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Iraqi Refugees

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NEW MILITARY STRATEGY AGAINST TERRORISM IN MAURITANIA

Taking Algeria's lead in securing its southern borders in the Sahara/Sahel region against terrorists, smugglers, drug traffickers and kidnapping gangs, the Mauritanian Army has announced the creation of a new military zone along Mauritania's northeastern border with Algeria and its eastern border with Mali (for Algeria, see *Terrorism Monitor*, January 7). Special transit corridors and authorized gateways requiring mandatory military permits will be created in the largely uninhabited border region. General Mohamed Lamine Ould Etalib warned, "Anyone who does not comply with instructions of military units will risk being shot at directly. If anyone tries to disobey orders, he will fall under suspicion and will be directly shot" (al-Jazeera, February 14).

Additionally, all foreigners who have not entered Mauritania through official transit points have been ordered to report to authorities to rectify their status. Mauritanian Interior Minister Mohammad Ould Abileil stated that failure to use one of the 35 official border posts could result in interrogation and deportation (Ila.com, February 11). Colonel Mohamed Lamine Ould Taleb took to local television to announce that "this whole border region is now under the authority of the Mauritanian army which is imposing in it strict surveillance measures" (Sahara Media [Nouakchott], February 15).

Though the plan is largely a response to a series of al-Qaeda attacks on Mauritanian military units in the region and the activity of kidnapping gangs, the presence



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of French and Spanish oil firms in the area has been given as another reason for establishing a new security regime. The notoriously ill-equipped Mauritanian army and police received a major shipment of French military supplies in January, some of which appears to have found its way to a new “Special Intervention Group” patrolling the northern border region (*Jeune Afrique*, February 11).

Without surveillance aircraft, Mauritania will be hard-pressed to seal the vast and inhospitable border region from experienced smugglers who may know the desert better than Mauritania’s security forces.

While Mauritania sees threats from Algeria and Mali, Morocco has taken steps to secure its borders with Mauritania to prevent the movement of armed terrorist groups and smugglers. These measures include the introduction of a mobile scanner for examining trucks and containers at the busy Karkarat border checkpoint, the first of its kind in the region (Ilaf.com, February 11).

PAKISTAN TO STRENGTHEN PARAMILITARY LEVIES TO SECURE TRIBAL FRONTIER

With roughly 20% of its combat capability currently deployed, combating insurgency in the northwest frontier region, Pakistan’s military is eager to consolidate its hold on the tribal areas and return its regular forces to the eastern frontier with India. To accomplish this, the government has turned to one of its weakest and most unreliable security forces: the paramilitary Levies. On February 17, President Asif Ali Zardari announced a new plan to upgrade the Levies to enable them to take on the task of providing police services and general security after the withdrawal of the army (Associated Press of Pakistan, February 17). According to the President, “The anti-militancy war is a huge national effort and calls for strengthening and upgrading all its components” (*The News* [Islamabad], February 19).

The Levies (originally the “Swat Levies”) were created by the British in 1895 as a paramilitary police force. The Levies now come under the administrative control of the Ministry of States and Frontier Regions (SAFRON). The restructuring of the Levies will include an expansion in numbers, better training and the provision of modern weapons and equipment (*Daily Times* [Lahore], February 15). A special directorate general will be created to oversee the upgrade and operations of the Levies.

To accomplish this, the Levies have been allocated a supplementary grant equivalent to 300% of its current budget. This will be followed by \$17.6 million in spending to improve the levies over the next two years. Some of this money will be spent on the construction of new posts in the Federally Administered Tribal Areas (FATA), the North-West Frontier Province (NWFP) and Baluchistan (Associated Press of Pakistan, February 17). New equipment is vitally needed; until now the Levies have been issued little more than an outdated rifle and a handful of rounds.

The unreliable Levies will have an uphill struggle to maintain control in the frontier region. On February 14, the Political Agent for Orakzai Agency ordered the pay of local Levies suspended over their failure to perform their duties, citing fear of Taliban militants. The Levies were warned that they would be dismissed if they did not resume their activities (*The News*, February 14). Six officers from the Malakand Levies were among 155 NWFP officials against whom the government recently initiated action due to their ties to Islamist militants (*The News*, January 14). Last August, 66 Levies personnel, including a subadar major, were suspended after they were charged with laying down arms before the Taliban in Malakand Division in the lead-up to Operation Rah-e Rast (*Nawa-e Waqt*, August 27, 2009). Nevertheless, over 100 Levies have been killed and another 40 injured in clashes with militants in the last four years (*The News*, February 19). A suicide attack in Jamrud (Khyber Agency) on February 10 killed 15 Levies and Khassadars (Tribal Police) (*The News*, February 12).

