

# The Future of Mosul

## Before, During, and After the Liberation





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## Abbreviations

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GoI	Government of Iraq
IDPs	Internally Displaced People
INGO	International Non-Governmental Organisation
IS	Islamic State
ISIL	Islamic State of Iraq and Levant
ISIS	Islamic State of Iraq and Syria
ISIS	Islamic State of Iraq and al-Sham
JCCC	Joint Crisis Coordination Centre (KRG)
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
MERI	Middle East Research Institute
NPC	Nineveh Provincial Council
PTSD	Post-Traumatic Stress Disorder
PUK	Patriotic Union of Kurdistan
TAL	Transitional Administrative Law
UK	United Kingdom
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNCHR	United Nations High Commissioner for Refugees
US	United States

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## Executive Summary

The post-conflict planning following the 2003 invasion of Iraq was weak at best and as a result many elements were at play that led to the marginalisation and political disenfranchisement of the Sunni community. Consequently, radical entities, such as Al-Qaeda and the Islamic State (IS), exploited local dynamics to take up a position within society in the Sunni areas of Iraq. It is important that the current fight against IS in Iraq avoids this pattern at all costs; if the liberation is devoid of long-term planning it will likely result in the resurfacing of a number of issues responsible for the rise of IS in Iraq in the first place. Lessons must be learnt from the mistakes of post-Saddam planning and these must not be repeated post-IS. There needs to be a multifaceted approach to the planning for the liberation of Mosul that goes well beyond the military dimension.

The aim of this report is to analyse non-military elements that must be addressed prior to launching the final offensive against IS in Mosul city. Therefore, it focuses on humanitarian planning, issues of governance, and post-conflict security, reconstruction and reconciliation. The overall objective is to create an understanding of how to prevent the dynamics that allowed IS to gain a foothold in Iraq from once again coming to the fore and resulting in the return of IS or another radical entity representing Sunni's marginalisation through violence. Thus, this report examines the key concerns of the Sunni community in Nineveh – whilst taking into consideration that these are not necessarily the same as the minorities' – and analyses methods to address them within the wider political and constitutional dynamics of Iraq.

The province of Nineveh and the city of Mosul are important sights from which to analyse some of the wider issues in Iraq and as such this report goes beyond a mere analysis of the liberation of Mosul from IS. It addresses some of the pressing issues that concern the very future of Iraq. Therefore, issues such as centralisation and the resulting marginalisation of communities, the federalisation of Iraq, government formation, local governance, and the disputed territories are also analysed.

The report argues that a political and security agreement prior to the liberation operation is essential to prevent conflict from emerging in post-IS Nineveh. From a humanitarian and reconciliation perspective the importance of forming agreements on a thorough process to deal with Internally Displaced People (IDPs), post-conflict reconstruction, justice and education systems, and truth commissions is analysed. The report also examines the significance of the role of a unified local force in the liberation process and the post-conflict security, as well as the forces whose participation in the liberation is acceptable by the population.

From a governance perspective, the value of the federalisation of Iraq is argued from both a theoretical and empirical perspective and thus federalism for Nineveh is recommended. However, the report highlights that the future of the disputed territories should be negotiated on, with the prospect of their constitutional status being decided on a sub-district by sub-district level.

This report is written from a policy perspective and thus each section gives a number of recommendations for the respective actors based on the research carried out.

The research for this project was conducted between May and August 2016 and involved interviews with many of the key political actors in Nineveh, as well as the participation and organisation of several workshops on Mosul involving local and international actors. This was complemented by discourse analysis in order to gain a greater understanding of the issues that led to the rise of IS in Iraq.

## **Recommendations**

### **Pre-liberation**

Prior to the launch of the operation to liberate Mosul it is important that a political deal between the various local actors and the central government is reached. This will ensure that there is a clear understanding of who will govern Nineveh and how. There are currently too many political and military (including exogenous) factions within Nineveh and failure to reach a deal is likely to result in violent conflict. For the same reason, there must also be an agreement for the local armed groups to come together under one command within the wider Iraqi security apparatus.

On a more practical level, the preparations to deal with over one million IDPs must be completed before any liberation can begin. The circumstances witnessed following the June 2016 liberation of Fallujah, where IDPs were living in dire conditions due to lack of preparations, must be avoided at all costs.

Meanwhile, the reconstruction of the territories already liberated from IS must begin immediately, as this will reduce the strain on the IDP camps through allowing people already in them to leave. There must also be a plan, and the resources in place, for the immediate reconstruction of Mosul.

Justice and reconciliation is going to play a significant role in the normalisation of Nineveh and therefore a clear plan must be developed in order to prevent acts of revenge being carried out, by both internal and external actors, which will only act to further complicate the situation.

The time before the liberation should be used to ensure the future of Nineveh is a positive one, and thus the capacity of local politicians and local forces (if unified) should be developed. They will be governing and providing security under extremely difficult circumstances and therefore need all the training they can get to ease this process.

### **Entering Mosul**

The Iraqi army and local forces should be the key forces entering the city, with the coalition forces' air support and the support of the Peshmerga from the north and east. The coalition forces should also have a role on the ground in a supervisory capacity. The Nineveh Provincial Council (NPC) has voted against the participation of the Hashd al-Shaabi in the liberation of Mosul city. The council represents the local population and their decision should be respected.

The local forces, once unified, need to be heavily involved in the post-conflict security of the city in order to give the perception of liberation, rather than occupation.

## **Governance**

In order to prevent the issues that led to the marginalisation of Sunnis, and to some extent the rise of IS, there needs to be a process of decentralisation and federalisation of Iraq. Iraq has many of the favourable conditions for federalism and the implementation of the system across Iraq will lead to all communities seeking the same benefits, rather than the current system where the Kurdistan Regional Government (KRG) is alone in this respect. Alongside the federalisation process, drastic changes to the election process, cabinet selection and power sharing mechanisms are also needed.

Nineveh should become a federal region with decentralised power sharing within. This would protect the Sunnis from being politically dominated, as there will be an element of self-governance. At the same time, having a Nineveh federal region would protect minorities from being dominated, as they too would have an element of self-governance through regional decentralisation, as well as power sharing within the federal region.

There also needs to be elections held in Nineveh as soon as it is stable enough, as the population needs the opportunity to decide who governs them under these new dynamics.

## **Disputed Territories**

As far as dealing with the disputed territories, Article 140 of the Iraqi constitution has failed to resolve the issue and is best replaced with a new mechanism that still follows the same principles. There needs to be fresh negotiations over the disputed territories between the NPC and the KRG, with the participation of Baghdad and the facilitation of the United States (US). This should involve the potential for the disputed territories to be decided on a sub-district by sub-district basis. However, this process is not dependent on who controls security, therefore the withdrawal of the Peshmerga should not be a prerequisite to negotiations.

## **Re-establishing Stability**

Reconciliation is something that was largely ignored in post-Saddam Iraq and the consequences have been dire – this cannot be repeated in post-IS Iraq. Reconciliation is a complex process and often begins with bringing guilty parties to justice, however there must be a differentiation between those who joined IS voluntarily and those who were forced to due to circumstances. This process must be carefully considered and carried out by a specially established local court system, preferably with an international judiciary supervisor. As part of the reconciliation process, victims of the conflict must be compensated and a truth commission created in order to document exactly what happened and to demonstrate how all communities have suffered.

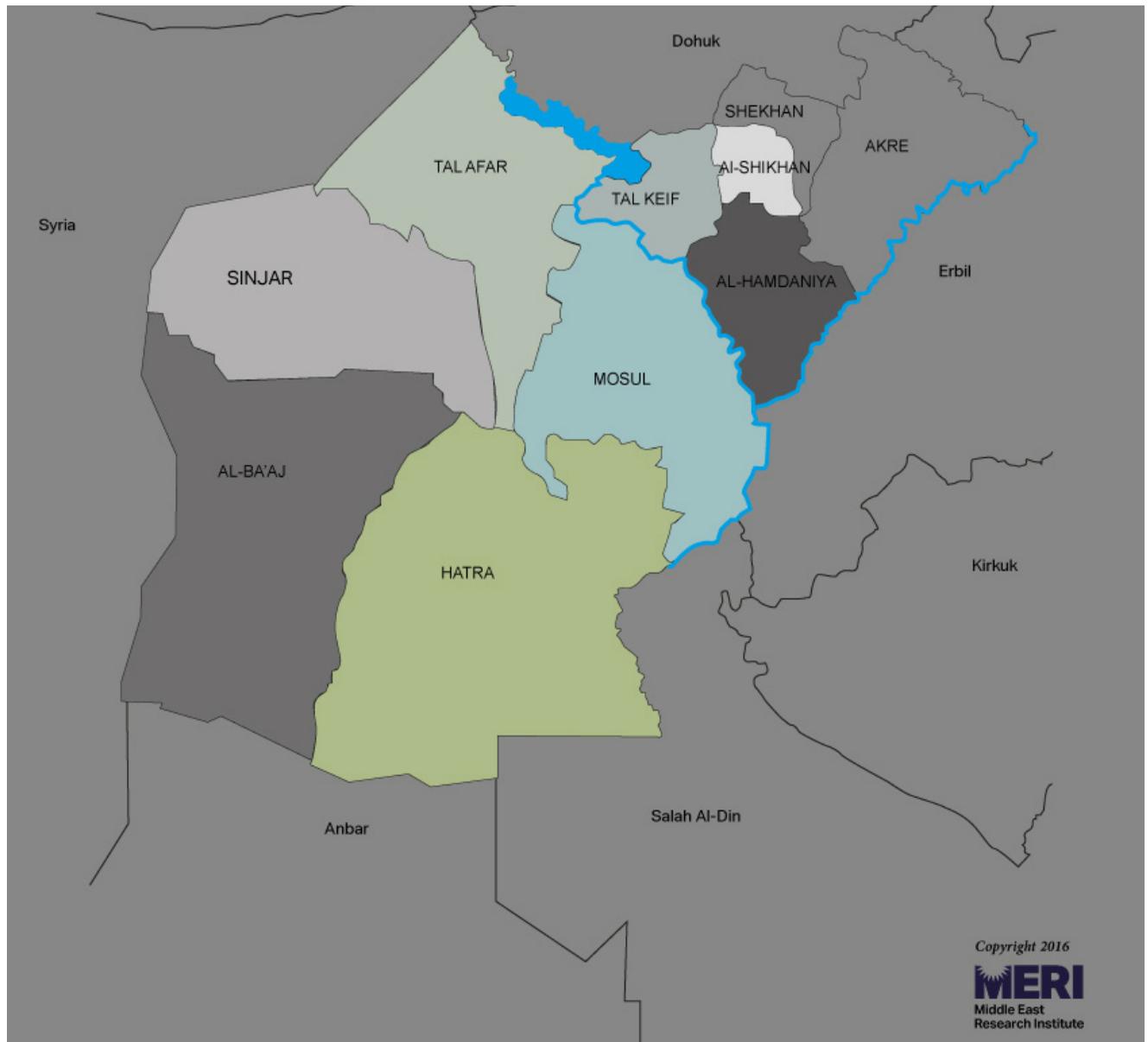
As soon as mines and booby traps left by IS are cleared, reconstruction must begin. Robust mechanisms must be put in place to prevent corruption in the reconstruction process and there needs to be an oversight process to ensure quality and efficiency. Basic services such as water, electricity, medical care and education need to be restored. The return of the population should be

facilitated and the process must be easy to negotiate. At the same time, returnees cannot be worse off than they were in the camps, thus a stipend, food and essentials must be provided alongside the basic services mentioned.

There needs to be a significant investment in the economy of Nineveh. Programmes for job creation and community projects need to be developed to minimise the causes of radicalisation and enhance the reconciliation process. Correspondingly, a deradicalisation programme and Post-Traumatic Stress Disorder (PTSD) initiative need to be developed to fit within the dynamics of Nineveh.

A new education system must be established in Nineveh to deal with the fact that many of the youth have been without a proper education for over two years. However, this system needs to run in parallel with the normal education system in order to also accommodate those just starting their education.

# 1. Introduction



Map 1. Nineveh

The occupation of Mosul by the Islamic State (IS)<sup>1</sup> has become an issue of global importance. The liberation of the city is seen as a symbol for defeating IS in Iraq and there is international pressure to press ahead and begin the process. Herein lies the problem; there are an estimated 1.2 million people trapped in the city and 800,000 in the surrounding areas.<sup>2</sup> Great damage can be caused and many lives lost if there is not a proper plan put in place that addresses both the political and military aspects of the situation, as well as the complex dynamics of post-conflict Mosul that will need to involve an immense effort with regards to reconciliation and reconstruction.

1- Although referred to as the Islamic State in this article, this term only came into being after a caliphate was declared on 29 June 2014 and they were formerly known, and are often still referred to, as the Islamic State of Iraq and al-Sham (ISIS), Islamic State of Iraq and Syria (ISIS), and Islamic State of Iraq and the Levant (ISIL). They are also often referred to as Daesh (the majority of the interviewees used this term), which is based on the Arabic acronym of their name and has negative connotations.

2- Conversation with a senior humanitarian official based in Iraq, July 2016.

There is a sense that with the United States (US) elections coming up in November 2016 the Democrats would like a quick and easy victory against IS in Iraq – although this is a point denied by US officials. Iraq has long been an issue for US foreign policy and security and the way IS gained territory in Iraq so easily has been a major blow to the US and has been used by Republicans to highlight the failures of the Obama administration. A dramatic defeat of IS would look good on the surface. From the Democrats perspective this victory would be brought to the electorate and used for the purposes of trying to gain a mandate for another four years. However, they would spend these four years dealing with the repercussions of these actions, as without solid planning what follows IS could be far worse. And once again it will be the Iraqi people that pay the real price. It is fast approaching the stage where if the battle begins it will continue into the elections, and once this cut off point is reached the US is likely to cease pushing for the liberation to commence. Although this postponement would be the right choice, it would be made for the wrong, political, reasons.

