Mobilisation Units (PMU) are an umbrella organisation with up to 70 different armed groups with formal links to the government. They report to the Prime Minister and National Security Council directly.

Non-state armed groups have all been accused of extrajudicial killings, disappearances, sexual violence and extortions. They manage 'secret prisons' that fall outside of formal court proceedings. In 2017, a legal framework was developed to integrate non-state armed groups to the armed forces with civilian and government oversight.

Security Sector Reform

Soon after the 2003 invasion, the American army dismantled the Iraqi security forces and started rebuilding from, almost, scratch the police and army. The US created an American body called Coalition Provincial Authority (CPA) to supervise the security sector reform process. One of their initial decisions was "De-Baathification" of the security forces, which resulted in vast unemployment, as Baathists (mostly Sunni Muslims) holding senior ranks

in public sector were prohibited from employment in the new administration. A second decision was to separate the Iraqi army between bases and command, leading to almost half a million people becoming unemployed. This created a big socio-political change and the end of a historical Sunni dominance over the public sector. It also led to increased identity-based tensions.

The reform process initiated in 2003 has identified the following priorities:

- o   Focus on recruitment of personnel and deployment;
- o   Provide short and quick training;
- o   Develop organisational structures, including accountability structures and oversight mechanisms.

The depoliticization of Iraqi security forces, as well as building basic operational capabilities, including recruitment, training and equipping was the priority for the 2003 SSR process. However, this phase of the reform lacked national ownership. It was characterised by weak consultations and insufficient attention to reintegration issues and community resilience challenges. It was; nevertheless, a highly political process, with significantly high stakes for national, regional and international actors, with conflicting agendas on Iraqi soil.

Some of the achievements of this early ten-year-long reform process included setting up of basic institutional infrastructure for the security and justice systems. Almost 188 000 police officers and around 135 000 military personnel were trained according to Mark Sedra and the Brookings institute. The gaps and shortcomings remained very serious. Soldiers were still not fully ready to engage in combat, usually criticised for insufficient training, and lack of efficient commando system. The ethnic division within army ranks was a crippling factor facing extremist groups' threats. Police officers, facing recurrent attacks against them and their stations, were continuing to abandon ranks and armed groups continued to play a prominent role in the country and infiltrating the national police force.

In 2011, the US withdrew its troops, leaving a power vacuum during a time of national political rivalries, terror attacks and civil war; aggravated by serious lack of national skills and capabilities. The spread of ISIL and fall of Mosul in 2014 further reinforced the need

for a robust credible political process to support the SSR process. The Iraqi security forces could not effectively respond to the threat from ISIL and due to the "de-Baathifize" approach in earlier years, Sunni groups no longer trusted the government and its forces.

A new iteration for security sector reform in Iraq started with the development of a new NSS in 2012 with support from UNDP and the Geneva Centre for Security Sector Governance (DCAF). While the Strategy articulates the challenges, it is in effect an ambitious, un-costed series of activities, without an associated implementation plan or road map.

The wide-ranging flagship Security Sector Reform Programme in Iraq was approved in 2016. It encompasses the Military Forces, Popular Mobilisation Committee and associated forces, security and intelligence services, the Ministry of the Interior, Federal Police, Ministry of Justice, the Supreme Judicial Council, and oversight institutions such as the legislature. In this Programme, the Government of Iraq recognises the declining performance of security services and the need for their comprehensive review and modernisation including through new legislation; a reformed institutional architecture to eliminate overlapping mandates; improved policies, processes and procedures; and development of capacity and skills at every level including leadership. Values espoused in it include respect for human rights, the role of women in the security sector, the rights of minorities and marginalised groups, transparency and accountability. The role of civil society and the media is recognised.

By 2004, the oversight role for the security sector reform process became the responsibility of Iraqi National Security Council (INSC). It is headed by the Prime Minister and includes membership from ministers of defence, interior, foreign affairs, justice and finance. A National Security Adviser function was established as a civilian oversight position, providing advice on policies and conducting necessary consultations in close liaison with INSC and national government. The current Security Adviser is former leader of PMU.

Emerging gaps and challenges for SSR in Iraq

The main preoccupation for international assistance in Iraq is around refugees, IDPs, Violent Extremism, regional instability, border management, local governance and

reintegration of non-State armed forces. Over the next few years several donors plan to provide further funding in order to help overcome the refugee crisis, assist with reconstruction and make it possible for the IDPs in Iraq to return to their homes. Whilst de-mining and border management remain priority areas in Iraq, there has been some perceived donor fatigue and as Iraq transitions away from the humanitarian crisis, the risk is that donors lose sight of the importance of continuing efforts to reach a mine-free Iraq, ready to restart businesses, development and reform.

The defence sector is the highest supported sector currently in Iraq. In contrast, intelligence reform is the least targeted area by the international community. However, access to justice and rule of law are going to be the emerging priority for donors and national counterparts alike, as well as establishing a civilian police institution and expanding the Rule of Law. Iraq's prisons, at the end of the criminal justice chain, are overcrowded and unable to cope with the demands placed on them. There are concerns that they are breading radicalisation.

Transitional justice in Iraq is still a highly contentious area and donor efforts are currently focused on holding ISIL accountable through the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh (UNITAD) and an investigative team is collecting evidence of war crimes, crimes against humanity and possible genocide in Iraq.

Very little donor engagement is established with non-state providers of SSG/R. Any such engagement is still perceived to be high risk and complex. As a result, the strong focus on reforming and strengthening State SSG/R institutions has not been complemented by approaches that target community safety and access to justice, with a few exceptions including the US Safe Return Programme which has provided legal services to returning IDPs.