Poor pay and lack of compensation to heirs if killed in action are issues that pose a major problem to recruiting capable personnel to the Levies. Taliban salaries are far higher and compensation of Rs 5 million (\$58,871) is paid to the families of dead Taliban fighters (*Khabrain* [Islamabad], August 19, 2009). On February 9, the Peshawar High Court responded to a number of lawsuits filed by heirs of deceased Levies and ordered SAFRON to pay Rs 1 million (\$11,774) as compensation to the heirs of Levies and other security personnel killed in military operations in the tribal region (*The News*, February 10). The upgrade program is expected to bring the wages of the Levies and Khassadars in line with NWFP police personnel in urban areas. Levies are currently paid Rs 3,500 (\$41) per month, less than the official minimum wage.

Habibullah Khan, a senior member of the FATA secretariat, has suggested that the Levies establish their

own investigative and intelligence services (*The News*, July 31, 2009). The FATA secretariat has also urged the recruitment of another 5,000 Levies to bolster the current 6,779 Levies in their new mission of securing the gains of the Pakistani military.

The Indian Navy's Agenda for Maritime Security in the Indian Ocean

By Vijay Sakhuja

The 2010 U.S. Quadrennial Defense Review noted that “India has already established its worldwide military influence through counter-piracy, peacekeeping, humanitarian assistance, and disaster relief efforts. As its military capabilities grow, India will contribute to Asia as a net provider of security in the Indian Ocean and beyond” (*Hindustan Times*, February 3). India’s Navy, however, has backed away from suggestions that it might take a dominant role in establishing security in the Indian Ocean, according to Indian Navy chief Admiral Nirmal Verma, who states “India has no intention of playing a headmaster’s role in the Indian Ocean Region” (Press Trust of India, February 5; *The Hindu*, February 6). The Indian Navy is instead seeking a cooperative regional approach to maritime security, as embodied in its recent participation in regional naval exercises and its upcoming Malabar war-games with U.S. naval forces in April and May.

Earlier this month, the Indian navy hosted the seventh biennial Milan-2010 exercises in the seas around the Bay of Bengal’s Andaman and Nicobar Islands, where eight Asia-Pacific navies (Australia, Bangladesh, Indonesia, Malaysia, Myanmar, Singapore, Sri Lanka and Thailand, along with observers from Brunei, Philippines, Vietnam and New Zealand) had gathered (*Andaman Chronicle*, February 3). The agenda at this naval congregation included discussions on maritime terrorism, piracy, and a seminar on humanitarian aid and disaster relief (Press Trust of India, February 5). Afterwards the participating navies conducted joint naval exercises focused on sea lane security.

The Milan series of multinational exercises, held since 1991, was conceptualized to foster closer cooperation

and address issues of maritime security among the navies of countries in India’s extended neighborhood of South East Asia and as far away as Australia and New Zealand. Expanding on the Milan series of exercises, the Indian Navy hosted the Indian Ocean Naval Symposium (IONS) at New Delhi in February 2008 (indiannavy.nic.in, February 15, 2008). Naval delegations from 29 countries of the Indian Ocean region participated in a symposium that addressed issues of maritime security and cooperative mechanisms, followed by a two-day conclave for the naval chiefs of the participating countries. India is likely to hand over the rotating leadership of IONS to the United Arab Emirates in May (Zeenews.com, December 2, 2009).

Multilateral anti-piracy and counterterrorism exercises are fast gaining currency in the Indian Navy’s operational planning. India has had some previous successes in anti-piracy and counterterrorism operations:

- In 1988, Indian maritime forces rescued Maldivian cabinet minister Ahmed Mujuthaba when it captured a freighter controlled by Tamil mercenaries in the aftermath of a failed coup attempt in the Maldivian Islands. [1]
- In November 1999, the Indian Navy captured the Japanese-owned MV *Alondra Rainbow* from a group of mostly Indonesian pirates who had seized the vessel. [2]
- In 2002, after the terrorist attacks in the United States, the Indian Navy provided naval security cover to U.S.-flagged high-value vessels, including nuclear submarines, through the Strait of Malacca, then plagued with pirates and possible terrorists. [3]
- More recently, an Indian frigate INS *Tabar* destroyed a Somali pirate “mother-ship” in the Gulf of Aden in 2008 after pirates threatened to open fire on the Indian warship (Ibnlive.in.com, November 19, 2008).

In 2008, however, India was a victim of maritime terrorism when terrorists of the Kashmir-based Lashkar-e-Taiba (LeT) attacked Mumbai from the sea (see *Terrorism Monitor*, November 19, 2009).

The development of interoperability in exercises with foreign navies offers the Indian Navy an important tool in security operations. These exercises assist

in developing skills for joint operations to address problems related to piracy, terrorism, drug trafficking, and the smuggling of arms and people. Interoperability has also facilitated institutionalized cooperative naval exercises with the navies of the United States (Malabar Series), Russia (Indra Series), France (Varuna Series), U.K. (Konkan Series), Australia, Oman, Bangladesh, Sri Lanka and Singapore and coordinated patrols with Indonesia and Thailand.

The Indian Navy chief has stated that Milan-2010 does not indicate the creation of a “security bloc” targeted against any other nation, an apparent reference to China, which is very sensitive to multinational naval exercises held by other Asian-Pacific states (Thaindian.com, February 5). Three of the navies observing or participating in Milan-2010 (Vietnam, Malaysia and the Philippines) belong to nations engaged in territorial disputes with China over the resource-rich Spratly Islands of the South China Sea (Sunday Island Online [Colombo], February 6).