The deep structural and political failures in Iraq are demonstrated by the way the security forces gave up Mosul so easily, and these issues need to be addressed or any military defeat of IS will be pointless, as they will merely be replaced by another radical entity looking to represent marginalised Sunnis. Lessons must be learnt from the actions of the post-Saddam era; the failure to create a political, civil and security system that represents the entire population of Iraq led to radicalisation and disengagement with the Iraqi state. These same mistakes cannot be repeated post-IS and therefore substantial planning is needed.

The governance system in Iraq has failed to adequately represent the various communities in the country and since 2003 the government has been unable to deliver economic and security stability. Under these circumstances IS grew and thrived in Iraq, which makes it clear that a political solution needs to come before any military decision. IS is the grotesque manifestation of the marginalisation of the Sunni population and defeating IS will not solve this issue – it needs to be addressed politically. Once a political settlement is achieved IS will no longer have a mandate to exist and will find it harder to reincarnate into another violent entity, as there will no longer be a void to fill.

This report is an analysis of what needs to be addressed prior to any military engagement in Mosul. It also examines what systems have to be put in place for the post-conflict era and what needs to be done once IS is defeated to a) make it feasible for IDPs (Internally Displaced People) to return and b) develop the dynamics that diminish the likelihood of either IS returning or another radical group taking their place. The main aim of this report is to bring the non-military aspects of liberating Mosul to the fore. Although they are constantly mentioned as being important by all the actors involved there has been little, if any, detailed discussions on the matter. Each section could be a report in itself, however the purpose of this report is to highlight the areas that must be addressed.

The next section will examine the methodology used for this study. Section 2. will be used to understand the grievances of Sunnis, as well as the dynamics that allowed the Islamic State to take and maintain a presence in Mosul so easily. In Section 3. there will be an analysis of exactly what processes have to be put in place and agreed upon prior to the military forces entering Mosul. Section 4. identifies what forces are acceptable to the population of Mosul to liberate the city, as well as examining the forces that should 'hold' the city after IS' defeat. A theoretical analysis of federalism in Iraq is given in Section 5., alongside an examination of the potential future governance

structure in Nineveh. Section 6. examines the future of the disputed territories, whilst. Section 7. focuses on the reconstruction and reconciliation needs in Nineveh once IS is defeated. Finally, some concluding remarks are given in Section 8..

## **Methodology**

The fieldwork for this project was conducted between May and August 2016 and included interviews with political actors, numerous private conversations, interaction with colleagues working on closely linked projects, as well as the participation in several workshops and conferences on Mosul. In addition, a roundtable ‘kick off’ meeting was organised at the Middle East Research Institute (MERI) with numerous local and international political actors and military personnel, as well as with international humanitarian agencies.

Semi-structured interviews were chosen for the project as they allow one ‘to get at the contextual nuance of response and to probe beneath the surface of a response to the reasoning and premises that underlie it’ (Aberbach & Rockman, 2002, p. 674). This allowed for the interviews to be used to gauge the actors’ perception of the various issues and options available for Mosul and Nineveh.

All of the interviews for this project were conducted in Arabic with the use of an interpreter, except for two that were conducted in English (Atheel al-Nujaifi and Hoshang Mohamed). The research for this project used a ‘social constructionist’ approach to interpretation, where interpreters are ‘viewed as active producers of knowledge’ (Berman & Tyyskä, 2011, p. 181). Thus, the interpreter was actively involved in the research often giving advice for follow up questions. The interpreter’s participation proved particularly useful in post interview discussions on the interviewees’ political goals, alliances and background. These discussions were also used for the interpreter to give the author an ‘understanding of the way language is tied to local realities, to literary forms and to changing identities...’, thus giving the author a further understanding of the interviewees’ responses (Sherry, 1996, p. 137).

There are a number of issues with using an interpreter, such as the interpreter’s bias being transferred into the interpretation; a lack of understanding of the topic leading to incorrect translations; insufficient language skills in either of the languages used leading to incorrect translation; miscommunication due to different dialects; and finally the way the interpreter is perceived by the interviewee (Squires, 2009; Temple & Young, 2004). The issues with using an interpreter were acknowledged from the beginning of this project and thus ways of addressing and counteracting them were developed and are discussed below.

The interpreter is vastly experienced in interpreting between Arabic and English and is an Iraqi Kurd educated in the United Kingdom (UK). He speaks fluent Kurdish, Arabic and English, and had no problem linguistically in either understanding or getting his point across. All of the interviewees were also Iraqi citizens and thus the same dialect of Arabic was used. Random sections of the interviews were played to a second interpreter to verify the accuracy of translation and no problems were identified with the translations. The interpreter was heavily involved in the project from helping the author to organise the roundtable to scheduling interviews, thus he had a thorough understanding of the project, the questions that were to be posed to the interviewees, as well as a shared objectivity.

The fact that the interpreter is a Kurd could be viewed as an issue when interviewing Sunni and Shiite Arabs, however due to the fact that the majority of the questions related to issues with the central government and factors involving Nineveh specifically, this did not prove to be an issue. If anything the combination of a Western ‘outsider’ and a Kurd seemed to result in extreme honesty from the interviewees. With one exception, when addressing the disputed territories (see Section 6.) the interviewees seemed reluctant to criticise the Kurds or the Kurdistan Regional Government (KRG), this could have to do with the fact of the interpreter’s origin, but is more likely to do with the fact that the Nineveh Provincial Council (NPC) now operates in, and is hosted by, the Kurdistan Region of Iraq (KRI).

The view of the author as an ‘outsider’ or someone with little understanding of the topic was addressed by first establishing a relationship with the interviewees, as well as through the kick off roundtable discussion at MERI (discussed above), where open and frank conversations on the topic took place under Chatham House Rules. In addition, the consent forms for the interviewees included an overview of the project, its aims, and highlighted that the interviewee can go ‘off the record’ or cancel the interview at any time. Due to the fact that the interviews were carried out with political actors and it represents their political views it was decided that the quotes would be attributed to the interviewees, barring the few occasions when the interviewees went ‘off record’. However, it is important to note that where interviews were conducted in Arabic these quotes are translations rather than the exact words of the interviewees.

Prior to the interviews an understanding of the issues that led to the rise of IS and the wider political issues that exist in Nineveh was developed. This was done through discourse analysis; through an examination of speeches, interviews, media outputs and academic and policy analyses an understanding of these areas was developed. The majority of this discourse analysis was done prior to conducting the fieldwork. This was done by compiling a database relating to the development of these issues. This database was used in the background section, in analysing the issues of conflict, and in formulating questions for the interviews. Although this database includes major events following the 2003 invasion, its primary focus is on the period following Maliki’s second nomination as Prime Minister (2010-present). This not only helped in the logistics of compiling it, but also allows one to concentrate on the current issues involved.

The methodology used is based on that of process tracing, where the process is traced through the compiling of a database, which is then used in order to create hypotheses. In this study the compiling of a database of the events is analysed in order to create the outline of the pre and post-liberation needs in Mosul, as well as what needs to be included in any political agreements. Elite interviews were used to test inaccuracies in what is believed to be relevant to the issues of conflict, understand the basic needs of the population, and to check the feasibility of potential proposals (Tansey, 2007).

## 2. Past issues

*whoever wishes to foresee the future must consult the past; for human events ever resemble those of preceding times. This arises from the fact that they are produced by men who ever have been, and ever will be, animated by the same passions, and thus they must necessarily have the same results (Machiavelli, 1950).*

The political marginalisation of the Sunnis has been well documented (Dodge, 2014; O’Driscoll, 2015, 2016b; Romano, 2014) and it is not the aim of this section to add any new knowledge to this debate. Rather, the aim is to demonstrate how this marginalisation affected the governance in Mosul and Nineveh and to locate the local politicians’ experiences within the wider political issues in Iraq. The secondary aim is to examine how this marginalisation led to the circumstances that resulted in IS taking control of Mosul so easily. Thus, an overview of Sunni marginalisation will be given, however, the focal point will be Mosul rather than the central government.

### 2.1. De-Ba’athification

Mosul has a long history of being an important recruiting ground for high-ranking military members, dating back to the Ottoman era. Under the Ba’ath regime many leaders were army officers, thus strengthening the links between the government and the military. As a result, Mosul became an area of core support for the Ba’ath regime and it had a large Ba’ath party headquarters. It is estimated that Mosul and the surrounding Sunni-majority areas contributed more than 300,000 people to the military, security and intelligence services of Iraq (Hamilton, 2008).

Consequently, the de-Ba’athification of Iraq had an immense effect on the dynamics of post-2003 Mosul. By barring from government the top four levels of the Ba’ath Party and those who held positions in the top three levels of each ministry, not only did Paul Bremer<sup>3</sup> and the US rid tens of thousands of people of their means of supporting themselves, they also paralysed the basic functioning of the local governance and its ability to provide services. This is a point highlighted by a Yazidi member of the NPC: ‘These people [high ranking officials and members of the security apparatus] after the fall of the regime, they lost their source of living and they lost their occupation’ (Jundy, 2016). Due to the prominence of the Ba’ath party in Mosul, this action had a significant impact on the operating and service-provision dynamics of the city. The de-Ba’athification went beyond core party members, for instance, 120 tenured professors were fired from Mosul University, as they were above level four (top four levels of the party membership) in the Ba’ath Party ranking, which only acts to further demonstrate the impact of the de-Ba’athification process (Pfiffner, 2010).

This policy of de-Ba’athification frustrated Major-General Petraeus, who was in charge of Mosul at the time, as he felt it prevented him from implementing a process of state-building and instead fostered the increase of radicalisation (Hamilton, 2008; Petraeus, 2016). This was further compounded by the second de-Ba’athification order, which disbanded the Iraqi army and other Iraqi security forces. As already stated, a large number of Mosul’s population was actively employed in the Iraqi security forces. Thus, this action resulted in further unemployed and disenfranchised people in Mosul, however this time they had arms and military training (Pfiffner, 2010). According

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3- Paul Bremer was appointed Presidential Envoy to Iraq on 9 May 2003, which effectively put him in charge of whole of Iraq as the leader of the Coalition Provisional Authority. This appointment came despite the fact that Bremer had no previous experience in Iraq, or of military rule.

to Knights (2005) in Nineveh there were an estimated ‘1,100 former flag officers, 2,000 former colonels or lieutenant-colonels, and 4,000 other former officers, plus 103,000 other former soldiers in circulation’, making the scale of the marginalisation caused by de-Ba’athification in Mosul significant. Thus, the dynamics that were created in Mosul post-2003 made it an ideal recruiting ground and home for extremist elements. ‘You had Islamists, nationalists, disgruntled people, people with high military experience – this made Mosul a fertile ground to be exploited by any insurgents’ (Jundy, 2016).

During the interviews for this report, the name Bremer, hence the de-Ba’athification process, was constantly bandied about when referring to the causes for the rapid rise of IS in Mosul. Additionally, the lack of vision by the US was also persistently blamed for the political failure in Iraq. One Sunni member of the NPC opined: ‘the rise of Daesh is a result of the US campaign in 2003 to remove Saddam, they had a [military] plan, but they did not have a plan to for post-Saddam’ (Ahmed, 2016). The de-Ba’athification process and the lack of reconciliation is responsible for a lot of damage in Iraq and the entire post-conflict process could have been handled better, this is a point even argued by non-Sunnis, as a Yazidi NPC member highlighted:

*If I was in charge back then I would have kept the security apparatus I would have got rid of Saddam Hussein and his inner circle, but not all Ba’athists, as they knew how to govern. I would have adopted reconciliation policies not alienation policies.... What has been done has led to the destruction of the country not the Ba’athist ideology because the ideology is still growing while you have destroyed the country – I would have done it the other way around (Jundy, 2016).*

## **2.2. Sunni Boycott**

Sunni leaders – particularly politicians – are not blameless in the marginalisation of their community, as highlighted by their response to the de-Ba’athification process. The early boycott of the political system post-2003 saw Sunnis underrepresented in the constitution-making process and resulted in a constitution they widely disagreed with. Therefore, the whole system that the new Iraq was built on was one that Sunnis played little role in developing and one they disagreed with (Hiltermann, 2006). The effect that the political boycott of the Sunnis played on their marginalisation is best reflected by the following story that was recounted to the author by a Sunni member of the NPC:

*In 2005 Abdullah Gul [Deputy Prime Minister and Foreign Minister of Turkey at the time], I saw it on TV, he was giving advice to the Arab Sunnis, he was saying: Iraq with all its components represents a bus, all the components of Iraq are riding in the bus and they have closed all the windows and now the bus has started moving and the people who are in the bus are controlling the journey and directing the bus. The problem is the Arab Sunnis are running on the street waving their hands to change the direction of the bus, but they are not hearing the Arab Sunnis because they are outside the bus and the windows are closed. He advised the Arab Sunnis to ride the bus as well and be part of the people who are controlling the direction of the bus, but the Arab Sunnis from the beginning did not ride the bus of politics in Iraq – they came very late (Al-Sab’awi, 2016).*

It is important to note that the Sunni boycott also affected governance at a local level, as Sunnis did not have many representatives from their provinces in the wider political system, a point raised by the former Governor of Nineveh, Atheel al-Nujaifi:

*The main political failure was that there are a lot of people inside Mosul who boycotted the political process. The Iraqi government didn't care about this boycott, they didn't care that there is no representative in the government from Mosul city especially (Al-Nujaifi, 2016).*

Additionally, the boycott, in parallel with the second de-Ba'athification order, resulted in a lack of Sunnis within the security apparatus, which in turn led to Shi'ite domination within this sphere:

*The Sunni boycott also affected the formation of the new army and police and thus the army stationed around Mosul had a Shi'ite sectarian identity and they were in charge of the security around Mosul (Jundy, 2016).*

### **2.3. Maliki's Rule**

As a result of the process of de-Ba'athification and Sunnis not being engaged politically, Al-Qaeda were able to gain a significant foothold in Iraq. The response to Al-Qaeda's rise was the creation of the Sunni Sahwa forces, which finally saw an active engagement with Sunnis in Iraq.<sup>4</sup> This engagement with the Sunni community led to an increased participation in the political process, which in turn led to the secular Al-Iraqiya party winning the most seats in the 2010 national elections (Mansour, 2016). This could have been a turning point with regards to Sunni political participation in post-2003 Iraq, however due to the political system in Iraq – particularly the aspect of post-election negotiations for power – Nouri al-Maliki and his State of Law bloc managed to maintain power (For a more detailed analysis of this process, see: O'Driscoll, 2014a).