Geographically, donors' current support to Iraq seems to be predominantly focused on liberated areas from ISIL. As the country moves toward longer-term reform, donors should expand their approach and look at overall needs of security and justice institutions in Iraq.

Human Rights and Gender Equality

Human rights continue to be a critical issue in Iraq. Security forces are accused of extra-judicial killings, torture and arbitrarily detaining. According to Human Rights Watch this mostly target Sunni men, or persons living in areas controlled by ISIL. Other human right violations by security forces are use of torture, death penalty, discordances and lack of processing war crimes according to rule of law. Freedom of assembly and gender discrimination are other areas were human right violations take place.

The situation for women and girls in Iraq is especially alarming. Security forces have been accused of sexual violence. Armed groups under the PMU punished entire families with perceived ISIL connections based on family names or geographical area.

Another vulnerable group facing human rights violations are IDPs and returnees. The country faces enormous challenges regarding internally displaced persons. Today, Iraq has nearly 2 million IDPs, a decrease from the peak reached in 2016 with more than 4 million people living in forced displacement.

International Community SSR Engagement

The international community remains very active in Iraq. Top donors include the US (State Department and USAID), the UK (FCO, MoD, DfID) and Germany (Ministry of Foreign Affairs, Ministry of Interior and Ministry of Justice). The EU, the Netherlands and Canada are also amongst the highest contributors to Iraq's reform and peace-building processes. In addition to traditional donors, Iran, United Arab Emirates, Russia and China are providing training to Iraq's military and supplying equipment, with donations of equipment from other States including Hungary and Jordan.

Security and Justice reform focused assistance to Iraq could be grouped into three programming clusters:

i)   Demining and removal of explosive remnants of war,

ii)   Formal State Security and Justice Institutions Capacity Development and

iii)   High-level advice and capacity enhancement for SSG/R strategy design.

With the spread of ISIL, new SSR programs started in Iraq. For example, did UNDP, Denmark, U.K. and the Netherlands spark a project in 2015 to identify ways in how the

government can develop an accountable, affordable, representative and responsive security sector while reflecting all citizens needs and demands.

The US-led Global Coalition against ISIL has been active to restore security and justice in the country. It is composed of Australia, Belgium, Canada, Denmark, France, the Netherlands, and the United Kingdom, as well as Iranian and Turkish forces. Their work has been directed to training, equipment and supporting security forces. United Kingdom has 400 military personnel deployed providing training. Until February 2020, more than 25.000 Iraqi forces have been trained.

United Nations Assistance Mission for Iraq (UNAMI) are supporting Iraq justice sector in promoting accountability, human rights protection and judicial reforms.

NATO has a mission in Iraq which was set up based on request from Iraqi authorities. It mostly aiming towards training and equipment of security sector with a focus on Ministry of Defense, the Office of the National Security Advisor, and relevant national security institutions. Further, the mission support civic-military relations, supports SSR process and counters terrorism. The mission will stay in Iraq for an indefinite period of time.

EU has an advisory mission (EUAM) in Iraq was set up in 2017 after a request from Iraqi government on how to proceed with its SSR. The mission mainly advises senior officials at the Office of the National Security Adviser (ONSA) and Ministry of interior on Civilian aspects of SSR. This fits in to Iraq's SSR process and NSS on building and strengthen national security institutions. The mission is currently planned until April 2020 but may be prolonged based on needs and interest. EU also has an Iraq strategy from 2018, focusing on civilian aspects and human rights.

Donor Coordination of SSG/R Programming in Iraq
Coordination in Iraq is challenging, with each donor maintaining bilateral contacts with the relevant government counterpart. The absence of a signed implementation plan for the Government's 2016 Security Sector Reform Programme complicates efforts for alignment, coherence and inter-donor coordination.

UNDP leads on donor coordination on security and justice assistance, which is arranged around eight areas, each with a lead donor. There are quarterly donor co-ordination meetings, chaired jointly by the Government of Iraq and UNDP which reflect a positive

environment for information-sharing between donors and the government. There is strong donor coordination around demining, with UNMAS heading up monthly donor and implementor co-ordination meetings, as well as regular meetings between the government and NGOs working on de-mining to discuss strategy and operations.

Key Readings

National Development Plan 2018 – 2022 - *The Republic of Iraq*

Iraq at a glance – *World Bank*

Iraq – *USAID*

Iraq - *GIZ*

Elements for an EU strategy for Iraq – *European Commission*

Country Guidance: Iraq - *European Asylum Support Office, 2019*

Support to Security Sector Reform – Phase I: Final Narrative Project Report – *UNDP, 2015*

The British Army in Iraq – *United Kingdom*

Other interesting reading material

Evaluating Security Sector Reform in Iraq – *Rathmell et al., 2005*

Bringing Regional Politics to the Study of Security Sector Reform: Army Reform in Sierra Leone and Iraq – *German Institute of Global and Area Studies, 2019*

Security Sector Reform in Afghanistan and Iraq: Exposing a Concept in Crisis – *Mark Sedra, 2007*

Iraq Post- Daesh. Improved Social Cohesion, but Iraqis Remain Dissatisfied with Government – *National Democratic Institute, 2019*

Baghdad Must Seize the Chance to Work with Iraq's Tribes – *Texas National Security Review, 2018*.

Thoughts on the Practicalities of Implementing the Iraqi National Security Strategy – *The Strategy Bridge, 2018*

World Report 2019 – Iraq - *Human Rights Watch, 2019*

Public Safety and Security Perception Survey Report – Iraq - *UNDP, 2019*

Iraq – *Amnesty International*

Corruption Continues to Destabilize Iraq – *Chatham House, 2019*