India has had different responses to multilateral naval and maritime initiatives such as the U.S. proposed Proliferation Security Initiative (PSI- aimed at intercepting weapons of mass destruction being transported by sea) or the “Thousand Ship Navy” concept (TSN - a global maritime partnership designed to protect sea lanes), and the U.N.- sanctioned International Ship and Port Security Code (ISPS – designed to secure sea ports) and Container Security Initiative (CSI – a mechanism for the monitoring and surveillance of regulatory and safety mechanisms of container cargo). In essence, India supports multilateral initiatives that have been sanctioned by the United Nations and remains averse to any U.S. proposed initiatives, such as the PSI and TSN. Vijay Sakhuja, Ph.D., is Director (Research) at the Indian Council of World Affairs, New Delhi.

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Notes:

[1] “Operation Cactus”, http://www.bharat-rakshak.com/CONFLICTS/Operation_cactus.html.; “Maldives: The Coup that Failed,” *Asiaweek*, November 18, 1988, pp.37-38.

[2] Prabhakaran Paleri, *Role of the Coast Guard in the Maritime Security of India*, (New Delhi: Knowledge

World, 2007), p.147; Commodore RS Vasan IN(Retd), “Alondra Rainbow revisited, A Study of related issues in the light of the recent judgment of Mumbai High Court,” South Asia Analysis Group, Paper no.1379, May 13, 2005, <http://www.southasiaanalysis.org/%5Cpapers14%5Cpaper1379.html>.

U.K. Prosecutors Lose a Legal Option in Preventing Terrorism

By Raffaello Pantucci

On January 29, 2010 an appellate court in Scotland declared it was quashing a terrorism charge against 24-year old Mohammed Atif Siddique, the first person to be convicted on charges related to Islamist terrorism in Scotland. [1] Initially convicted on charges of disorderly conduct, setting up websites to disseminate extremist material, disseminating extremist material, and possessing items related to terrorism, the appeals court concluded that the conviction on the last of these charges was unsound, resulting in a “miscarriage of justice.” Siddique has at this point already served four years which the Crown Prosecution Service considered sufficient to cover the other charges and he was released on February 9 (BBC, February 10).

Reporting on the case naturally centered around the “miscarriage of justice,” though reports also pointed out that the convictions still stood on the other two terrorism-related charges and the disorderly conduct charge (*Times*, January 29; BBC, February 10; UK Press Association, February 9). In a series of interviews after his release, Siddique was unable to provide much explanation for the actions which led to his initial convictions, beyond that he was a “numpty” (a Scottish pejorative for a foolish person), and that he was bored and trying to find out “the other side of the story” (BBC Radio 5 Live, February 10; *Scotsman*, February 11). His justification for providing links to extremist material was that it was all “freely available” on the internet (he

claimed to have obtained some of his material from the Israeli-based e-prism.org website run by Reuven Paz, former head of the Mossad research department) and that anyway, it was all in Arabic, a language he didn't understand (BBC, February 10). He further dismissed statements he had made that he was planning to become a suicide bomber, by pointing out that he had also claimed to have met with Osama bin Laden – painting himself as a naïf eager to impress others (BBC, February 10). Siddique suggested he was a victim of racism and bad timing. “Had a white person downloaded this stuff, there would have been no prosecution... My trial came at a time when there was a lot of hostility – the Glasgow Airport attacks had just happened, my trial finished on the anniversary of 9/11” (*The Scotsman*, February 11).

The reason for the decision to quash the conviction was based around a failure by the trial judge to instruct the jury that it had to be sure that the items Siddique possessed were intended for use in a terrorist act, according to section 57 of the Terrorism Act 2000:

A person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism. [2]

According to section 57, the jury must be sure that the intended possession of terrorism-related material is under “circumstances which give rise to a reasonable suspicion” that they were part of a terrorist plot. By failing to indicate this crucial point, the judge “misdirected” the jury, rendering their conclusion unsound. [3]

The case is not, however, without precedent. Siddique was part of an online sub-culture of individuals involved in At-Tibyan publications and their related websites. Individuals involved in this network, including Aabid Khan and Younis Tsouli are currently incarcerated on terrorism charges, while a separate group, mostly from Bradford, was released under circumstances similar to Siddique's in February 2008. [4] In that case, the appeals judge concluded that the jury had been equally misdirected about the specific nature of the charges connected to Section 57 and that it was unclear whether the materials the suspects possessed were linked to planned terrorist acts. [5] The men were allegedly planning to join the mujahideen in fighting NATO forces in Afghanistan; Siddique was initially stopped after he

attempted to board a flight going to Pakistan, claiming he was going to visit an uncle's farm.