The period of Maliki's second term in power (2010-2014) is seen as largely responsible for the complete marginalisation of Sunnis that led to the rapid rise of IS in Iraq (see: O'Driscoll, 2015). His growing authoritarianism and amalgamation of power completely sidelined Sunnis. Firstly, alongside Maliki's role as Prime Minister he became Minister of Defence, Minister of Interior, Minister of State for National Security, and Commander-in-Chief of the armed forces. Secondly, Maliki eliminated a number of his political opponents through accusations and arrests (O'Driscoll, 2015). Thirdly, he disbanded the Sunni Sahwa forces without properly incorporating them into the security services, thus riding himself of (Sunni) military opposition (Benraad, 2011). Fourthly, he replaced high-ranking military officials with his allies and began giving direct orders to them. Additionally, Maliki created provincial command centres with generals loyal to him and placed both the army and police under these generals' control, thus leading to him effectively running the Iraqi Security Forces both on the ground and in the parliament (Dodge, 2013; Ibrahim, 2012; O'Driscoll, 2014a). Finally, Maliki sent in the army to deal with those Sunnis protesting against his governance methods, with the resulting violence causing many deaths (Adnan, 2013; Al Jazeera, 2013; O'Driscoll, 2014a; Romano, 2014).

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4- The Sahwa forces were a Sunni force created in 2005, although only formalised in 2006, to fight Al-Qaeda in the Sunni region of Iraq. For more see: Benraad, M. (2011). Iraq's Tribal "Sahwa": Its Rise and Fall. *Middle East Policy*, 18(1), 121-131. doi:10.1111/j.1475-4967.2011.00477.x

The marginalisation of Sunnis in the central government transferred to the local level and according to one Sunni NPC member the policies adopted by the federal government of Iraq:

*led to the complete breakdown of the communications of the central government and the local government, which in turn led to the complete destruction of the communication between the local government and the security apparatus (Rabeel, 2016).*

Once again the direct link between the rise of IS and the marginalisation of Sunnis is evident.

The marginalisation of the Sunnis went beyond politics and transferred to the then Maliki-controlled military's behaviour with regards to their treatment of the local population, as highlighted by the following two quotes from NPC members:

*The security apparatus in the city became corrupt and they were extorting the people of the city, including doctors, businesses, etc., even at the time when there were violations people did not feel comfortable to report these to the security apparatus (Rabeel, 2016).*

*We have the case of the Iraqi troops going to shops, for example goldsmiths, taking things by force and not paying and badly treating the people of the town. They were coming to the towns and taking whatever they wanted filling their cars, if you voiced your concerns, the next day you would be on the terror list and be taken away. The people were fed up with this treatment and it created a very fertile ground for extremism in the city. Both sides, the local government and the Iraqi government, contributed to the escalation of the crisis and planting the seeds of extremism in the town (Al-Sab'awi, 2016).*

Consequently, the marginalisation of Sunnis and the acts of the military against the local population created the dynamics for IS to gain a foothold in Mosul, a point highlighted by the former Governor:

*When those people demonstrated and asked for their rights the Iraqi government used force against them. Some of them believe that there is no way to get their rights through political means and they joined Daesh and used weapons against the government (Al-Nujaifi, 2016).*

## 2.4. Conclusion

This section has given a background to the dynamics that led to the rise of IS in Iraq and as analysed by Machiavelli in the opening quote, there are lessons to be learnt from this for the future. **Firstly**, Sunnis need adequate representation within the central political system, as without a political means to address their grievances, violence becomes the only option. **Secondly**, there needs to be a decentralisation of power to the local level, in order to address not only marginalisation, but to also ensure proper local governance. **Thirdly**, there cannot be a domination of the security forces by the Shiites in the Sunni areas and all the communities of Nineveh need to play a major role in local security. **Finally**, the mistakes that were made with regards to de-Ba'athification and the lack of reconciliation post-2003, cannot be repeated post-IS, as if they are the cycle of violence will only continue.

### 3. Pre-Liberation

As highlighted above the lack of functioning political means to address Sunni grievances has played a major role in the creation of radical entities in Iraq. Therefore, it is vital that political agreements on who will govern, how they will govern, and on what structure this will form are made prior to any liberation. IS represents an ideology, it represents Sunni marginalisation, it represents the fact that Sunnis have been denied the opportunity to address their concerns through political means. None of these elements can be dealt with through combat. Without establishing political agreements for political structures to not only ensure Sunnis are part of the political process, but also that minorities are protected and have adequate participation in the political process in Nineveh, IS will not be defeated. Without having political agreements prior to the liberation of Mosul, the people of Mosul will fear what will replace IS. Without having political agreements in place, inter and intra-community violence will inevitably occur, as groups try to manoeuvre into positions of power; a factor that will only be exacerbated by the growing number of different militias operating within Nineveh. Thus any political agreement also needs to include an agreement on the future security forces in Nineveh – a point discussed in further detail in Section 3.2., 3.6.2. and 4.2.. Additionally, without a political agreement in place anarchy will prevail and zero-sum games will be the main political behaviour of community leaders.

The marginalisation of Sunnis created a power vacuum, one that was easily filled by IS through force and a separation with the central state system. The removal of IS will yet again create a power vacuum in Mosul and it is intrinsic that this does not result in rival local groups fighting for power or the central government once again sidelining the local population. For example, following the liberation of Fallujah in June 2016 there were large political disagreements within the provincial council over the leadership roles and council positions, as well as over the reconstruction process and divisions of funds and contracts (Sattar, 2016). These elements should have been agreed upon prior to any liberation, as failure to do so has only slowed down the process of redevelopment and ultimately it is those that have been displaced by the conflict that suffer most. Lessons must be learnt from Fallujah and the same mistakes must not be repeated. Political deals covering the governance, security and post-conflict reconstruction and reconciliation must be made.

Additionally, there needs to be coordination and a solid plan for the humanitarian consequences of the conflict, which should include funding arrangements to implement the plan. According to the KRG's Joint Crisis Coordination Centre (JCCC), they do not know what Baghdad's plans are with regards to dealing with IDPs, reconstruction or delivering funds. Moreover, they do not know how much money the United Nations (UN) will provide them for humanitarian purposes following the 'Pledging Conference in Support of Iraq' where \$2.1 billion was promised for the post-conflict needs (Mohamed, 2016). Due to the financial crisis in the KRI and Iraq as a whole, these funds are desperately needed, however due to corruption issues in Iraq there needs to be transparency as to where the funds are going and how they are spent (For more on the financial crisis, see: Manis, 2016).

### **3.1. Political Agreement is Essential**

There are deep roots to the political issues that need to be addressed and thus drastic changes to the governance system need to happen. At the central level the political system has long been failing and reforms promised by the Prime Minister, Haider al-Abadi, have not come to fruition. There are numerous issues with the governance system at the central level and due to the multiple parties involved and the current state of Iraqi politics, solving them will have to be a long-term project.

It is essential to make reforms at the central level, as failure to do so will reproduce the conditions that led to the rapid rise of IS and therefore may lead to the return of IS or the establishment of another radical entity that will address Sunni grievances through violent means. However this is a long-term project for the whole of Iraq, as discussed in Section 5. (For details on the changes needed at central level also see: O'Driscoll, 2014a, 2015). Nonetheless, the governance issues that exist at the local or provincial level can and should be addressed before any liberation of Mosul is attempted.

It is important to develop a governance agreement for Nineveh (further details with regards to this agreement will be given in Section 5.) in order for all the communities to feel represented and to prevent the Baghdad-based centralisation that led to many of the dynamics that allowed for IS to grow. Furthermore, it is equally important to have all the local groups on board for the new governance programme, as it is pointless to have decentralisation if it only leads to local domination. The importance of having an agreement between local groups stems from the fact that there are a number of factions within Nineveh and Mosul itself. Within the NPC there is the current Governor, Nofal Hammadi, and his alliance, but then there is also have various opposition groups within the NPC, as well as various minority groups. Then there is the former Governor, Atheel al-Nujaifi, and his followers, who are backed by Turkey and who numerous interviewees for this project claim are planning to use their military force, Hashd al-Watani, to take power, or at least exert influence, after the liberation. It is important to note, that Nujaifi denies that there is any plan to occupy any formal position after the liberation (Al-Nujaifi, 2016). Nonetheless, this fear should not be there, as there should be an agreement between all the parties for the governance of both Mosul and Nineveh after the liberation.

There are also numerous other groups, both within and without the NPC, with strong links to the KRG – particularly the Kurdistan Democratic Party (KDP) – who yet again would have different ideas about the governance structures and future of Nineveh. There is also Baghdad, and those linked to Baghdad, as well as Iran and the Arab Gulf States. Then of course there are the coalition forces, which exert great influence on the entire process.

As is evident, there are numerous groups with different aims and goals for the governance and future of Nineveh. Without a political agreement prior to the liberation of Mosul there is the potential for the emergence of conflict as all of these factions try to gain, or influence, power and the proliferation of armed militias in Nineveh only heightens this issue. Therefore, an agreement for the governance of Nineveh is intrinsic to the future stability.

### **3.2. Armed Forces Agreement is a Priority**

As has already been highlighted several times, the proliferation of armed forces that currently exist in Nineveh is of major concern. During every interview for this project a new Hashd (literally mobilisation, but meaning militia), or the upcoming formation of a new Hashd was mentioned. Therefore, any political agreement must include an agreement on the various active forces operating in Nineveh (see Section 4.2.). Without having an understanding of the future security structure and the operation of forces prior to any liberation attempt, the individual forces can fill the power vacuum left by IS, or move their attention on from focusing on IS to smaller localised conflicts.

Having numerous active forces under different commands and with different objectives could lead to both inter and intra-community conflict and acts of revenge that would only further the circle of violence in the region. A fact highlighted by a Sunni member of the NPC:

*The very big factions in Nineveh, I can see that they have this tendency to create military groups to implement their political will and show their political force (Raheel, 2016).*

Therefore, it is imperative that an agreement is reached on the security structure of Nineveh prior to the operation for its liberation. One member of the NPC opined that failure to reach an agreement and to get rid of all these factions will lead to ‘warlords’ as in Afghanistan ‘and that will not solve our interests’ (Al-Sab’awi, 2016). Moreover, there are already numerous reports, relayed by IDPs, of these militias demanding payment from those families attempting to return to their homes, and if true this could act to further prevent the normalisation of Nineveh.

The fact that many of these forces lack legitimacy, proper training, equipment and even money to provide salaries, creates the opportunity to influence them to amalgamate by providing these elements on the conditionality that they unify under one command structure.

It is also important that an agreement is reached over what forces will enter Mosul (see Section 4.1.), the command structure, and with clear rules of engagement, in order to prevent any misunderstandings or tension.

### **3.3. Internally Displaced People; Preventing a Humanitarian Disaster**

As already highlighted, there are an estimated 1.2 million people trapped in the city of Mosul and 800,000 in the surrounding areas. Any military action against IS in Mosul is going to result in severe displacement of the population. In the operation against IS in Fallujah there was insufficient preparation for the IDPs caused by the military action against IS. Due to the lack of preparation, the conditions of the IDPs camps were dire, with an absence of basic necessities such as food, water, shelter, medicine and toilets. As a result of these conditions many people died unnecessarily (Neuhof, 2016). The repercussions of freeing people from IS only to send them to worse conditions than those under IS’ rule, could be critical for the prospects of reintegrating Sunnis into the Iraqi political and security system. This lack of preparation will only further reinforce the feeling of Sunni marginalisation that led to IS’ rise in Iraq and will have a long-term negative impact on the necessary reconciliation process. If the idea is to defeat IS rather than merely push them back, any

circumstances that leads people to think that life under IS was actually better has to be avoided. Similar circumstances happened post-Saddam, as has already been discussed, and Iraq is currently witnessing the results of these actions.

