

The Tansiqiya Signals Escalation Versus the United States

by [Crispin Smith \(/experts/crispin-smith\)](#)

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ABOUT THE AUTHORS



[Crispin Smith \(/experts/crispin-smith\)](#)

Crispin Smith is an associate at a Washington-based national security law group, focusing on Iraqi security, human rights, and law of armed conflict issues. He is a cofounder of the Militia Spotlight platform.



Brief Analysis

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The Iraqi militia coordination committee is laying out its political and legal arguments for the removal of U.S. forces.

On May 22, the Iraqi Resistance Coordination Committee (al-Haya al-Tansiqiya lil-Muqawama al-Iraqiya, or Tansiqiya for short) issued a long new statement that reads as follows:

“‘Fight them, Allah will punish them by your hands and bring them to disgrace, and assist you against them and heal the hearts of a believing people.’ [Quran 9:14]

"After a number of mediations by some Iraqi politicians, the Resistance granted more than one chance to the Iraqi government, which conducts negotiations with the American side regarding the fate of the foreign forces [in Iraq], but what resulted from the two rounds—particularly the farce that was the second round—was bad and most unfortunate.

"To make matters worse, American military officials said that there is no imminent schedule for the withdrawal of their forces, and that it was the Iraqi government that asked them to stay, with no denials issued by the current government of these statements.

"This leads us to say that this government is neither sincere nor qualified. It is unable to fulfill the will of the Iraqi people by expelling the occupation forces from their land, preserving their sovereignty, and defending their constitution.

"What emerged from the two rounds of negotiations with the American side is totally and completely rejected, and was nothing more than an attempt to procrastinate and dragging feet. Therefore, we affirm that the free sons of Iraq are the ones who have the right to release the upper word, in a manner that guarantees the priority of achieving the

interests of the Iraqis and their security.

"The continued presence of the American occupation forces with their bases on the ground and their control of the sky is a continuous violation of the Iraqi constitution, which explicitly forbids this, and it is a lack of respect for the will of millions of the people of this country, and a clear violation of the decision of the Iraqi parliament.

"The American Administration, by refusing the exit of its forces, has sent us the clear message that they only understand the language of force.

"Therefore, the Iraqi Resistance affirms its full readiness to perform its legitimate, national, and legal duty to achieve this goal, and that its jihadist operations are continuing. Rather, it will take an upward escalatory turn against the occupation, and to what will force them—with the help of the Almighty and the endeavor of the brave Resistance fighters—to be expelled and defeated as they were defeated before."

This statement appears to foreshadow another period of escalation in the *muqawama's* ongoing efforts to expel U.S. forces. Its text is legalistic, focusing on both domestic law and the *muqawama's* perceived right to resist the coalition in Iraq. The Militia Spotlight team has [previously documented \(https://www.justsecurity.org/75723/team-of-legal-gladiators-iraqi-militias-tortured-relationship-with-law/\)](https://www.justsecurity.org/75723/team-of-legal-gladiators-iraqi-militias-tortured-relationship-with-law/) the *muqawama's* obsession with law. Previous Tansiqiya statements have also focused on the *muqawama's* "[legal and national right and popular support \(https://www.justsecurity.org/75232/iraqs-legal-responsibility-for-militia-attacks-on-u-s-forces-paths-forward/\)](https://www.justsecurity.org/75232/iraqs-legal-responsibility-for-militia-attacks-on-u-s-forces-paths-forward/)" for attacks on U.S. forces. This statement makes a few additional claims.

- **Claim: The U.S. presence in Iraq is "a continuous violation of the Iraqi constitution, which explicitly forbids this."** This is a weak line of argument that militias frequently use. The argument is weak because no provision of Iraq's constitution prohibits foreign forces from operating on Iraqi soil at the government's invitation. Coalition forces operate in Iraq at the invitation of its government and in accordance with various government-to-government agreements relating to (inter alia) the use of force, rules of engagement, number of troops in country, and so on. The internationally recognized government of Iraq remains sovereign. By definition, such an arrangement means U.S. troops are not an occupation force.
- **Claim: The U.S. presence in Iraq is "a clear violation of the decision of the Iraqi parliament."** This claim refers to the January 5, 2020, effort by some parliamentarians to pass a resolution expelling U.S. forces in the aftermath of the killing of Qasem Soleimani and Abu Mahdi al-Muhandis. The vote was nonbinding, as no quorum was reached in parliament per Article 59(1) of the constitution. For now, the prime minister and his Council of Ministers remain the direct executive authority responsible for the state's general policy, and he remains the commander-in-chief of its armed forces. This includes the power to negotiate and sign international agreements and treaties (Article 80).

Aside from the *muqawama's* efforts to place a legal sheen on their activities, the Tansiqiya statement is also notable for its reference to "American occupation forces with their bases on the ground and their control of the sky." This may indicate that the Tansiqiya and its Iranian backers are increasingly interested in the coalition's use of Iraqi airspace—not only for kinetic actions, but also for surveillance purposes.

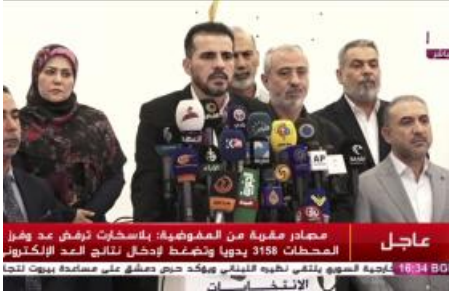
In sum, Saturday's statement may indicate further escalation down the line for the *muqawama*. A similar statement followed the U.S. strikes on Abu Kamal in February and Kataib Hezbollah's retaliation against Al-Asad Air Base on March 3. The present statement follows months of claimed convoy attacks, occasional indirect fire on airbases, and a new campaign of targeted suicide drone attacks. ❖

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