Later in 2008, Samina Malik, the self-described “Lyrical Terrorist” was cleared of a conviction under section 58 of the Terrorism Act 2000 (which states that “a person commits an offence if: they “collect” or “possess” “information of a kind likely to be useful to a person committing or preparing an act of terrorism”). The conviction was overturned after the appeals judge concluded that it was too intertwined with the Section 57 charge of which she had already been cleared. [6]

The key prosecution charge in all of the aforementioned cases came under Section 57; the individuals involved possessed substantial volumes of radical material they had obtained online and were using in furtherance of terrorist plots. While all (aside from Samina Malik) were initially convicted on this charge, the government's case was undermined on appeal by nature of the wording used in court around the charge, something which highlights the difficulty in bringing a conviction based on possession of extremist material as the main charge. The point is that the individuals were not caught in possession of weaponry or other clearly bellicose accoutrements, but rather online tracts and handbooks which, when taken in conjunction with other evidence, amounted to, in the prosecution's view, tangible evidence that a terrorist conspiracy was afoot. The defense instead painted these materials as merely evidence of youthful curiosity.

In all of the cases, other factors would appear to support the accusation that something suspicious was occurring: Mohammed Atif Siddique was initially interdicted as he attempted to board a plane to Pakistan, something he may have been inspired to do after online conversations with Aabid Khan (BBC, August 18, 2008). The Bradford group gathered with the alleged intention of going abroad to fight, and Samina Malik was passing information on Heathrow security to Sohail Qureishi, a dental technician who was arrested before ever reaching Afghanistan, where he had intended to fight. But in all three cases, the wording of the legislation resulted in a successful appeal mounted by the defense against the initial conviction.

Mohammed Atif Siddique is now likely to return to life as a young man in Scotland; but the implications of his release are hard to gauge. The government has faced criticism in the past over the heavy burden placed upon defendants to prove they are innocent under section 57 and has tried to soften this with later amendments

to legislation. But more specifically, the problem of proving whether extremist material that is often widely available is going to be used in pursuit of a terrorist action is something that presents an ongoing problem for British authorities. In one recent case, an individual was picked up after gathering materials during the course of post-graduate research, and was later released with no charges against him. This was a public relations disaster, with the student's professor declaring that he was no longer going to teach terrorism courses for fear that his students may be detained (*Guardian*, February 5). In another case, two individuals pled guilty to charges of possessing and disseminating terrorist material, though it was unclear whether they were involved in any direct plotting of attacks (*Halifax Courier* [UK], December 18, 2007).

With the threat of terrorism and radicalization in the U.K. remaining very real, the government continues to seek ways to intercept individuals before they move too far down the road to action. It increasingly appears that conviction on the basis of possession of extremist material is no longer an available measure.

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Notes:

1. The complete court judgment can be found at: <http://www.scotscourts.gov.uk/opinions/2010HCJAC7.html>
2. The complete Act can be found at: http://www.opsi.gov.uk/acts/acts2000/ukpga_20000011_en_1.
3. <http://www.scotscourts.gov.uk/opinions/2010HCJAC7.html>.
4. For more on the Khan/Tsouli network, please see Raffaello Pantucci "Operation Praline: The Realization of Al Suri's Nizam, la tanzim?," Perspectives on Terrorism, vol.2, no.12, November, 2008; and Evan Kohlmann, "Anatomy of a Modern Homegrown Terror Cell: Aabid Khan et al. (Operation Praline)," September 2008, <http://www.nefafoundation.org/miscellaneous/nefaaabidkhan0908.pdf> - others from this network have also been incarcerated elsewhere around the globe.
5. Regina vs. Zafar & Ors, before Supreme Court of Judicature, Court of Appeal, handed down February 13, 2008.
6. Regina vs. Samina Hussain Malik, before Court of Appeal, handed down June 17, 2008.

Key to Iraqi Stability Lies in Resolution of the Conflicting Interests of Kurds and Arabs

By David Romano

In his February 2, 2010 "Annual Threat Assessment of the U.S. Intelligence Community," U.S. Director of National Intelligence Dennis C. Blair predicts that Iraq will continue making progress, although "this forecast is dependent on the next government's effective management of Arab-Kurd tensions, continued progress in integrating the Sunni Arabs into the political process, and the ability of the ISF [Iraqi Security Forces] to combat threats to the state." The report adds:

Arab-Kurd tensions have potential to derail Iraq's generally positive security trajectory, including triggering conflict among Iraq's ethno-sectarian groups. Many of the drivers of Arab-Kurd tensions—disputed territories, revenue sharing and control of oil resources, and integration of peshmerga forces—still need to be worked out, and miscalculations or misperceptions on either side risk an inadvertent escalation of violence. U.S. involvement—both diplomatic and military—will remain critical in defusing crises in this sphere. [1]

U.S. General Raymond Odierno gave a similar assessment in July 2009, telling reporters that, "while violence continues to decline overall, tensions between Iraqi Kurds and Arabs over boundaries and oil revenues represent the biggest threat to the country's stability" (al-Arabiya, July 29, 2009).