In the Fallujah offensive a little over 85,000 people were displaced, yet there was the incapacity to deal with this number (UNICEF, 2016). Mosul has a far larger population than Fallujah and Iraq cannot currently afford the destruction of the city and another mass influx of IDPs. As of 22 June 2016 the international community were prepared for around 120,000 IDPs, however the numbers will far exceed this.<sup>5</sup> The KRG estimates that there is likely to be between 100,000 and 1,000,000 IDPs entering the KRI and are preparing for, and expecting, 420,000, with 500,000 going to the areas controlled by Baghdad (Joint Crisis Coordination Centre, 2016). However, their higher estimate, edging towards 1,000,000, is a real possibility considering the number of people that will be affected, the increased stability in the KRI, and the example of Fallujah. It is important to note that preparations for the influx of IDPs are under way and funds are being raised for the UN agencies to deal with the humanitarian challenges of the Mosul campaign (Hilal, 2016).

However, putting in place the structures to deal with displacement at this scale and under the perilous conditions that exist in Iraq will take time. It is imperative that the liberation of Mosul is not attempted until the systems are in place to deal with the worst-case scenario. According to the Director General of the JCCC, Hoshang Mohamed, although they have a plan in place to deal with these IDPs they currently do not have the funds to implement the plan:

*As the KRG we do not have the resources to mobilise. We do not have the financial or human resources to implement our plan... We as the KRG don't have an operational budget, how can we manage 10, 12, 20 camps... No matter how good our plans are on paper, if we don't have the financial resources to deal with them they are useless (Mohamed, 2016).*

Moreover, once the funds are in place it will take them a minimum of two months to implement the plan. A further point raised was that if they were given the funds now they would not be ready until just before the winter, which the JCCC estimates would double the amount of casualties, due to the conditions, and add another 30% to the total humanitarian cost, due to providing heaters, blankets, more medical care, etc. (Mohamed, 2016). Thus, any liberation of Mosul being attempted before the spring of 2017 would be entirely ill conceived.

Although planning is under way, it is crucial that there is more cooperation between Baghdad and the KRG, as both during and after the liberation there needs to be an immense level of coordination between them and the international community to deal with these IDPs.

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5- These figures were voiced at the launch of the Joint Humanitarian Contingency Plan, Erbil – 22 June 2016.

### **3.4. Reconstruction Plans**

As already highlighted, in Fallujah many issues ensued over competition for reconstruction contracts with political cronyism playing a significant part in this, which could have been prevented had a plan to deal with the process been in place. The importance of returning IDPs as quickly as possible was repeatedly highlighted during the interviews for this project. IDPs cannot return until at least the basic reconstruction needs are met. Therefore, the type of delays witnessed in Fallujah cannot be repeated. The international aid agencies will play a major role in the reconstruction, however local companies will undertake the majority of the work. It is imperative that a reconstruction plan (see Section 7.2.) is fully developed prior to forces entering Mosul, and this needs to go beyond what needs to be done to who needs to do it. The politicisation of the reconstruction process has to be avoided at all costs as this will result in delays and the wasting of funds.

Additionally, the reconstruction of those areas already liberated needs to begin, as well as those areas that are liberated prior to the forces entering Mosul. Through the reconstruction of these areas not only will the strain on the camps be eased, it will also allow for people from Mosul to go stay with friends and relatives rather than going to the camps, which further decreases the IDPs that need shelter and reduces the operational budget. This is a plan that has been put to Baghdad by the JCCC and for purely reasons of easing human suffering is one that should have been implemented a long time ago (Mohamed, 2016).

### **3.5. Reconciliation**

The impact that the lack of reconciliation had post-2003 has already been highlighted in Section 2.; this should not be repeated post-IS. The communities need to develop the capacity to live alongside each other peacefully and those guilty parties need to be brought to justice through the legal system. Therefore, plans with regards to reconciliation should be formulated prior to military engagement in Mosul and preferably agreed upon (see Section 7.1.). There can be no misunderstanding with regards to what happens to the population of Mosul and Nineveh, the lack of agreement will lead to rogue elements and vigilantes that will in turn lead to a continuous cycle of revenge. Thus, all the communities involved, particularly the tribal and militia leaders need to be on board for the programme of reconciliation and justice that is developed for Nineveh.

### 3.6. Capacity Developing

#### 3.6.1. Politicians

Following the defeat of IS in Mosul the NPC will return to the city and should once again be put in charge of Nineveh. So far the council has spent more than two years operating from a distance and thus not undertaking the normal duties that a provincial council would. The NPC is operating as a shadow government to IS, but one that cannot access its constituents and cannot affect change, as noted by a Sunni NPC member:

*When the power and authority are taken away from you your decisions will be a bit shallow, it is very difficult to have solid grounds for it. At a time when you cannot even reach your home, how can you reach the people of the neighbourhood. But that doesn't mean we have given up (Al-Sab'awi, 2016).*

Moreover, the Governor of Nineveh was replaced in 2014 and the current Governor has never operated in such a capacity from the territory that he actually governs and therefore lacks the experience necessary.<sup>6</sup>

Post-IS Nineveh is going to have to involve huge efforts with regards to governance, and experience will help with the process. Of course the NPC will receive great support from the international community and the coalition forces, as well as hopefully from Baghdad and Erbil. However, they still need the capacity to govern in the conditions of an immediate post-conflict situation and to work together to make informed decisions quickly. Now, whilst they are not living in Nineveh and undertaking the day-to-day governance, is the time to develop the capacity of these politicians to give them the skills, experience and knowledge to undertake this task.

There are some successful provinces in Iraq that they can learn from, there are also many international post-conflict regions with lessons to pass on, there are skills that the international community can teach them, and there are systems in place across the world with regards to local policing, community projects, service provision, etc. that the NPC can learn from. It is important that the time before the liberation is used to build these politicians' capacity so that when the time comes they are ready for the challenge. This passing on of knowledge should also extend to bureaucrats, as without competent bureaucrats it would be impossible to run the province.

#### 3.6.2. Security

It is important that there is a local element to the liberation of Mosul, particularly for the fighting within the city. This is a point that has been continuously raised by the interviewees for this project. Thus, there needs to be support and capacity development of local forces in order for them to participate. As already highlighted this must include a deal for these forces to come together under a proper command structure. The Government of Iraq (GoI) has promised to help the NPC develop a force of 15,000 troops, however members of the council highlighted many times the lack of support to bring this to fruition:

*With regards to the local forces capabilities, it is not that great because they are also in the diaspora and there is no logistical support and there is no military camp for training (Rabeel, 2016).*

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6- During the interviews and discussions for this research there were countless accusations of the Nineveh Governor's incompetence. However, it must be noted, as he cancelled all interviews scheduled for this research these accusations could not be put to him.

*We are now actually in negotiation with the central government and the Americans to put together a force of 15,000 of the people of Nineveh. But I think in these circumstances we will face many difficulties and obstacles (Ahmed, 2016).*

Bringing together the multiple forces will be one way of creating a large local force, but this should also involve training and the development of a proper command structure. Now is the time to develop the capacity of the local population with regards to security, as this is not only intrinsic to the liberation operation, but is also an important element in ensuring peace and stability following the defeat of IS.

The recent bombing campaign by IS in Baghdad demonstrates the damage that they can cause, as well as the incapability of the security forces to deal with this threat (Neurink, 2016). The fiasco surrounding the fake bomb detectors is well documented, but the fact that they have not been replaced by a proper detection system points to ‘misgovernment’ (Salim & Morris, 2016). The defeat of IS in Mosul is going to completely change the dynamics of how the organisation works in Iraq. The recent suicide attacks have outlined what the new modus operandi of IS is likely to be in Iraq. There needs to be the preparation for the increase of these sorts of attacks that will coincide with IS no longer holding territory in Iraq. Border and checkpoint guards should receive proper training in how to detect bombs and suspicious people. This needs to be accompanied with a major investment by the central government in equipment, dogs and dog handlers to detect bombs. This is something that should have been done as soon as it became evident that there were fake bomb detectors in Iraq in 2010. However, now during the time prior to the liberation of Mosul this needs to become a priority in preparation for the fact that the fight against IS will soon take on another dimension.

### **3.7. Conclusion**

Although the points discussed in this section are examined in greater detail in succeeding sections, the main argument is the importance of planning. As has been demonstrated, it would be reckless to liberate Mosul and then ask ‘what next?’. Many of the issues discussed take great planning in order for their implementation to happen once the city is liberated, and thus all of these elements must be crossed off a checklist. However, it may not be feasible to finish all processes before the liberation begins, therefore some differentiation between these elements is needed. It is essential to reach a political and security agreement and complete the preparation for IDPs. Reconciliation and reconstruction plans should be laid out, however it is likely that these will continue both during and after the conflict. The capacity building of politicians and the security apparatus is a long-term process and this is something that will have to continue well after the liberation has ended.

### **3.8. Recommendations**

#### **All parties involved:**

1. There needs to be better coordination with regards to the humanitarian needs and post-conflict reconstruction and development of Nineveh. There should be one plan that everyone agrees on rather than the current multiple plans to deal with IDPs and post-conflict reconstruction.
2. No operation for the liberation of Mosul should begin until the processes are in place to deal with the vast amount of IDPs; a political and security agreement is in place; a plan for reconstruction is in place; there is an agreement on the reconciliation process; the capacity development of local politicians and armed forces has begun; and finally, the funds are in place and distributed to deal with all of these processes.
3. The reconstruction of those areas already liberated must be undertaken and the return process should begin, the same benefits provided to those within the camps needs to be given to those that return.

#### **International Stakeholders:**

4. Funds for the humanitarian needs of the conflict should be fairly distributed, with clear and transparent processes to track the use thereof and to prevent inefficiency and corruption.

#### **GoI, KRG and Local Actors:**

5. There needs to be a political agreement for the government structure, who will govern, and when elections will happen in Nineveh.
6. There needs to be an agreement for the future security apparatus of Nineveh, in order to unite and halt the proliferation of various armed groups.
7. The capacity of the security apparatus to deal with the likely increase of suicide bombs following the defeat of IS needs to be developed. Finances and training must be allocated to border guards to prevent the common occurrence of suicide bombers reaching crowded areas.

#### **GoI and Iraqi Parliament:**

8. Systems need to be put in place for the immediate decentralisation of governance processes to Nineveh and for the creation of a future federal region once the constitutional processes are carried out. This needs to include full budgetary allocations.

## 4. Entering Mosul

The aim of this section is not to focus on military planning (which already receives a lot of attention). Instead the focus will be on what is acceptable for the people and what is necessary for success with regards to establishing lasting peace. However, it is important to note that having spoken to military officers for this project, off the record, they have continuously highlighted that defeating IS militarily is not the hard part, the hard part is what comes after.

### 4.1. Participating Forces

The recent battle in Fallujah is an example of how not to liberate a city and lessons must be learnt from these failures. Questions can be asked about the lack of a post-conflict plan, the participation of Hashd al-Shaabi, and the rush to begin the operation. There are numerous reports of torture and murder being carried out by the Hashd al-Shaabi, as well as of the unnecessary destruction of the city (See: Al-Obeidi, 2016; Human Rights Watch, 2016; Khoder, 2016; Rudaw, 2016). These actions cannot be repeated. It is important not to just defeat IS militarily, but to defeat the need for some Sunnis to feel they must seek representation outside the political system. Acts of torture, murder, false accusations, and unnecessary destruction by a force sent in and backed by the government do nothing towards this goal.

The NPC has voted against the participation of the Hashd al-Shaabi in the liberation of Mosul, and as they represent the people being liberated, this wish should be respected. The former governor claims that the ‘Hashd al-Shaabi will never be accepted at all [by the people of Mosul]’ (Al-Nujaiifi, 2016). Whilst NPC members really fear for the people if the Hashd al-Shaabi participates, as evident in the following quotes:

*I think their participation will be very negative and the outcome will be catastrophic... If they are part of the liberation forces of Mosul, I think some people will stand with Daesh against any liberation force. Not because they like Daesh's mentality, but in hatred of the Shiite militias, especially after the violations they have committed against Sunnis (Ahmed, 2016).*

*I don't see the necessity of having the Hashd al-Shaabi as being part of this coalition, as it will give it a sectarian look and will lead to accusation of people being accused of being Daesh members, it must be clear of sectarianism (Rabeel, 2016).*

When discussing the Hashd al-Shaabi with the participants for this report, apart from the fear of what they would do to the people, most also voiced concern about Iranian encroachment into Iraqi territory and in the way they articulated this they surprisingly demonstrated that Iraqi nationalism still persists strongly amongst many Arab Sunnis.

With the forces available for the liberation of Mosul, it appears unnecessary for the Hashd al-Shaabi to participate and their participation would be a political move rather than a tactical one by the central government. The Prime Minister of Iraq, Haider al-Abadi, is leading a weak government and is over reliant on the Hashd al-Shaabi and other Shiite militias, and by extension Iran. However, letting them participate would be extremely short-sighted, as it will enhance sectarianism in Iraq and further the cycle of sectarian violence, which will make the defeat of IS a hollow victory.

Moreover, IS would use the participation of the Hashd al-Shaabi for propaganda purposes to make the population think that it is a sectarian war, as evident in the following quote:

*This is something Daesh has been preparing for; Daesh has been showing the people of Mosul the abuses committed by the Hashd al-Shaabi to make them fear their arrival (M. Al-Jabouri, 2016).*

The US is in a position to influence which forces should participate, as without their support the operation may not succeed. The US' role in deciding the participating forces was highlighted by one NPC member when the participation of Hashd al-Shaabi was posed to him:

*I think the only ultimate decision maker when it comes to what forces can participate or not is the Americans, who will have the final say in who can participate (M. A. Al-Jabouri, 2016).*

Thus, it is important that the US uses this influence, or position of power, to prevent the Hashd al-Shaabi from participating in the liberation of Mosul. However, due to the nature of the Hashd al-Shaabi and the fact that much of it comes under Iranian rather than Iraqi influence, this may have to include brokering a deal with Iran.

