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HTT: Mada'in Oral History Findings

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Executive Summary:

- Many tribal leaders refer to the tribal law as codes, covenants, and/or constitutions
- The tribal legal system is adversarial and restorative
- Tribal courts are intended to reconcile opposing parties by mediating disputes and resolving problems
- Virtually every tribe encountered has both Sunni and Shia members; if not in the Mada'in then in other parts of Iraq
- The dispute between Sunnis and Shia is not theological or dogmatic, rather it is about access to and control of resources with some element of outside, extremist influence
- The GOI is not perceived to penetrate or penetrate deeply into life
- The elected and appointed GOI officials are perceived as being agents of Iran, or Iranian, by the vast majority of both Sunni and Shia tribal leaders that we interviewed
- The GOI is perceived as a corrupt, kleptocracy that extends Iran's sphere of influence into Iraq
- The major key question we are asked is when will the electricity be fixed and the water flow

Mada'in Oral History Findings:

Overview: Mada'in Qada, often referred to as the Eastern Gateway to Baghdad, is one of the six rural administrative districts within Baghdad Province. It lies to the east of the Diyala and Tigris Rivers, the north of the Tigris River, south of Diyala Province, and to the west of Wassit Province. It has four main population centers: Salman Pak, Jisr Diyala, Wahe'da, and Nahrawan. Mada'in Qada is a demographic microcosm of Iraq; it has one large Sunni population center, Salman Pak (approximately 80% Sunni) and a predominantly rural orientation. The population was estimated to be 311,570 by the UN in 2005.

The Mada'in Oral History Project was conducted between July and October 2008 in Mada'in Qada, Iraq (OE Striker). Twenty-four sheikhs across the qada were interviewed, using elite level semi-structured interviews with each lasting approximately ninety minutes. Moreover, many of our important findings were subsequently confirmed while speaking with more ordinary residents of the qada while engaging in participant observation at humanitarian assistance and civil medical operations. Five key themes

¹ The views in this paper are the author's own. They do not necessarily reflect the views of the 2BCT/1AD, the Human Terrain System, TRADOC, and/or the US Army. Please refer all questions to the author at adam.l.silverman@us.army.mil or adam.l.silverman@2bct1ad.army.mil.



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quickly emerged after the first four or five interviews and subsequently became the basis for the follow up questions of the remaining sessions: 1) the tribal law is a code, covenant, and/or constitution, 2) the tribal court system is an adversarial, restorative reconciliation process, 3) virtually every tribe has both Sunni and Shia members and the sectarian dispute is really about resources, 4) the GOI is corrupt, illegitimate, does not penetrate, and is composed of Iranian agents and Iranians, and 5) repair of the electric and water infrastructure is the major concern of the local tribal leaders. *As we are just completing the project all analyses are preliminary. Moreover, all conclusions are drawn from data collected in Mada'in Qada' in Qada' OE Striker.*

The Tribal Law: Many of the sheikhs, especially the more literate ones, refer to the tribal law as codes, covenants and/or constitutions. This is significant as the democratization literature argues that only societies with a covenantal (or pietistic) tradition are likely to be able to democratize. Our primary assessment of this data is that General Garner's intended approach of going to the tribes and building the new Iraqi socio-political system on them was correct. As we understand it General Garner's intention was to go to the major existing and functional social institution in Iraqi society in the aftermath of the removal of the one party state: the tribal system.² This was, however, not what happened. General Garner was quickly replaced with the CPA which instead took the governmental institutions and structures that had existed under Saddam Hussein, scrubbed them of personnel we found objectionable (de-Baathification), re-staffed them, and re-imposed the system on Iraq. The new CPA back Iraqi government was to be cemented into place by the elections that occurred in 2005. In other words the point of the elections was to fill the positions in the new Government of Iraq with popularly elected Iraqis who would then begin the process of rebuilding Iraq and its institutions, first in partnership with the CPA and CF, then the Department of State and CF, and finally on their own. The January 2005 elections, however, were boycotted by most of the leaders with an indigenous constituency – specifically Sunni Arabs, but also some Shia. The major exceptions to this were the Kurdish parties and those members of the Sadrist movement that either stood for election or backed specific candidates. As a result of the election's outcome, the governing coalition is composed of officials from either exile movements or Kurdish parties (Dawa/ISCI/BADR, KA/PUK, and Tuwafiq). This has led to popular perceptions that the GOI does not have any real legitimacy because it does not have any real indigenous constituency. Moreover, the GOI is perceived to be corrupt and because of Dawa/ISCI/BADR's and the KA/PUK connection to Iran an extension of the Iranian government. The two groups with indigenous constituencies, Tribal (the Sawha/Sons of Iraq-SOI) and the tribal and often poor Shia and poor Iraqis in general (who seem to associate with the Sadrists), are largely constrained by being out of the government.³