The Uneasy Integration of Kurdish and Arab Security Forces

In 2008 and 2009, Kurdish relations with Baghdad came dangerously close to exploding into open conflict on a number of occasions, as Prime Minister Nuri al-Maliki's increasingly nationalist stance and advocacy of a strong central government threatened the Kurdish preference for autonomy and decentralization (see *Terrorism Focus*, February 19, 2009). American intervention and mediation of a number of confrontations, including two incidents where Kurdish peshmerga and Iraqi Army Arab units appeared ready to begin shooting at each other, helped to keep tensions under control. [2]

Given that the disputes between Baghdad and Arbil remain unresolved, a looming withdrawal of U.S. forces has increased fears of what may occur in the absence of mediators. In an attempt to foster cooperation and better relations between Kurdish forces and Arab Iraqi Army troops, U.S. forces recently began managing shared checkpoints with both forces along the Kurdish region's border (AFP, February 11).

The Importance of the Iraqi Constitution

During his January 2010 visit to the United States, Kurdistan Regional Government (KRG) President Massoud Barzani stressed the importance of “strategic long term U.S. engagement with Iraq and the Kurdistan Region” (KRG.org, January 25). In his January 25 meeting with U.S. President Obama, he confirmed the need for Iraq's constitution to be the arbiter of internal disputes and told U.S. president Barack Obama that Iraqis must implement and abide by all the articles of Iraq's constitution (KRG.org, January 25).

“Implementing and abiding by all articles of the 2005 Constitution” is the KRG's way of insisting on three points they consider vital:

- The Kurdish region must have the opportunity to annex some heavily Kurdish and disputed territories south of its current boundaries.
- The KRG must be allowed to sign its own oil contracts and receive a proportional share of national Iraqi oil revenues.
- Kurdistan's autonomy and Iraq's highly decentralized federal structure must be maintained.

These three issues lie at the center of unresolved disputes between Arbil and Baghdad.

According to Article 140 of the Constitution, Kirkuk and other disputed territories were to have their demographics “normalized” (meaning the return of mostly Kurdish residents expelled under Ba'athist Arabization campaigns and the departure of Arab settlers), a census was to be conducted in these territories, and Kirkuk and possibly other disputed territories just south of the current KRG borders were to hold a referendum by December 31, 2007 to decide whether to become part of the Kurdistan Autonomous Region. Although normalization has been

partially accomplished, parties in Baghdad managed to continually postpone the census and referendum.

The Iraq Constitution likewise grants governorates and autonomous regions all powers which are not explicitly reserved for the federal government in Baghdad. The exploitation of existing oil fields is regarded as a right of the central government, with resulting revenues to be divided proportionally amongst all Iraqis (after deduction of operating expenses and a percentage of revenues for federal projects and expenses). The Kurds, however, claim the right to manage oil fields they discovered or will discover themselves. Although neither Baghdad nor the KRG disputes the principle of sharing oil revenues amongst all Iraqis, management and control of oil production sites in the country offers an important source of power and leverage for both parties. Kurds would especially like such control in order to make sure that Baghdad delivers their promised share of oil revenues. Arab parties in the rest of Iraq, however, want to maintain federal control of the oil industry for both the leverage this will provide them and in order to make sure that the Kurds do not eventually secede, possibly taking oil-rich Kirkuk with them.

Does Decentralization Encourage Separatism?

Most non-Kurdish parties, with the significant exception of the Shi'a Islamic Supreme Council of Iraq (ISCI), fear that the extent of decentralization in the 2005 Constitution increases the chance of Kurdish secession. Kurds in turn insist that such decentralization is precisely what they need to remain within Iraq and serves as the best guarantee against a risky bid for an independent Kurdish state. Massoud Barzani and other leaders have repeatedly warned that a failure to respect the 2005 Constitution will remove any obligation the Kurds may have to remain part of Iraq. “We must understand that everything we accepted was because of the Constitution. When we accepted to remain within Iraq and contribute to the political process, we did that with the view that we will have a constitution” (Massoud Barzani's interview with *Asharq al-Awsat*, March 14, 2009).

The Kurds therefore attached great importance to a December 7, 2009 White House statement expressing support for Article 140 of the Iraq Constitution, the article that addresses Kirkuk and other disputed territories. The U.S. statement reaffirmed “its respect for the Iraqi constitution, including Article 140, which addresses the dispute over Kirkuk and other disputed internal borders, and Article 142, which addresses

the process for constitutional amendments.” Since Article 142 elaborates the process by which the other elements of the Constitution can be changed, including Article 140 and the various provisions for extensive autonomous Kurdish rights, the American position remained ambiguous. Nuri al-Maliki, most of the Sunni Arab parties and several of the Shi’a Arab blocs would like to utilize Article 142 precisely in order to reverse what they view as excessively “pro-Kurdish” aspects of the Constitution.