Militarily, most of local leaders agree that the local forces must play a leading role alongside the Iraqi army in entering the city and they should be backed up by the Peshmerga from the north and east, whilst receiving air and logistical support from the coalition forces. The importance of reaching an agreement to incorporate the local forces was already discussed in the previous section, however this point needs to be reiterated. It is important for the population of Mosul to know that local forces are liberating them as well. Firstly, this takes away from the sectarian element and any notion of an invasion rather than a liberation. Secondly, having local forces involved can help diminish the fear of retribution and revenge. Finally, there is going to be a period following the battle of holding the city and local forces are key to this and will prevent any fears of occupation, a point highlighted by the Chair of Security in the NPC:

*We do need forces that can hold the ground after the liberation and that has to be regional forces and representation should also be equal and just and be based on the representation of the communities within the province. I think this is one of the solutions so that the people of Nineveh don't feel as if they are misrepresented. Otherwise the problems will rise again (Al-Bayati, 2016).*

Despite the fact that the Iraqi army abandoned Mosul and allowed for IS to take control of the city so easily (Chulov, Hawramy, & Ackerman, 2014), members of the NPC seem to have, at least partially, restored faith in the capacity of the Iraqi army. Many of the interviewees for this project voiced that the current Iraqi army is not the same as the one of June 2014. The former Governor articulated it thusly:

*Now the Minister of Defence [who has since been dismissed] is from Mosul and the leaders of the army are professional officers, not like what it was before as just officers of corruption and not security (Al-Nujaifi, 2016).*

Alongside the local forces the Iraqi army was continuously highlighted as the next most important actor and one that should enter the city.

The Peshmerga were continuously praised by all the interviewees for this project and their role in the operation was never questioned. Nevertheless, it was made clear that their role should be limited to outside the city and that it is unnecessary for the Peshmerga to enter the city. This is an opinion that is shared by the de facto President of the KRI, Masoud Barzani,<sup>7</sup> therefore on the surface at least there is no fear of the Peshmerga entering the city (NRT, 2016). However, the Peshmerga do have a very important role to play in securing the northern and eastern fronts and in vetting and sheltering those who escape through these routes.

Despite complaints about the historical role of the US in Iraq, all but one participant was positive, even insisting on, the US' involvement in the liberation of Mosul. The international coalition forces will play a major role in planning, as well as in providing air and logistical support and without their participation the battle would be far more difficult. However, there are calls for them to play an increased role on the ground as a supervisory force to prevent the type of actions witnessed in Fallujah and Tikrit (O'Driscoll, 2016a). As opined by one NPC member:

*I would like for the international community to have a peacekeeping force for the liberation of Mosul and to prepare the ground for reconstruction and for fair and transparent elections and then for the transference of power between the international force and the local representatives and local force made up during this time (Raheel, 2016).*

By taking up a larger role on the ground the international forces (particularly the US) can help to ensure the safety of civilians and that a proper process is in place for dealing with suspected members of IS. It is also important that the coalition forces include Sunni-majority countries so that the coalition is not seen as an occupying force or as being anti-Islam, a point highlighted by Atheel al-Nujaifi:

*For us the Turkish and Arabian forces are very important because they give the people inside Mosul a good message that the people who fight Daesh are Sunni, it is not a sectarian or holy fight. If just the US or the others fight Daesh, Daesh would use this for propaganda – they fight Islam or they fight us because we are Sunnis, thus the Islamic countries are very important (Al-Nujaiji, 2016).*

At the same time, it is important that these regional actors respect the territorial integrity of Iraq and withdraw once IS is defeated, a point that extends to Iran as well.

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7- Barzani's Presidency is not recognised by all parties and there are calls for him to step down, as he has been President beyond both his two terms and the two-year extension granted by parliament, which ended in August 2015.

## 4.2. Immediate Aftermath

Once liberated, all these communities have to take control of both the political and security systems in Nineveh. It is crucial that there is not a proliferation of armed militias in Nineveh post-IS and therefore these groups need to be incorporated into the new security system with clear command structures.

Worryingly, when the proliferation of armed forces and the resulting potential for intra and inter-ethnic conflict following the defeat of IS was posed to the interviewees for this project, there seemed to be a nonchalant, almost cavalier, attitude from the majority of the participants towards this concern and very little reflection on the real possibility of conflict. However, many did voice the concern that the former Governor, Atheel al-Nujaifi, would use his force, Hashd al-Watani, to gain influence and power in post-IS Mosul – a point denied by him. However, as both Nujaifi and his force are seen as illegitimate by the central government and some members of the NPC there is the real possibility of conflict breaking out between them, even before IS is defeated. The fact that all these militias operating in Iraq have different regional backers is additional cause for concern. Thus further compounding the need for both a political and security agreement prior to the liberation and that the territorial integrity of Iraq is respected post-IS.

It is imperative that these forces come together under one umbrella, which in turn falls within the Iraqi army's domain. The following statement highlights the importance of bringing the groups together:

*We have this agreement that there will be 15000 volunteers from all the components of Nineveh and this Hashd will be responsible for holding the ground. If all the components of Nineveh participate in this Hashd and we will find a name that does not represent any one group, but rather the entire province, so we can get rid of all these name games and separation. We have Hashd Da Nawada that represents the Shabak, Hashd al-Watani that represents Atheel, we have a Hashd from all the tribes Jabouri etc. ... We have to bring them all together under one name to bring all the communities together and not have a name that favours one group (Al-Sab'awi, 2016).*

Bringing these groups under one command will help ensure the future stability of the region, but will also give the minorities a sense of protection, as they will be represented within the security apparatus. Having a unified force is also important for security post-IS and having local groups hold the ground, as opposed to those identified as foreign, will speed up the normalisation process and will give all communities a connection to the liberation process.

## 4.3. Conclusion

Although the focus of this report is not on the military aspect, for humanitarian purposes, as well as for future reconciliation, it is essential that the Hashd al-Shaabi does not participate in the liberation of Mosul and that regional forces withdraw following the liberation. The US has the power to ensure that this does not happen, and they would be wise to use this power. Additionally, for the future it is also important that the multiple local forces come under one command, within the state security apparatus, and serve as a force to provide security post-IS. Again, the US has the capacity to begin developing this force prior to any engagement. Both of these elements are important for success, and if the US has learnt anything from previous experiences (see Section 2.) they will follow these actions.

#### **4.4 Recommendations**

##### **GoI:**

9. Political fears need to be ignored and the Hashd al-Shaabi should be prevented from entering Mosul.

##### **Coalition Forces (mainly US):**

10. The US needs to use its significant influence on the liberation process to prevent the Hashd al-Shaabi from entering Mosul, even if this means making a deal with Iran.
11. It is important to maintain a presence on the ground to act as an oversight of all the forces involved and to ensure acts of abuse against the local population do not occur.

##### **Coalition Forces (mainly US), GoI:**

12. The participation of local forces in the liberation should be guaranteed. Furthermore, processes must be developed to ensure they play a major role in providing post-conflict security.

##### **Regional Actors (particularly Turkey and Iran):**

13. For the stability of and future of Iraq it is important that the territorial integrity of Iraq is respected and once IS is defeated regional forces withdraw.

##### **Local Actors:**

14. The proliferation of local forces needs to stop and the various local actors need to incorporate their forces into a Nineveh force within the wider Iraqi security apparatus.

##### **GoI, KRG, International Stakeholders:**

15. There needs to be a concerted effort to rid Nineveh of mines and booby traps.

## 5. Governance

This report proposes the creation of a federal region for Nineveh and it is therefore necessary to create a wider understanding of the historical reasons for this argument (Section 5.1.), as well as a theoretical understanding of federalism in the Iraqi context (Section 5.2.). Only once the historical context and the theoretical framework are established, is it possible to properly analyse federal governance in Nineveh (Section 5.3.).

### 5.1. Historical Governance in Iraq

The creation of Iraq (and Syria) stem from geostrategic imperialistic competition between the French and British, which ignored the ethnosectarian divide of the territory. These circumstances greatly impaired the fostering of a national identity and for the most part some form of military dictatorship was necessary in order to maintain the new states. By bringing in a foreign Sunni monarch to rule over a divided ethnosectarian new state of Iraq, the British did little to help the cause of creating a unified national identity. Additionally, the British formed the Iraqi army not to deal with external threats, but rather for the purpose of dealing with internal ones, thus setting out a pattern from the very beginning of unity being maintained by force. The resulting system privileged Sunnis in all spheres of life (Hinnebusch, 2010).

Although the monarchy was eventually overthrown by the military, the system of Sunni privilege continued with the republic, however the Sunnis themselves remained divided into many factions. Hence, one could argue, that under these circumstances the emergence of a democratic state was doomed from the beginning and alternative undemocratic, and violent, means were turned to in order to ensure unity (Dodge, 2003). Although most of the Arab states can predate their existence to that of colonial meddling, Iraq (and Syria) cannot, and here may lie the problem with governing them as unitary states (Harik, 1985). At the same time historically, due to the nature of the Ottoman Empire's system of governance, characterised by a practice of devolved autonomy, one could argue, that any state formation, beyond the single governance units, would have been best served through federalism (Boulby, 2013).

Therefore, based on past experiences, there needs to be decentralisation in Iraq, which cannot consist of individual fiefdoms, but rather needs to involve power sharing at local level as well as at the central level. This is already possible within the Iraqi constitution due to its federal elements. Consequently, it is important to understand the principles of federalism within the dynamics of Iraq.

### 5.2. Federalism and Iraq

Ethnonational, or pluri-national, federalisms – where federal regions are created to separate communities – are often wrongly criticised as being doomed to fail. These criticisms largely stem from the empirical evidence of federations that failed due to them not being truly democratic and thus not adequately following the principles of pluri-national federalism, as was the case in the former Soviet Union and Yugoslavia (McGarry & O'Leary, 2009a). Or as Bermeo (2002) highlights where federations were imposed rather than voluntary.

Additionally, as argued by Wolff (2013), many of the criticisms of the forms of territorial self-governance do not look at the full political package and thus unfairly blame issues on the territorial aspect, when realistically speaking it needs to be combined with other conflict management mechanisms.

In an ideal situation the regional federations would be paired with liberal consociation at the centre in order to prevent many issues surrounding government formation, the increasing desire for more autonomy, and demographic changes (O'Driscoll, 2015).<sup>8</sup> Moreover, Lustick, Miodownik, and Eidelson (2004) argue that the creation of semiautonomous institutions may increase ethno-political mobilisation, but they actually decrease secessionist actions. Finally, in the majority of these cases territorial autonomy was implemented to either end ethnic conflict or as a result of a failed unitary state system, with Iraq following this pattern, thus the implementation was necessary and the alternatives far worse.

The alternative to autonomy is often grim, as in a deeply divided society democracy is needed in order to ensure the security of all ethnic/sectarian groups. This is not to say that divisions cannot be managed by authoritarian regimes, but rather that this is very rare. For the most part the segments of society that are not in power bear witness to one or more of the following actions: subjugation, forced assimilation, displacement, and even genocide (Sisk, 1996). Moreover, centralisation and authoritarianism in divided societies does not rid the society of its desire for autonomy, but rather leads to these latent desires coming back stronger and often causes the call for more autonomy by the minority nationalisms than was sought in the first place, thus only leading to the postponement of power sharing and federalism (O'Driscoll, 2015). Additionally, Bermeo (2002) argues that accommodating territorial based cleavages through coercion sows the seeds for the emergence and strengthening of separatist organisations.

Further proof that denying territorial autonomy does little to rid the desire thereof is that although large scale assimilation has been undertaken since the establishment of modern Turkey, conflict and calls for autonomy are stronger now than they were with the establishment of the state (O'Driscoll, 2014b). Of interest for Iraq, and the Kurds particularly, Siroky and Cuffe (2015) argue that the revoking of autonomy increases the probability of secessionist actions and is more secessionist inducing than granting autonomy or never giving autonomy in the first place.

An alternative option to federalism is the dissolution into smaller, ethnically homogeneous, states. However, as O'Leary (2011) has examined, partitions are seldom just in the split; they do damage to the resulting states, and lead to violence, both before and after the partition. Moreover, the partition into smaller states in Iraq would be extremely hard to accept for Turkey and Iran due to the self-determination disputes these countries have with their own Kurdish populations. Therefore, a democratic solution that would maintain the Iraqi state is necessary. However, the traditional majoritarian democracy raises some problems in a deeply divided society, as it generally creates minorities that are excluded from the political process and have no hope of changing this. Thus resulting in conflict; either through the minority groups seeking power, or the majority suppressing them (Lijphart, 1977b), which leaves the only other democratic option of power sharing.

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8- Simplistically speaking, liberal consociation is a form of power sharing where parties are elected to the power sharing arrangement based on the proportionately of votes won. It is discussed in more detail later in this section, also see: O'Leary, B. (2005). *Debating Consociational Politics: Normative and Explanatory Arguments*. In S. Noel (Ed.), *From Power Sharing to Democracy* (pp. 3-43). Montreal and Kingston: McGill-Queen's University Press.

Through power sharing each ethnicity is given the opportunity to be represented within the government, therefore allowing ethnicities to negotiate on factors they differentiate on, thus avoiding conflict. The majority of contemporary internal conflicts are ethnic/sectarian conflicts and involve self-determination disputes, thus to address the issues of conflict territorial autonomy is needed, as cultural autonomy is not enough (McGarry & O’Leary, 2009b). Consequently, there is the growing need for pluri-national federations with power sharing at the centre in order to prevent or end ethnic conflict. Additionally, as argued by Kaufmann (1996), once a certain level of violence is reached there is no possibility of returning to a unitary state. Although Kaufmann does not mention the level of violence, one can assume that ethnosectarian motivated mass killings – which Iraq has witnessed – passes this level, thus based on the options laid out above the implementation of federalism is necessary.

