Militias and the Monopoly of Force in Transitional Iraq

by **Michael Knights (/experts/michael-knights)**

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ABOUT THE AUTHORS

Michael Knights (/experts/michael-knights)

Michael Knights is the Jill and Jay Bernstein Fellow of The Washington Institute, specializing in the military and security affairs of Iraq, Iran, and the Persian Gulf states. He is a co-founder of the Militia Spotlight platform, which offers in-depth analysis of developments related to the Iranian-backed militias in Iraq and Syria.

Brief Analysis

One year after Operation Iraqi Freedom began, Iraqi security forces are beginning to take greater responsibility for the security of the country. Nevertheless, questions remain concerning the diffusion of military power within Iraq. The Iraqi Fundamental Law drafted earlier this month stated that militias will be considered illegal entities after the Coalition Provisional Authority (CPA) transfers power to local authorities on June 30, 2004. In practice, however, many militiamen will likely be absorbed into existing security organizations such as the Iraqi Civil Defense Corps (ICDC), where their loyalties will continue to be divided between their Baghdad paymasters and local or sectarian affiliations. The challenge for the CPA is to find practical ways of balancing these sometimes contending pressures on local militias in order to prevent them from diluting the CPA's -- and, eventually, the Iraqi central government's -- power.

Background

Currently, U.S. forces are pulling back from major Iraqi cities and stationing themselves in fewer and more remote bases. In central Baghdad, for example, the U.S. presence will be reduced from twenty-four bases to two by May 2004, and only six bases will remain immediately outside the city; the troops in these eight bases will serve as a quick reaction force. Moreover, the CPA is steadily handing over the bulk of checkpoint security, patrolling, and law enforcement responsibilities to Iraqi security forces, and the forthcoming transitional government will depend on these forces as threats to stability intensify.

New Security Forces

The new Iraqi security forces consist of the New Iraqi Army (NIA), the ICDC, the Iraqi Police Services (IPS), and the Facilities Protection Service (FPS). The NIA's Development has been accelerated in order to establish twenty-seven battalions (of approximately 800 soldiers each) by September 2004. A special 400-strong NIA counterterrorism battalion will also be trained by the end of 2004. In addition to these relatively small numbers, the NIA may be constrained in its efforts to play an internal security role in the provinces due to lingering mistrust of government security forces, a legacy of the Ba'ath era. Indeed, the Kurdistan Regional Government will resist central governmental efforts to deploy the NIA to the north, and regions in the south could follow suit. Moreover, the CPA

directive establishing the post-Saddam military stated that the NIA "shall not have or exercise domestic law enforcement functions, nor interfere in domestic political affairs." More likely than not, existing provincial and multi-province governments in Iraq will supplement IPS forces with locally recruited, trained, and equipped ICDC forces.

The ICDC is currently 19,000 strong (twelve battalions), and CPA plans may call for it to triple in size. For now, the ICDC is employed by provincial governors to man checkpoints and provide interpreters and representatives during coalition raids. From the corps's inception, many local leaders feared it would become a new tool of central government oppression. Consequently, they have heavily seeded the ICDC with their own constituents. Like the majority of IPS and FPS forces, particularly outside Baghdad, the loyalties of regional ICDC units are divided between their central government paymasters and the local communities from which they are drawn. Unlike the NIA -- where each unit has been carefully balanced to reflect the proportional ethnic makeup of Iraq -- the other three main security organizations recruit locally and do not deploy outside their base area. Another important indication of their local character is that their personnel sleep at home, not in barracks. In theory, IPS, FPS, and ICDC personnel are under a chain of command reporting to the Ministry of Interior in Baghdad. Yet, provincial governors have hired and fired local IPS and ICDC personnel on numerous occasions, reinforcing their status as patrons. These local leaders will resist the centralization of FPS, IPS, and ICDC training at facilities designated by Baghdad.

In practice, many of those who apply and are accepted into these security forces were previously members of existing militia movements such as the Kurdish peshmerga, the Badr Brigades (run by the Shi'i Supreme Council for Islamic Revolution in Iraq [SCIRI]), or various tribal confederations. After all, these individuals are the most like to have paramilitary experience. Hence, ICDC forces in the Iraqi Kurdish region would likely pay as much attention to instructions from their former peshmerga colleagues and other Kurdish officials as they would to orders from their superiors in Baghdad. Similarly, SCIRI is likely to influence the ICDC in the south given the large number of defense corps personnel there who once served in the Badr Brigades. Although the ICDC may eventually absorb old militias, it will take vigilance and time to ensure that the old chains of command do not remain in place. Realistically, the ICDC will remain largely under the control of the same local leaders as the old militias for some time to come.

Smaller Local and Unofficial Militias

Iraq is a heavily armed country (e.g., CPA directives permit each Iraqi household to keep an AK-47 rifle), and its citizens are unlikely to be disarmed even in the long term, let alone while insecurity reigns. Moreover, junior coalition military commanders established a number of militias immediately after the war to assist with local security (although many U.S. and British divisions have adopted different approaches to the issue of militias). Hence, in addition to the above-named forces, a plethora of local militias exist in every major area of the country, where they are used by various groups to influence local politics. In the jockeying for power that will inevitably accompany the transition period, these militias may be used to influence elections. For example, in southern Iraq -- where factionalism is at its most diffuse and complex -- over 130 Shi'i militias have been identified by the CPA, and a number of them have already influenced the results of small local polls carried out by factional leaders seeking to fabricate a democratic mandate. Small groups of Shi'i militants have also been used in other ways to advance a political agenda (e.g., carrying out attacks against alcohol merchants). Although coalition and Iraqi security forces have attempted to halt illegal activities by smaller militias, they cannot formally disband such groups while Iraqis retain the legal right to bear arms.

Policy Implications

If current trends continue, the future Iraqi central government will not hold a monopoly on the use of force, but will instead be challenged by strong regional militias and a broad base of smaller local militias operating without any government mandate. The coalition should take steps to reverse these trends while it still retains influence over

Iraqi affairs in the transitional period. Specifically, the CPA should first ensure that the ICDC and other legitimate security forces absorb existing militias, and then increase central government control over these forces (i.e., centralize selection and training, strengthen command and control, increase professionalism, etc.). Much can be done in this respect. For example, the CPA could send Iraqis to the United States for training programs; increase the number of Iraqi personnel undergoing lengthy training courses in neighboring countries such as Jordan; and enlist the assistance of countries that have more experience than the United States with paramilitary law enforcement forces. Although the ICDC and other Iraqi security forces will effectively resemble and act like local militias for the time being, the above steps offer the best chance of slowly bringing them under centralized political control.

Michael Knights is the Mendelow defense fellow at The Washington Institute.

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