Remarks made by U.S. Secretary of Defense Robert Gates—made shortly after the White House statement—appeared to take a less ambiguous and more pro-KRG position. KRG official media reported that during his visit to Arbil, Gates stated that the United States had made three commitments:

- To use our influence to ensure that the outstanding disputes between the KRG and the Iraqi Government, including the Kirkuk dispute and other disputed areas and the sharing of oil revenues, are resolved based on the Iraqi Constitution and Article 140.
- We will continue with our military efforts with the peshmerga forces as well as with the Iraqi Army and security forces within the framework of our joint security architecture.
- We will offer our support and assistance for a census to be conducted in Iraq next year (KRG.org, December 11, 2009).

The statement was quoted only by Kurdish sources and not published by any U.S. government sources. If accurate, it would indicate a more substantive U.S. position on the lingering disputes between the KRG and Baghdad. In addition to supporting the provisions of Article 140, American support for an Iraqi census in 2010 fulfills a long-held Kurdish demand. Such a census will likely show a Kurdish majority in Kirkuk province as well as many of the territories currently disputed between the KRG and Baghdad, which will bolster Kurdish demands to uphold the other key element of Article 140 – referendums to determine if the people of these regions wish to join Kurdistan.

The results of the census will almost certainly be contested, given the grossly varying estimates of the size of Iraq’s ethnic and sectarian groups and the recent disputes over the future allotment of parliamentary

seats. While the census will be necessary according to constitutional requirements, it could also lead to more conflict.

Conclusion

Much will also depend on the results of the upcoming March 7 nation-wide elections. Significant divisions have emerged not only between Sunni and Shiite political blocs, but also among the Kurds – with Kurdish Islamist parties as well as the new Gorran Party (a splinter group that broke away from Jalal al-Talabani’s Patriotic Union of Kurdistan) promising to run separately from the previously hegemonic Kurdish List. If more statewide political alliances emerge across sectarian lines after the elections, the dialectic of Kurdish-Arab disputes might recede a little as well. Alternately, Kurdish parties in stiffer competition with each other may feel less able to compromise on core issues like Kirkuk and control of oil resources in Kurdistan.

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Notes:

1. Dennis C. Blair, “Annual Threat Assessment of the U.S. Intelligence Community for the Senate Select Committee on Intelligence,” Office of the Director of National Intelligence, February 2 http://www.dni.gov/testimonies/20100202_testimony.pdf
2. “A Precarious Peace in Northern Iraq,” *Middle East Report*, October 1, 2009.

No Place Like Home: Iraq’s Refugee Crisis Threatens the Future of Iraq

By Rachel Schneller

The massive upheaval of Iraq’s population that has occurred since 2006 threatens the long-term stability of the country, regardless of short-term gains achieved through the political process or military surges. Symptomatic of a destabilized Iraq, displaced populations are themselves a source of

future destabilization. Many Middle Eastern countries experienced instability resulting from Palestinians displaced after the establishment of Israel in 1948, the last refugee crisis of comparable proportions in the region. Problems originating from the Palestinian refugee crisis continue today, and the wheels of a new refugee crisis have been set in motion with over four million of Iraq's original 26 million inhabitants displaced since 2003, representing about 20 percent of its pre-war population. [1] An estimated two million Iraqi refugees now reside predominantly in Syria and Jordan, and an additional estimated 1.6 million are internally displaced persons (IDPs). [2]

Iraq has a long history of migration both inside and outside of the country. Under Saddam, Shi'a Arabs and Kurds fled to Iran to escape oppression. The Ba'athist regime actively attempted to alter the demographics of the predominantly Kurdish north and the Shi'a south. In 2003, Iraqis of all ethnicities and religions temporarily fled the general violence of the U.S.-led military intervention. But the displacement that has occurred since the February 2006 bombing of the Samarra mosque affected all of Iraq's different groups in unprecedented proportions, altering the demographic fabric of the nation for the foreseeable future. [3] Sunnis fled Shi'a-dominated areas for predominantly Sunni provinces or went abroad; Shi'a fled Sunni provinces for predominantly Shi'a provinces or abroad; Arabs evacuated Kurdish areas of Iraq and Christians have largely left the country altogether (*Al-Sabah*, January 16). [4] As an unintended consequence of the U.S. invasion, Iraqis of all ethnic and religious backgrounds who have worked for Coalition forces have been targeted for assassination.

A local "brain drain" has particularly affected Iraq because those with education and resources are more capable of leaving the country and setting up residence abroad. The less fortunate have been left to fend as best they can inside Iraq. The end result is an Iraqi population that has a greater proportion of young, inexperienced, poorly educated religious and political extremists than otherwise would have been the case. With a large portion of Iraq's well-educated middle class now living in Jordan, rebuilding Iraq will be even more difficult (*Aswat al-Iraq*, July 1, 2009). [5]

Refugees Fuel Insurgencies

Less than ten percent of Iraq's displaced have returned to their original homes in Iraq. [6] The vast majority,

however, remain in neighboring Syria and Jordan with no plans to return to a still-volatile Iraq and return becomes less likely with each passing year (*Aswat al-Iraq*, January 2). Host countries resist granting permanent residency status to refugees and likely will remain firm on this position. [7] Concerns related to the history of displaced Palestinian Arabs and economic conditions in these same countries will deter Syria and Jordan from accepting Iraqi refugees as legal residents. Refugee children remain largely outside the education system, which will make unemployment a growing problem in the future as they mature and attempt to enter the local labor pool with few marketable skills. Even well-educated Iraqi adults work tenuously in grey markets, subject to exploitation and deportation. [8]