There have been numerous criticisms of pluri-national federations (See for example: Bunce, 1999; Caluwaerts & Reuchamps, 2015; Cornell, 2002; Roeder, 2007; Snyder, 2000), mainly following the argument that they encourage and facilitate secessionist desires. However, it is unfair to blame territorial autonomy for any failures without examining the political institutions that operate alongside it, as these should operate as a counterbalance to the ethnics group’s secessionist desires. Nonetheless, factors that encourage failure and/or secession need to be addressed. Correspondingly, McGarry and O’Leary (2009a) argue that pluri-national federations can succeed under the right conditions.

**Firstly**, there should be a dominant ethnic or religious group, as without one minorities are more likely to believe they can succeed on their own, thus increasing the threat of secession.

**Secondly**, there should be consociational power sharing at the centre as well as self-rule within the federal regions; this dual nexus of power gives the various national groups a stake in the state and not just in their smaller region.

**Thirdly**, it should be democratic, thus giving each community the ability to politically negotiate their grievances (McGarry & O’Leary, 2009a). Closely linked to democratic values, Cameron (2009) argues that if the people of the various federal regions are treated well they will not seek secession.

**Fourthly**, the federations should be voluntary, either the coming together of distinct entities or the federalising of a previous unitary state. Voluntary federations have more chance of success than those forced together through exogenous actions and according to Bermeo (2002, p. 105) ‘every federal system that split apart or turned toward unitarism was imposed by an outside (usually colonial) power’.

**Fifthly**, prosperity and proper mechanisms for distributing resources can help give stability to federations and prevent economic dissatisfaction leading to potential partitions (Erk & Anderson, 2009; McGarry & O’Leary, 2009a). As argued by Bermeo (2002), the wealthier a country is the more likely it is that federalism will succeed.

**Finally**, there should ideally be three or more regions. According to McGarry and O’Leary (2009a) having only two regions creates a win-lose situation in political negotiations at the centre. At the same time, Lijphart (1977a) states that having too many segments in a power sharing arrangement creates instability through lengthening the negotiation process, thus making three to seven regions ideal. Whilst Erk and Anderson (2009) argue in favour of having more than three regions in order

to have more room for shifting alliances. Additionally, there should also not be a region of more than 50% of the population, as this leads to one region dominating the federation (McGarry & O’Leary, 2009a).

As argued by Stjepanović (2015, p. 385) ‘constitutional arrangements and institutional design in complexly plurinational countries almost always result in a combination of power-sharing and self-government’. It is therefore important that pluri-national federalisms are strengthened through having liberal consociation at the centre. Liberal consociation follows self-determination, in that any political identity that wins enough votes in the election may choose to join the power sharing coalition (O’Leary, 2005). By not having an ascriptive criterion, where group entities are fixed and predetermined, liberal consociation allows for non-ethnic/sectarian parties to gain power. Furthermore, it allows the power sharing arrangement to develop with any changes to the demographics, thus preventing the issue of giving groups privileges above that of which their numbers warrant – an element that has caused issues with power sharing in Lebanon (Kerr, 2006).

In liberal consociation, democratic political parties are elected to the government based on their strength through a proportionate representation voting system. It is then preferable that the cabinet is decided through sequential proportionate rules, which uses a mathematic equation to divide the portfolios instantly (O’Leary, 2005).<sup>9</sup> In addition, liberal consociational federalism allows for the governing entities at provincial level to join together to form a federal region if they desire. Thus giving them a certain level of devolved power, as well as a representative stake in the power sharing structures at the central level. Therefore, regions and entities are not predetermined, allowing for both decentralised and centralised governance to operate to different extents in the various regions (McGarry & O’Leary, 2007).

In addition to federalism being necessary to manage the divides in Iraq and to prevent marginalisation, Iraq also has all the favourable conditions for federalism as laid out by McGarry and O’Leary (2009a) and discussed above. **Firstly**, with the Shiites Iraq has a *dominant group*. **Secondly**, Iraq has *consociational power sharing* at the centre and *self-rule within the regions*, entrenched in the constitution – although this needs to be strengthened (See: O’Driscoll, 2014a). **Thirdly**, if the constitution is respected there are *democratic* methods for the ethnic groups to politically negotiate their grievances. **Fourthly**, Article 119 of the Iraqi constitution allows for federal regions to be formed on a *voluntary basis*. **Fifthly**, through Article 112 of the Iraqi constitution there is a *mechanism for distributing wealth* that stems from oil production. **Finally**, there would be a minimum of *three regions*, and as there would most likely be at least two Shiite regions, no region would have *over 50%* of the population. Thus, not only is the implementation of federalism in Iraq essential for its future, the conditions are also favourable for the success thereof.

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9- For a more detailed explanation on sequential proportionality rules within the context of Iraq, see: O’Driscoll, D. (2014). The Costs of Inadequacy: Violence and Elections in Iraq. *Ethnopolitics Papers* (No. 27), 1-29.

### 5.3. Governance in Nineveh

The previous section demonstrates that federalism is needed in Iraq and that changes to the central governance system are also necessary. It is now left to contextualise this within the dynamics of Nineveh. Although Nineveh has a Sunni majority, it is home to many ethnic and religious groups. Many of these smaller minorities desire individual federal regions for themselves. Dividing Iraq in this manner is unfeasible, not only would it result in a proliferation of miniscule regions across Iraq that would likely be dominated by the larger ones, it would also lead to far too many partners at central level, which would make governance all but impossible. This is not to say that many of these minorities cannot gain governorates in more decentralised federal regions – a point argued later.

The creation of a Sunni region would be another option. However, during the interviews for this project it became apparent that the Sunnis within the NPC preferred a federal region for Nineveh, rather than a Sunni federal region, as highlighted in the following statement from a Sunni NPC member:

*Nineveh province is majority Arab. 70% is Arab and the remaining are Turkmen, Kurds, Christians, Yazidi, Shabak, etc.. If there is a Sunni region, it will entail Salah al-Din, Anbar and Mosul. It will be easier for us to achieve and deliver the rights of the Arab community, but it will be at the cost of the other minority groups within the region. But if there is going to be a region only for Nineveh we will be able to provide the full rights to all of these communities easily. Any community that lives in Nineveh will have full rights and responsibilities. That is why we support the federal region of Nineveh alone, rather than a Sunni region (Ahmed, 2016).*

Another issue with having a Sunni region is the potential lack of leaders that can represent the community as a whole. When the question of which Sunni politicians have the legitimacy to represent the Sunni community at a national level was posed to the Sunni NPC members interviewed for this research, no candidates were put forward. Under these circumstances it would be unfeasible to create a Sunni region, as the lack of popular and capable leaders would result in intra-community political infighting.

For the success of federalism in Iraq, the creation of a Nineveh federal region is favourable for several reasons. Firstly, it prevents dividing Iraq into three regions, which would likely cause ethnic competition and battles at central level. Secondly, it prevents the dynamics where a large Shiite region would likely be created to dominate politics at central level. Finally, and most importantly for the purposes of this study, it prevents the dynamics, highlighted in the previous quote, where the minority groups of Nineveh would be completely dominated by Sunnis in a larger region.

Through creating a federal region for Nineveh, Sunnis would be the dominant group, thus following the principles of the earlier mentioned pluri-national federalism – especially as this would likely result in other Sunni-majority and Shiite-majority regions. This would thus include elements of centripetalism – as developed by Horowitz (1985) – where the unified groups are separated into several regions in order to create competition within the group. The decentralisation that this would involve would in turn prevent the political domination of Sunnis by Shiites that has been witnessed in Iraq and that is partly responsible for the dynamics that led to the rapid rise of the Islamic State. As highlighted above, this would have to be paired with liberal consociational power sharing in order to also protect Sunnis – and other communities – at the central level.

The system of a centralised Iraq has failed and thus creating a fully federal Iraq is the only way forward, however this needs to be paired with protection for all the minorities. In order to protect the minorities of Nineveh there also has to be power sharing and decentralisation at the regional level, through granting them governorates (following a period of normalisation), an option also favoured by the former Governor of Nineveh:

*We believe that the best way is to have autonomy in our areas in Mosul; I mean not Sunni areas, but Nineveh. And this autonomy has to have different provinces inside it so we can give the minorities their provinces and we can all operate in decentralised authorities, so maybe the minorities will accept that and also we will never have direct pressure from the Iraqi government to the people of Mosul (Al-Nujaiji, 2016).*

It is important that the creation of new federal regions does not simply lead to the creation of mini fiefdoms in Iraq and thus there has to be fair power sharing with decisions made across the communities rather than a system with an all-powerful governor making the decisions. Through creating smaller governorates or decentralised districts within the federal region of Nineveh the minorities will also have a level of self-rule, therefore protection, and this layered governance pattern will prevent the creation of fiefdoms. Moreover, the minorities would still have a say within the federal region's decisions through power sharing. Most importantly, they would not be completely dominated at the central level, as they would be seeking benefits within the larger region's bloc. Additionally, the division of power between the different communities within Nineveh needs to extend to fair distribution of employment across the civil service, including the security apparatus, as highlighted by the following quotes from NPC members:

*Of course there has to be the promotion of peaceful coexistence and tolerance between the people of Mosul and as I said earlier any sort of economic mobility in the province should be equally available to all the components based on their representation and that I think that will be the only way forward for the people of Nineveh (Rabeel, 2016).*

*I think when it comes to balance there needs to be equality for all the sects and tribes of the provinces and this must expand to responsibilities and duties in terms of political appointments and job opportunities. I think if we are successful in delivering this, justice and accountability, and rule of law, Nineveh will exceed its pre-Daesh situation. We need to activate the process of decentralisation for the governorate, as this will solve lots of issues in the governorates (Al-Bayati, 2016).*

However, it is important to note, that the majority of these minority areas fall within the disputed territories and thus any establishment of a federal region for Nineveh has to include the opportunity for the population to decide whether their future lies within this region or the KRI, as discussed in further detail in Section 6..

## **5.4. Conclusion**

This section has attempted to contextualise federalism in Iraq, as well as analysing the process of governing Nineveh. As has been highlighted, the federalising of Nineveh, as well as other regions in Iraq, has to be paired with drastic changes at the central level. Any such negotiations for change are likely to happen well after Mosul has been liberated and will involve serious negotiations with multiple communities across Iraq. Therefore, it is not the main focus of this study, however, it is important to note that negotiations should include deals on budget allocation, dealing with the disputed territories, the security apparatus of Iraq, as well as on the management of hydrocarbons.

Moreover, the systems that allowed for Maliki to amalgamate power need to change and thus the cabinet must be chosen through sequential proportionality rules. Therefore, preventing the creation of post-election alliances, which allowed for Maliki's bloc to take power in 2010, and also preventing the possibility of one person taking several positions by distributing the cabinet portfolios based on votes won and with no negotiations.

Federalism in Iraq cannot work whilst there is only one federal region; this creates an imbalance of power and leads to only one community seeking federal rights. Through creating more federal regions, there will be more actors at the central level on the same political page, i.e., seeking a federal budget, hydrocarbon rights, and so on. What this will essentially do is ease a lot of the issues that the Kurds have with the central government, as these rights will be demanded by all, rather than just one community that the rest can create alliances against.

## **5.5 Recommendations**

### **GoI:**

16. Changes need to be made to the governance system at central level; decentralisation needs to happen; the election system must change so that every party that gains enough seats can choose to join the power sharing arrangement; the cabinet must be chosen through sequential proportionality rules, which decides each portfolio on a round by round basis based on seats won; the federalisation of those regions that seek it must be accepted.