² While we believe, based on the preponderance of reporting in the media, scholarly articles, and books that this is a correct understanding of General Garner's intended approach, we recognize that there is an ongoing dispute, led by former leaders and members of the CPA and their supporters, regarding General Garner's qualifications, capabilities, and intentions.

³ These individuals are referred to as the powers that aren't (PTA) by Dr. Sam Parker of the USIP in his online postings at abumuwaqama.com and Dr. Marc Lynch of Georgetown in his postings at abuaardvark.com.



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Tribal Courts: The second major theme is exceedingly important for reconciliation in Iraq. The tribal courts and the intertribal mediation systems are basically a restorative/re-integrative justice system. Moreover, they use an adversarial system - each party to the dispute gets to pick a sheikh or elder as an advocate, who then argues and presents evidence before a panel of sheikhs. The panel eventually rules and hands down a penalty - usually a monetary fine. And they use past rulings as precedents. The Iraqi Rule of Law system, again taken from the Saddam era, scrubbed clean, and then re-imposed, is a prosecutorial-investigative system. Judges investigate offenses and by the time the case comes before the court guilt has been established, all that is left to do is determine amount of culpability and the punishment. Here too we had an indigenous (tribal) system we could have built upon. Moreover, it is one that is very familiar to us as Americans.

GOI: According to our discussion with the tribal leadership, both Sunni and Shia (and this initial theme first came up in discussion with three different Shia sheikhs), the Iraqi state is not penetrating very far at all, is not viewed as representative - even by Shia, and the members of it are viewed as either Iranian agents or Iranians - even by the Shia. While the general straw man culprit for all things bad in Mada'in is Iran, the fact that we have had Shia tribal leaders tell us that Ayatullah Hakim is not a Muslim, but a Zoroastrian is very significant. With the exceptions of a small number of more rural Shia sheikhs, every sheikh made the same declarations. At no time did any tribal leader, or other local we spoke with, express any problems of legitimacy with the local governments in the qada – either the qada council or the nahia councils. The dissatisfaction was solely directed at the national government in Baghdad.

Sectarianism: Virtually every sheikh has told us that even if all the tribal members in Mada'in are Sunni or Shia, there are tribal members in other parts of Iraq that are from the opposite sect. Moreover, every sheikh indicated that their tribe's people intermarry with members of other local tribes regardless of sectarian orientation. This reconfirmed what we had learned prior to deployment: every tribe in Iraq has both Sunni and Shia members and religion is tightly entwined with tribal life. When asked, about 2/3rds of tribal leaders clearly described the “sectarian” conflict as being about resources. The remainder asserted that outside religious extremist influence (both Wahabbiya and Shia) is to blame. While we are confident in this finding, that the inter-communal disputes are resource driven, not the result of religion, theology and dogma are used as a cover for negative actions taken. This is no different than the attempts by elite entrepreneurs in the Balkans to justify ethnocide to grab the illicit trafficking networks as centuries old disputes between religious subdivisions within the same ethno-linguistic and ethno-national communities.

Infrastructure: The final theme we encountered pertains to electricity and water (and sometimes to jobs). Every tribal leader, every IDP, every local citizen that we spoke with asked why the electrical grid is still not fixed and why clean water for drinking, as well as irrigation water, is not available five years after the invasion. The latter is, of course, tied to the former as Iraq will not see regular and widespread water purification and/or pumping until the electrical infrastructure is completed.