Only a small percentage of the approximate two million Iraqi refugees will be resettled in third countries. As the largest resettlement destination for Iraqi refugees, the U.S. took in 33,000 Iraqi refugees from 2003 to 2009, a tiny portion of the overall 2 million Iraqi refugees. [9] European nations, which accepted thousands of Iraqi refugees from 2003-2008, are indicating they will no longer resettle Iraqis, even forcibly repatriating some Iraqi asylum-seekers (*Aswat al-Iraq*, October 17, 2009).

Even if the United States could increase the number of Iraqi refugees it resettles to more adequately address the Iraq refugee crisis (which is unlikely in the current economic downturn), many Iraqis do not wish to be resettled outside of the Middle East and do not register with the United Nations High Commissioner for Refugees (UNHCR), the first step toward resettlement. Caught between two unappealing options, many Iraqis choose the least-worst alternative and remain in semi-legal status in neighboring countries rather than face the lengthy and complicated process of resettling in the United States or Europe, both viewed as hostile and discriminatory toward Arabs. [10] The large numbers of Iraqi refugees concentrated in Amman, Damascus and a few other locations in the Middle East are creating social support networks. Resettlement in the United States, on the other hand, can result in social isolation and extreme poverty because of a lack of adequate support for refugees. [11]

The large "grey" Iraqi population emerging in the Middle East, tolerated but not integrated, is likely to grow in the coming years. As with Palestinian refugees after 1948, stateless Iraqis will become a population ripe for fueling future insurgencies in Iraq and the region. Eventually, Iraqi refugees will seek residency rights through local

integration, diminishing resettlement possibilities, or returning to Iraq, either voluntarily or through forced repatriation. All of these options will be complex and probably violent. Host countries may choose to expel or deport Iraqi refugees rather than set a precedent for granting permanent residency rights to other displaced Arabs in the region. The future Iraqi government, likely to be dominated by religious Shi'a political parties, is unlikely to welcome an influx of Sunnis and moderates who could challenge their authority. [12]

Iraqi refugees are already fueling insurgent activity in Iraq. Among the first to flee Iraq after the initial U.S. invasion were Ba'athists who took refuge in Syria and Jordan (*Aswat al-Iraq*, September 28, 2009). The Iraqi government accuses Ba'athist residents abroad of insurgent activity and blames them for the spate of terrorist bombings targeting Iraqi government institutions in late 2009. Iraq has also accused Syria of harboring Ba'athist terrorists; an allegation Syria adamantly rejects (*Aswat al-Iraq*, September 28, 2009). Further tensions between Baghdad and Damascus threaten the already fragile status of Iraqi refugees in Syria, as Syria could expel all illegal Iraqi residents to retaliate against Baghdad's accusations.

IDPs Worse Off than Refugees

IDPs in Iraq face challenges similar to those of the refugees, but without assistance from international organizations or the option of resettlement to safer countries. IDPs encounter obstacles enrolling their children in new schools, registering for public benefits, accessing health care and finding jobs. Many Iraqi IDPs are not able to access government services in their new provinces because the Iraqi government either has not been able to mobilize programs for IDPs or because the distribution of the resources available for IDPs is divided along sectarian lines, favoring the Shi'a population. [13] In the absence of central government assistance, sectarian militias have stepped into the arena. Shi'a militia groups provide resources for displaced Shi'a; Sunni militias provide similar services for displaced Sunnis, providing basic food and fuel and assistance in settling in homes abandoned by other displaced Iraqis, setting the stage for future violent property disputes divided between sectarian groups. Indeed, property restitution will likely be among the most intractable of the long-term problems facing Iraq in the future. [14] Even if IDPs successfully integrate into their new communities, the majority will not willingly give up all rights to their former properties and will seek restitution or compensation once conditions in Iraq have improved.

Because they are still in Iraq, IDPs must also deal with Iraq's high levels of crime and violence. Indeed, many IDPs would probably prefer to leave Iraq for destinations where job prospects would be better and violence levels lower. However, IDPs lack sufficient financial resources and social networks to leave the country and support themselves abroad. IDPs are a population ripe for recruitment by insurgents and militias as, having fled violence, they are focused on security and view participation in armed groups as one of the only options for defending themselves and their families against future attacks. Both Sunnis and Shi'a who have been internally displaced are joining local militias and insurgent groups, as these are the only employment opportunities available. [15]

Of those refugees returning to Iraq from abroad, the large majority become part of the IDP population. [16] These refugees do not return to their original homes, but rather seek new homes where they will not be a target for sectarian violence. [17] Sunnis who fled to places abroad from Basra in 2006, for example, are unlikely to return to Basra and instead will likely seek new homes in regions where Sunnis are the majority. Over time, accumulated refugee returns to Iraq will intensify the division of the country along sectarian lines.