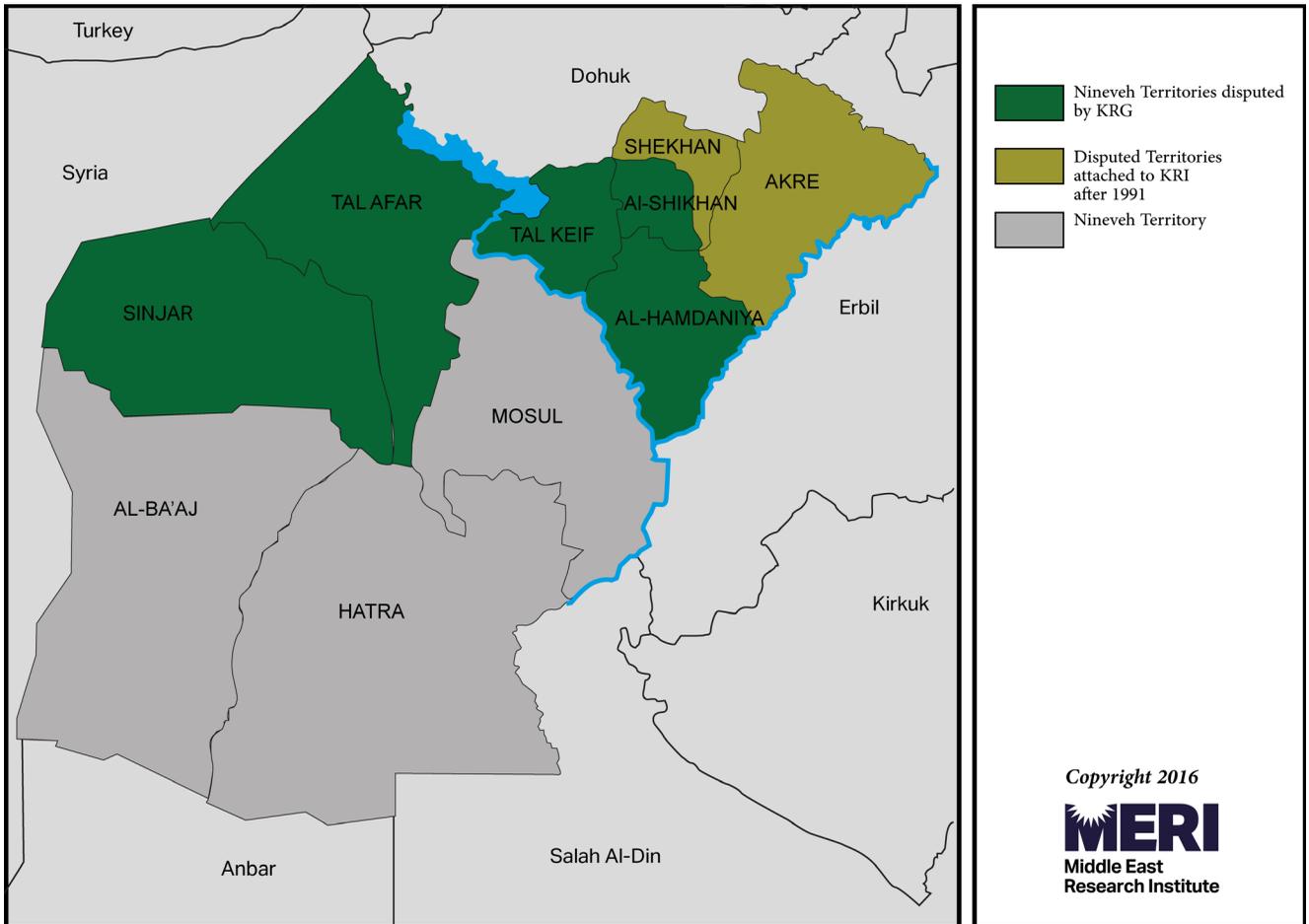
### **Local Actors:**

17. Federalism for Nineveh Province should be pursued, however this must be paired with decentralisation at a local level, as well as fair and equal power sharing within the province.
18. Fair distribution of posts, civil employment must be guaranteed, as well as proportionate representation within the local security apparatus.

### **GoI, Local Actors, KRG:**

19. Local elections need to be planned for after the stabilisation period so that the people of Nineveh can decide who represents them under the new dynamics.

## 6. Disputed Territories



Map 2. Disputed Territories in Nineveh Province

### 6.1. Context

The disputed territories of Iraq are those areas that had their borders changed by the previous regime and now involve disputes over the ownership of these areas. They involve Kirkuk, Diyala, Nineveh, Salah al-Din and the provinces of the KRI. Constitutionally, there is a means to deal with these disputes; Article 140 of the Iraqi Constitution (see Appendix I) calls for the implementation of Article 58 of the Transitional Administrative Law (TAL) by the 31st December 2007 (see Appendix II). Article 58 calls for the normalisation of the disputed territories of Iraq, followed by a census and then a referendum on the future constitutional status (technically, whether to join the KRI or not).

Successive governments have continuously delayed the implementation of Article 140 and the initial deadline was extended at the proposal of the then United Nations special envoy to Iraq, Stefan De Mistura. The extension was approved by the federal supreme court, rather than voted for by parliamentary vote, where it would have clearly failed due to the lack of support from non-Kurds – thus putting into question the continued legitimacy of Article 140, which is further compounded by the fact that Sunnis were not involved in forming the constitution (O’Driscoll, 2014c).

## 6.2. Replacing Article 140

Thus, Article 140, as a method to deal with the future status of the disputed territories, needs to be forsaken. Continuous delays and undelivered promises have done little to develop trust in the process. Kurds are clearly dissatisfied and fed up with the entire affair. However, the future of the disputed territories must be decided through political means and the processes developed within Article 140 should be used as a guideline. The issue with Article 140 is not the content, but the process to implement it. Baghdad maintains complete control of implementing Article 140 and thus as long as it exists as the method to deal with the disputed territories nothing will happen. Removing Article 140 and starting fresh negotiations between those territories actually affected by the process, will not only include the communities whose future this decides, but will also reignite the process of dealing with the disputed territories.

There is the potential for the KRG to take the disputed territories by force, as the Peshmerga are liberating these areas and they could easily remain without a political consensus and refuse to withdraw, thus occupying the territory. Statements such as the following (and this is just one of many) by the KRI Prime Minister, Nechirvan Barzani, have been widely used by non-Kurds to support these fears: ‘We will decide the extent of our borders by what has been liberated with the blood of our Peshmerga’ (Barzani, 2016). Moreover, Abdulrazaq and Stansfield (2016) suggest that the KDP want to annexe these territories for internal intra-Kurdish reasons, such as to counteract the possibility of the Patriotic Union of Kurdistan (PUK)-majority Kirkuk joining the KRI. Additionally, the current political crisis in the KRI heightens the need for the KDP to gain more territory that comes under their sphere of influence in order to boost their hand in future negotiations with the PUK and Gorran. These factors make the possibility of the KRG taking the disputed territories through force a real threat.

The majority of the interviewees for this project seem to think that the KRG will deal with the disputed territories within the legal framework of Iraq, however, as already stated, this could have more to do with the fact that they are currently hosted and supported by the KRG. Taking these territories rather than negotiating their future politically will only lead to further violence in the region. There has to be a political solution to the issue and this can only be negotiated once there is peace and stability in Nineveh and elections have happened in order for the population to choose their new representation. In this respect, the Kurds (and potentially the minority communities of Nineveh) will have to make a sacrifice, however, as this should be negotiated alongside other issues with regards to the future of Iraq, patience now will stand them in good stead when it comes to negotiations. This does not mean that the Peshmerga have to withdraw, but rather that the governance of these areas should fall under the – decentralised – NPC until such a time as negotiations begin. However, it is important that there are international supervisors to ensure that there is no intimidation of the local population to join the KRI. Negotiations should then happen between the NPC and the KRG with the participation of Baghdad and the facilitation of the US.

*It is not up to someone or a few people to give away this territory. The Nineveh council and the KRG have to go back to the central government and the constitution to solve this issue (Rabeel, 2016).*

Through decentralising Nineveh Province there is the opportunity for decentralised units to vote whether they want to remain within Nineveh, or if they want to join the KRI – thus allowing for the decisions to be made on a sub-district by sub-district basis – and this is a process that should be the goal of any negotiations. If the KRG decide to instead take the disputed territories by

force with no negotiations, they will most probably gain the territory with very little resistance in the short-term, but in the long-term this will only exacerbate conflict between Sunnis and Kurds, and between Baghdad and the KRG, which will do nothing to help either side achieve stability. Through stabilising the territory and giving minorities their own governorates to govern through decentralisation the opportunity arises for them to make a real decision about their future based on what are the best options available for *them*.

### **6.3. Conclusion**

The issue of the disputed territories goes beyond Nineveh and is something that has to be resolved for the future of Iraq. As has been highlighted, Article 140 of the Iraqi Constitution is no longer a valid means of addressing the future status of the disputed territories and has to be replaced by a negotiated settlement. The defeat of IS, paired with the improved relations between Sunni Arabs and Kurds opens up a real opportunity to move forward and negotiate a final solution for this longstanding issue. It is imperative that the future of the disputed territories is negotiated rather than the KRG taking advantage of the current dynamics to gain control illegitimately, as this will only result in future conflict that will spill over into other issues within the region.

### **6.4. Recommendations**

#### **KRG, GoI, Local Actors:**

20. There needs to be an acceptance that Article 140 of the Iraqi Constitution has been a failure and needs to be replaced by negotiations for the future status of the disputed territories.
21. Fresh negotiations for the future of the disputed territories must happen and this should involve the prospect of decisions being made on a sub-district by sub-district basis.
22. There needs to be an acceptance that the Peshmerga cannot merely retreat from the disputed territories without a credible build-up of confidence between stakeholders, because past failure to implement Article 140 has deteriorated any trust of the issue being dealt with.

#### **KRG:**

23. The disputed territories cannot be taken by force, as this will only result in lasting conflict with both the Sunnis and Baghdad.
24. The Peshmerga have to remain as a neutral force for security purposes only, their position in the disputed territories should not be used to influence the population.

#### **Coalition Forces (mainly US):**

25. Negotiations for the future of the disputed territories between the KRG, GoI, and NPC must be facilitated and real pressure must be exerted for an agreement to be made.

#### **Nineveh Minorities:**

26. It is best that the minorities use the stabilisation period following the defeat of IS to develop their own governorates or districts within Nineveh, thus allowing them to make an informed decision on where their future lies, which can then be brought to the negotiations on the disputed territories.

## 7. Re-Establishing Stability

### 7.1. Reconciliation

As already highlighted in Section 2.1. there was hardly any post-conflict reconciliation after the fall of Saddam, thus divisions were not addressed and former Ba'ath Party-affiliated members of the government institutions became isolated, which led to many of them joining radical groups. Post-2003 reconciliation was merely a slogan, one that was never implemented, and this cannot be repeated. In Nineveh Province there are many ethnic and religious groups, including Sunni and Shiite Arabs, Kurds, Christians, Shabaks, Turkmen, Yazidis, Kakeis, and Sabeen Mandaeans. There are historical issues between these communities, as well as new ones that have arisen under the dynamics of IS' presence. The acts of violence in Nineveh have been at a local level and have often involved neighbours and neighbouring communities; therefore, the need for reconciliation is greater than ever.<sup>10</sup> However, there needs to be tribal agreement to the process of reconciliation, as failure to gain this will only result in the process being hindered through the tribes seeking their own form of justice. Thus continuing the cycle of retaliation in the tribal areas of Nineveh.

In order for reconciliation to work, attitudes of collective guilt from the other communities towards Sunni Arabs must be countered. Additionally, degrees of guilt need to be determined. For example, between those who joined IS voluntarily and those who were forced to do so due to circumstances, and it must be left to the courts to decide this. The Sunni community was abandoned by the armed forces and left to fend for themselves, many did what they could to survive. The following quotes from Sunni members of the NPC and the former Governor give a clearer understanding of the need for classification of actions committed under IS' rule:

*We have doctors, they have no choice, they have to treat the wounded Daesh members and this goes for the nurses, the local tradesmen, etc. they have no choice but to sell and trade with Daesh. Whatever is in Mosul is controlled by the gun. If we come to this conclusion that whoever was with Daesh we will kill them, that means we will kill the doctor, the nurse, the trader – we will have to kill a lot of people, but this is not the way forward. The only way forward is to have laws from the federal government that are strict and can deal with these differences (Al-Sab'awi, 2016).*

*Those who have committed crimes, we need to send them to the courts. Those who just supported the ideologies of Daesh, I think we need to work with them to change their minds or their ideologies. So we want to minimise those people who may be accused by criminals to not extend it too much (Al-Nujaifi, 2016).*

*The third group is the group who had no choice but to join due to poverty... I think there has to be a programme from the Iraqi government to deal with this and bring these people back into the community, especially after they have proven that they have not been part of any wrongdoing. When it comes to the people that have actually been victims, when they see a clear and transparent judiciary system I think they will have faith in such a system and they would be happy to relinquish their personal revenge to the judiciary system to let them bring the perpetrators to account (Raheel, 2016).*

10- For a more detailed analysis and overview of reconciliation in Nineveh see the MERI research project 'Perceptions of Reconciliation and Conflict Among Iraqi Minority Groups' led by Dave Van Zoonen and Khogir Wirya: <http://www.meri-k.org/project/22492/>.

Bringing guilty parties to justice through a transparent and fair manner is part of the reconciliation process and this begins with the troops that enter Mosul. It is not up to them to deliver justice, but rather to secure the city for the legal framework to be implemented. Again, the case of Fallujah offers lessons in how not to liberate a city. In the villages surrounding Fallujah, the Hashd al-Shaabi held open-air ‘courts’ where they paraded suspects in front of the villages and asked the local population if they were guilty or not. Those deemed guilty were taken away and there are evidently numerous issues with judging guilt through this mechanism, such as personal vendettas, fear, etc.. Another worrying, closely connected, issue is the hundreds of men that went missing during the operation to liberate Fallujah, which only acts to further compound the need for oversight of the operation on the ground and a clear and transparent justice system (Degerald, 2016).

Many interviewees for this project suggested that in order to deliver justice post-IS international courts should be in charge of the process. The main reason for this suggestion was that the Iraqi courts could not handle the gravity of the situation, and unfairness and corruption would seep into the process. A point highlighted in the following quote from a Sunni member of the NPC:

*The courts, even before Daesh were influenced by politicians and even by terrorist elements that were threatening the lives of the Judges. This was before Daesh, now you have politicians whose close relatives or brothers have fought for Daesh, which will damage them politically... (M. Al-Jabouri, 2016).*

However, it is important for the future of Nineveh and Iraq that it is demonstrated that they do indeed have the capacity to deal with such issues, as this will go a long way in the process of rebuilding trust. Therefore, an international judiciary supervisor to oversee the process in special local courts created for this specific purpose would be of greater benefit than having it taken over by international courts. A fund should also be created to offer compensation to those that have suffered and this fund should be dispensed through the same court system. This system will allow for those that have not committed grave crimes to be brought back into the society:

*It is very important for us not to make the same mistakes [from post-2003]; we need to accept all the people, even the people who worked against us. We need to accept them, listen to them, give them something. We need them to participate in the political process, without that we cannot control Mosul, or even Iraq. It cannot be controlled if you keep the others out (Al-Nujaiji, 2016).*

There is no need for an amnesty for guilty parties if they tell the truth, as was the case in South Africa and Chile, as IS will be defeated – it is not a ‘voluntary’ power handover (Van Zyl, 1999). There is however the need for truth about what has happened in order to create a common history and allow for the process of moving forward to begin. Part of this involves guilty parties being brought to justice, another part is creating an understanding of what led people to follow IS, particularly those that did not necessarily do so by choice. Finally, by documenting the various stories regarding the recent events it allows the communities to understand that they are not the only ones that have suffered (Gibson, 2004).