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HTT Preliminary Conclusions:

Our preliminary conclusions revolve around the nature of the COIN Operations that CF, including the efforts of the State Department and their affiliated federal partners, has undertaken in Iraq. Please remember that they are all derived from our research and analytical work here in Mada'in Qada/OE Striker. Once General Garner was replaced, no one asked the Iraqis what kind of government they wanted. Instead the CPA took Saddam's government, and later his military, removed the folks they did not like (often using unfaithful and unreliable Iraqi allies to do it), but left the institutional structures in place, imposed them on the Iraqis, and then told them to hold an election in which the majority of parties and candidates were either exiles (DAWA, ISCI, TUWAFIQ) with no indigenous base of support and partial or total alliances to non Iraqi masters/movements (Iran and the Muslim Brotherhood) or had an indigenous constituency that is interested in cessation from Iraq (the Kurdish Parties, who also have operational ties to Iran). The reality is that the only two movements that are Iraqi nationalist with broad based indigenous support in Iraq are the Sawha/SOI who are tribally oriented and the Sadrists. These are the two that are going to continue to be locked out because of the elections law problems (defeat of the law, delay of passage, and finally passage of an Open List Proportional Representation system without guaranteed minority representation) and the attempts by those who have been established in power to insulate themselves from removal.

CF and the ePRT have been trying to work from the bottom and middle levels up to the top level - meeting with tribal and local political leaders, as well as local professionals and then work back and forth to provincial governmental levels (lowest and middle level), while the Embassy and other affiliated sub agencies are working government to government to affect the top down. Ideally everything would meet and synch in the middle. The ongoing work to resolve resource issues, while working as a safety valve that will eventually deflate the sectarian issue, is the mechanism that creates the opportunity for success. The lack of tethering, however, of governmental structures to the most powerful socio-cultural dynamic in Iraq, the tribal system, is worrying. The concern is that unless the population layer, which is tribally oriented, is fully activated and brought into the mix, the hard work, grounded in the COIN reality of empowering the lowest levels or moving mounted and working dismounted, will fail. The tribes have survived for a very long time. They survived Saddam, Bakr, the monarchy, the British, the Ottomans and others. Moreover, the tribal kinship system, and its ability to recognize, negotiate, and survive even the subtlest shifts in power is what has enabled the survival of what we know today as the Iraqi people.

The key here, in order for synchronization of empowering the lowest and middle levels and linking it to structures of the highest, is that the opening created must be extended out to and encompass the tribal system. If the tribally oriented population is not brought along, the connections between lowest and highest will either miss each other or not hold – the tribal society is the necessary component to complete the transformation to a functional Iraq. For instance, the tribal court and intertribal mediation systems, which are



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the key social reconciliation structures within Iraq can be adapted, connected to both the government and the courts, and used as the primary forum for national socio-political reconciliation. Without this socio-cultural mediating component in place, the Iraqi government will continue to be viewed as unrepresentative and illegitimate.

This leads to a major conceptual issue: in Iraq in general, and especially here in Mada'in Qada/OE Striker, we are actually not facing an insurgency, at least not in the classic sense. There was not a failed revolution or civil war (in the proper definitional sense, not the way American's use it because of our own "civil" war) where the true believers held on to continue to fight against the legitimate and sovereign government here in Iraq. Rather the insurgents, as they are labeled, are a combination of individuals and groups all of whom are opposed in some way to the US invasion and subsequent UN mandated occupation of Iraq, militias tied to the political movements in Iraq that are using violence for their own political purposes (BADR, JAM), or they are organized criminal elements that use violence to further their predatory activities. In a classic or true COIN environment we would be assisting a legitimate government, with an indigenous base of support, that had survived an attempt to overthrow it through violent means, but was not strong enough to completely suppress the challengers who are then labeled "insurgents". That is not the case here. Even working from the lowest level up, we are trying to tie the population back up and into a highest level, the government, which does not have broad support, is seen as an agent of Iran, and is perceived to only penetrate into the society in a limited, and often negative, way. All of that said, the COIN approach of less force, more non lethal planning, and empowering the lowest level is still, to my mind as a practitioner in the field, the best approach. I also think this is the case in Afghanistan. COIN, or adaptations of it, with a clear view to the "empower the lowest level" is our best approach even if Afghanistan is also not a true COIN environment or fight.