Demographic Warfare

The dynamic of Iraqi IDPs and refugees since 2006 has altered the demographic fabric of Iraq. The country in 2010 looks vastly different than it did before the Coalition invasion and the Samarra mosque bombing. Previously mixed Shi'a-Sunni neighborhoods are now almost entirely homogenous. Northern territories which used to house Kurds, Arabs, Turkomen, and other ethnicities are now less diverse, with Kurds claiming more area for the independent Kurdish region through tactics intended to chase away minorities.

One result may be greater regional stability, as ethnically homogenous populations more readily agree on social and political goals. Regional stability, however, will come at the cost of decreased national stability and greater fragility in relations between Iraq and its neighbors.

A homogenous Kurdish area will have less incentive to engage with Arabic-speaking areas of Iraq. A homogenous Shi'a region will have little incentive to listen to Sunni concerns, let alone make concessions to them. Ten years ago, many areas of Iraq were home to mixed populations of Kurds, Shi'a and Sunni who

made the necessary political compromises to co-exist peacefully. The population displacement that has occurred in Iraq, however, has exacerbated sectarian and ethnic tensions and greatly decreased incentives for negotiation and compromise.

As demographically homogenous regions become stronger and more unified in their aspirations, the central government will become less capable of unifying the nation. Already, provincial governments have become more capable at exacting monetary tribute from the weak national government. In 2009, Baghdad bowed to Basra and the Kurdish Regional Government, according them one dollar per barrel of oil produced or refined. For each religious visitor, Najaf will receive a fee from the national government. National unity achieved through buying off provincial governments is tenuous, dependent on unstable oil prices in Iraq and a government struggling with corruption and inefficiency.

A national Iraqi census envisioned for late 2010 will reveal the extent to which the country has become divided (*Aswat al-Iraq*, August 31, 2009). This census is likely to be controversial, fraught with implementation challenges and marking a new phase of instability in Iraq. Determining the status of disputed territories such as Kirkuk will be linked to completing a census, which will reveal the demographic make-up of these highly sensitive areas. National elections slated for March 7 will also expose the extent to which Iraq has changed demographically since the 2005 elections, likely triggering further sectarian violence.

Repeating History

The Palestinian refugee crisis was a recipe for disaster, and history is now repeating itself with the current Iraqi crisis, which will likely set off decades of sectarian violence, insurgent and terrorist activity, and conflicts arising from reintegration efforts. The violence occurring in Iraq has the potential to spill over into neighboring countries, which also struggle with sectarian tensions between Shi'a and Sunni Arabs, Kurds, and Christians. For many Iraqis, going home is no longer an option, and even the displaced within Iraq who succeed in returning to their original geographic location will find a nation vastly changed and a government, perhaps more democratic, but less capable of ensuring national unity.

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Notes:

1. Exact figures- both of refugees and of Iraq's pre-war population- do not exist and numbers are disputed by the government of Iraq and host countries. However, these figures are the ones most quoted by the United Nations High Commissioner for Refugees and other organizations involved in the Iraq refugee and displacement crisis. See UNHCR Global Appeal 2009 Update (2009) and Elizabeth Ferris, *The Looming Crisis: Displacement and Security in Iraq* (Washington: The Brookings Institution, August 2008).
2. Younes, Kristele and Rosen, Nir. "Uprooted and Unstable," *Refugees International*, April 2008. p.1; "IOM Emergency Needs Assessments Post February 2006 Displacement in Iraq," International Organization for Migration, October 1, 2009.
3. "Assessment of Return to Iraq," International Organization for Migration, November 3, 2009.
4. "Iraq's Dangerous Trigger Line," *The Economist*. February 11.
5. Fisher, Nathan. "The Iraqi Refugee Crisis Continues." *CommonDreams.org.*, June 30, 2009.
6. About 336,000 out of 1.6 million IDPs. "IOM Emergency Needs Assessments Post February 2006 Displacement in Iraq," International Organization for Migration, October 1, 2009.
7. "Refugee Crisis in America," *Georgetown Law*, October 7, 2009, p.13.
8. Ibid
9. Ibid
10. Ibid, pp. 15-19.
11. Ibid, pp. 25-33.

12. "Iraq: Preventing the point of no return," *Refugees International*. April 7, 2009.
13. Kristele Younes and Nir Rosen, "Uprooted and Unstable," *Refugees International*. April 2008, p. 5-6.
14. "Iraq: Preventing the point of no return," *Refugees International*. April 7, 2009; "Assessment of Return to Iraq," International Organization for Migration, November 3, 2009.
15. Younes and Rosen, op cit, pp.304.
16. The UNHCR found 70% of Iraqi refugees returning from Syria became internally displaced. See Younes and Rosen, op cit, p.14.
17. "Assessment of Return to Iraq," International Organization for Migration. November 3, 2009; "Iraq: Preventing the point of no return," *Refugees International*, April 7, 2009.