There is a common misconception within the minority communities of Nineveh that the majority of Sunnis are complicit in the actions of IS and that they have not suffered as a community. The suffering of Sunnis should not be denied and is highlighted in the following statement from a Sunni member of the NPC:

*What would encourage me to leave behind my belongings, my house, and my people if it was not barbaric Daesh treatment. To take this risky journey to run away from Daesh through the minefields seeing with my own eyes my daughter being killed, my wife being killed and having to leave them behind... There are big crimes committed and the biggest losers are us the Sunni Arabs and it will take time before people realise that (Al-Sab'awi, 2016).*

An understanding of the suffering of the Sunnis would go a long way towards empowering the reconciliation process, and this goes for all communities, as they have all suffered to some extent. Moreover, the process has to also extend to address divisions *within* the Sunni community, as the rise of IS has led to the increase of factions within this community. As one Sunni member of the NPC noted: 'There are people in Daesh, but their brother is fighting against Daesh' (M. Al-Jabouri, 2016).

The reconciliation process is imperative in order for reconstruction and the return of IDPs to happen. It is important that the crimes against *all communities* are addressed and that guilty parties are brought to justice transparently in order to prevent people taking justice into their own hands. Creating a common understanding of the suffering of *all communities* will help begin the process of reconciliation so that these communities can once again live side by side. At all costs acts of revenge should be prevented, as this will merely serve to perpetuate a never ending cycle of violence and will do nothing for the future of Iraq, as one NPC member remarked: 'If we want to plan for the future, we must remember that revenge does not serve state-building' (M. A. Al-Jabouri, 2016).

## 7.2. Reconstruction

*Daesh has been a destruction force and the damage is grave, we have 1,300,000 IDPS... Some have returned to their place of origin, but there are no services, no utilities, these are all concerns. We have a civilian plan for post-Daesh in the Provincial Council, but the biggest problem is we don't have access to a proper budget (Jundy, 2016).*

As already highlighted in Section 3.4. the reconstruction of Mosul, as well as wider Nineveh, is something that needs to happen as soon as IS is evicted from Mosul.<sup>11</sup> The timely implementation of plans for reconstruction and making the budget for this available is imperative in facilitating the return of IDPs and in causing less disruption to the lives of people who have already suffered greatly due to the actions of IS in Iraq. However, a key part to reconstruction planning should be the avoidance of destruction, and military plans should bare this in mind in order to prevent the demolition witnessed in Fallujah (Al-Obeidi, 2016).

As part of the process of making these cities liveable, the military forces should undertake a programme of demining and getting rid of booby traps left by IS within the city and the surrounding areas – including the wider Nineveh Province. The reconstruction must happen across Nineveh, as

11- The reconstruction of areas in Nineveh Province that have been previously liberated, such as Sinjar, should have happened already. Although explanations, often weak ones, have been offered such as the focus being on defeating IS, the financial constraints of the war, access, etc., following IS' defeat these reasons will no longer exist and reconstruction needs to be focused on all areas.

many liberated areas have not seen reconstruction, which leads to accusations against the central government, such as the following from a Shabak member of the NPC:

*There has been no reconstruction of the liberated areas within the disputed territories. Why? Because Baghdad does not want to spend money on an area they might lose (Hamad, 2016).*

There are obvious and immediate needs for reconstruction to make Mosul a liveable city once again. For example, rebuilding and the provision of basic services, such as electricity, water, medical care and education. In order to avoid delays and the wasting finances in this process, it is important that structures are put into place to prevent corruption. In Iraq clientelism, cronyism and nepotism are massive issues (See: Dodge, 2013; Le Billon, 2005; Looney, 2008). As a result, contracts are often given to those not qualified and/or to those not offering value for money. An issue that stems from this is that of subcontracting, whereby the contract is won by one firm/candidate who instead of carrying out the job subcontracts it out to someone else. This process can carry on for several rounds, allowing everyone to get a 'slice of the cake', before getting to the firm that actually carries out the work contracted for. Not only does this inflate the price and slow down the process, it also leads to substandard work due to corners being cut and a lack of accountability.<sup>12</sup> Therefore, there needs to be an independent oversight to the awarding of contracts including an audit to ensure they are also carrying out the work. Moreover, the contracts should be performance based with staggered payments to guarantee quality and efficiency.

The return of the population needs to be facilitated and this entails many elements. Firstly, permission to return should be granted by one body active in the camps, rather than expecting impoverished and distressed families to negotiate the complicated and costly bureaucratic system of being granted permission to return. Secondly, return should not happen on an uncoordinated basis; families should be brought back, not expected to find their own way home. Finally, a lot of these families will return to nothing and will be leaving camps with free services, food, water, and sometimes financial stipends, these same benefits should be offered on their return to Mosul and wider Nineveh.

### **7.3. Reconstructing the Society**

Investment in the economy of the city is also extremely important, as without jobs there can be no hope of economic security. Moreover, providing jobs for the local population is one way of preventing marginalisation, which has happened at both a local and national level. It is imperative that there are enough employment opportunities, particularly for the youth and that access to education at all levels is open to all. Employment opportunities are pivotal for regeneration, particularly for a city with the dynamics of Mosul, as deprivation and lack of social mobility are key factors in radicalisation, which is easier to prevent than to reverse (Moghaddam, 2005).

There also needs to be de-radicalisation programmes, as much of the youth have been living under IS for over two years, which is going to have a major psychological impact on them at this easily-influenced stage of their lives. The above-mentioned employment and education opportunities also need to be paired with community projects/activities and methods to deal with political grievances, as lack of these systems can also lead to radicalisation (McCauley & Moskalenko, 2008).

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12- Numerous such cases were brought to the attention of the author during conversations with local actors.

Furthermore, the people of Mosul have endured a great deal and have witnessed numerous brutal acts, therefore there needs to be a long-term plan to address mental health issues, including Post-Traumatic Stress Disorder (PTSD).

Additionally, the youth of Mosul have been denied a proper education during IS' occupation and systems need to be put in place to deal with the new dynamics of uneducated youths joining a curriculum designed for those following the normal educational path. Therefore, in Nineveh Province, there will have to be a two-tier education system; one for those just starting school under the normal Iraqi education system, and one for those who have been denied an education under IS and there needs to be a curriculum designed for these purposes.<sup>13</sup> The need to address the issues of the uneducated population was very eloquently put by one member of the NPC:

*I think we will face an army of illiterate children and any child that is under 12 will not be educated and will not be literate. And also the youth that are supposed to finish high school when they are 18 years old, I think they will only be able to finish high school when they are 24, 25 years old after we have returned to the city. That means even the Ministry of Education needs to alter its byelaw, its curriculum and development programmes. Also the students from the University of Mosul when we go back, they will be graduating at 30 years and above... We can overcome fear and famine, but overcoming the lack of education and literacy of the population will take years and a great effort (Ahmed, 2016).*

There also has to be the preparation for fair elections, as they are due in 2017. It is important to have elections in Nineveh, as the current council has been operating for most of its existence outside of Nineveh. The people need the opportunity to choose new representatives, as many may feel the current ones have failed them.

Without a comprehensive programme of reconstruction and normalisation IDPs may not, and cannot be expected to, return to Mosul and wider Nineveh. Moreover, without adequate implementation of the policies mentioned, several issues will arise in the future relating to marginalisation, deprivation, and lack of social mobility. It is crucial that the reconstruction happens immediately, as the rebuilding of the city and return of the population will reinforce IS' defeat.

#### **7.4. Conclusion**

Fulfilling basic human needs such as a sense of justice and both physical and financial security will serve to mitigate desires for revenge among victims thus helping to diffuse inter-community tensions. Therefore, the elements discussed in this section are essentially the most important, as they allow people to move on from the conflict and are intrinsic for the future of Iraq. All the other elements are closely connected to these, as one cannot govern if there is no population to govern, or if there is all-out conflict between the communities. This is a fact that this report has tried to stress. There is a need to go beyond military means to defeat IS and actually provide an alternative future to the population. However, planning for this future has to begin long before any liberation attempt, as argued in Section 3..

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13- This system would be phased out once the population has caught up and everyone is aligned with the normal system.

## **7.5. Recommendations**

### **Reconciliation**

#### **All Parties:**

27. Ensure that the forces that enter the city do not distribute justice (as in Fallujah), but rather secure the city for justice to be delivered through the courts.

#### **GoI, KRG, Local Actors:**

28. A special local court system to deal with those accused of being members of IS and to differentiate between real members and those forced to join due to circumstance should be created. This same court system should also deliver compensation to the victims.

29. A truth commission should be created, linked to the special court, to gain a full overview of what has happened and to create an understanding that all the communities have been affected.

30. A tribal agreement for the reconciliation process should be sought in order to prevent potential spoilers from derailing the whole process.

#### **Coalition Forces (mainly US), International Stakeholders:**

31. Ensure that funds are made available for the reconciliation process, including for compensation for victims.

32. An international judiciary supervisor with an established track record should be appointed to the special court.

### **Reconstruction**

#### **All Parties:**

33. Reconstruction begins with the prevention of destruction, and thus a military plan must be formulated that limits the destruction.

34. Reconstruction and the provision of basic services (electricity, water, medical care and education) must happen quickly and all delays must be prevented. The quicker the people can return to their homes, the quicker the process of reconciliation can happen.

35. As well as basic services, food and a financial stipend should be provided to those who return until such a stage as life is back to 'normal'.

36. A deradicalisation and post-traumatic stress disorder programme should be developed for the dynamics of Nineveh and implemented across the province.

37. A new curriculum must be designed and implemented for the dynamics of Nineveh where children have lived without proper schooling for over two years.

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**Coalition Forces (mainly US), International Stakeholders:**

38. Due to the financial crisis in Iraq as a whole, funds should be made available for reconstruction purposes. However, due to endemic corruption in Iraq these funds should be managed carefully. Contracts must be granted on merit, payment should be scattered to ensure quality, time of delivery and that the job is actually being done.

**GoI, International Stakeholders:**

39. Reconstruction is not a political tool and thus reconstruction efforts have to be equal across the province – the disputed territories cannot be abandoned.

40. A significant investment in the economy of Nineveh should be made, as employment opportunities are intrinsic to the future stability of the province.

**GoI, KRG, Local Actors:**

41. One body to grant permission for families to return must be set up and this should be easily accessible by the IDPs. There must also be the facilitation of the return process.

## 8. Final Conclusion

Many of the issues discussed in this report can be dealt with if a) funds are available b) emphasis is placed on planning and c) the various parties coordinate and work together. However, the political issues are harder to address, as political will and determination are required. There needs to be a political deal between the local politicians for the governance structure of the city and the wider province (including one between the former governor and the provincial council); the relationship and power dynamics between the central state and the province need to be agreed upon with the central government; the relationship between the province and the surrounding areas needs to be established (particularly with the KRI). Additionally, an agreement for governance at central level needs to be formed by all the communities of Iraq – although this is likely to come after the rest and is a considerable undertaking for Iraq as a whole.

There is a large population suffering under the occupation of the Islamic State and liberating them is of the utmost importance. However, rushing this process an undergoing the liberation before the systems mentioned in this report are in place could have disastrous consequences.

Liberating people only for them to a) have insufficient shelter or food, b) suffer abuses and revenge from the liberating forces, c) return to a destroyed city with no immediate plan for reconstruction, d) be politically marginalised, and e) return to political chaos, vigilantism and inter-ethnic/sectarian conflict will do nothing to achieve the goal of actually defeating IS.

Liberating people under these circumstance will only make them question whether they were better off under IS, and may put the future of Iraq in danger. There is no quick fix. Momentary glory in the speedy defeat of IS will be short-lived and will inevitably be followed by serious problems in Iraq. Careful planning and political maturity is needed in order to create the dynamics in Iraq that leads to the lasting defeat of IS. There is the opportunity for the rebirth of Mosul and Nineveh, as well as for Iraq, but without a valid plan in place, the formation of political agreements and considerable post-conflict efforts it will be a stillbirth rather than the beginning of a new and promising life.

*The only good thing about IS is that it has united Iraqis against it. We should learn from the experiences we have had with IS to improve what happens next (Al-Bayati, 2016).*

The aspects discussed in this report are essential for the long-term success of the operation and to minimise the factors that led to IS' existence. However, the aim is to highlight the issues that need to be addressed and bring them into the conversation, as each section could easily be a report in itself. Therefore, there is plenty of scope for further research. Consequently, sections within this report will be analysed in greater detail at a later stage through MERI's research projects: 'Liberating Mosul: Pre and Post Factors for Consideration' and 'Perceptions of Reconciliation and Conflict Among Iraqi Minority Groups'.

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## Appendix I: Article 140 of the Iraqi Constitution

- First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.
- Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

## Appendix II: Article 58

- (A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:
- (1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.
  - (2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.
  - (3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.
  - (4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.
- (B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.
- (C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.







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