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Domestic and Regional Politics Delay U.S.-Iraqi Security Agreement

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While experts negotiate the technical aspects of a Status of Forces Agreement (SOFA) -- an arrangement that would govern future security relations between Iraq and the United States -- Iraqi politicians are engaged in a rhetorical campaign against such an agreement, making it nearly impossible to finalize a deal by this summer. Meanwhile, the escalating debate now includes Iraq's neighbors, with top Iranian officials expressing their opposition to any kind of security arrangement.

Background

Shortly after Saddam Hussein invaded Kuwait in 1990, UN Security Council Resolution 661 designated Iraq as a threat to international peace under Chapter VII of the UN Charter. Since 2003, the legal mandate for the presence of coalition forces in Iraq has been provided by various UN resolutions also passed under Chapter VII, which allows coalition forces to "take all necessary measures to preserve peace and security" without consulting the Iraqi government.

Baghdad has sought to put an end to this arrangement and reclaim its sovereignty. In his inauguration speech in June 2006, Iraqi prime minister Nouri al-Maliki stated he will not seek a further extension of the UN mandate after it expires on December 31, 2008. Initially, the United States and Iraq aimed to sign a SOFA by the end of July 2008 as part of a larger strategic agreement incorporating political, economic, cultural, and security aspects, as called for by the Declaration of Principles signed in August 2007 by President Bush and al-Maliki.

The current situation poses a dilemma for the Iraqi government. It wants to restore its full sovereignty as soon as possible, while maintaining a coalition presence until Iraqi forces are able to assume the country's security responsibilities. Meanwhile, political opponents of a SOFA have been successful in associating it with prior, highly unpopular agreements that Iraq signed with the United Kingdom since the early 1920s, including the infamous Baghdad Pact of 1955.

Iraqi politicians are divided over the following reported terms of the SOFA: legal immunity for U.S. military personnel and contractors (a standard feature of all SOFAs); freedom of movement and operations for U.S. forces (including control of Iraqi airspace up to 29,000 feet); and continued supervisory authority over detention facilities, prisons, and bases (including 384 coalition "military sites," some of which are classified). Iraq also allegedly wants a commitment from the United States to defend it from foreign aggression, a stipulation that probably would require ratification by the U.S. Congress. American officials have stated that such an agreement will not undermine Iraq's sovereignty and will not tie the next president's hands in dealing with Iraq.

Domestic Politics

Although many politicians understand the need for a SOFA and support the idea in principle, few are able to say so publicly due to the emotional atmosphere that nationalist politicians have created. For example,

controversial Shiite cleric Muqtada al-Sadr has asked his followers to demonstrate against the agreement after Friday prayers and called for a popular referendum on the issue. Grand Ayatollah Ali al-Sistani, the most revered Shiite cleric in Iraq, stated four guidelines that should guide SOFA negotiations: sovereignty, transparency, national consensus, and parliamentary ratification.

Moreover, many parliamentarians have complained that al-Maliki has kept them in the dark, claiming that he is sharing information on the negotiations only with the Political Council on National Security. Since the Council has only modest parliamentary representation, the prime minister's secrecy has alienated various constituencies and restricted his maneuverability in the negotiations. The head of Iraq's defense parliamentary committee, Hadi al-Amiry -- an influential Supreme Islamic Iraqi Council member and leader of the Badr organization -- also showed dissatisfaction when he announced on June 7 that Iraq would seek another UN Security Council resolution rather than a SOFA.

Kurdish leaders, by contrast, support a long-term agreement with the United States, since they still consider it their strongest ally, despite occasional reports of discontent with some U.S. policies -- especially Washington's support for recent Turkish incursions in northern Iraq.

Ironically, the Sunni Arabs, who previously made up the backbone of the nationalist insurgency and al-Qaeda supporters, also favor an extended U.S. presence. Many, especially those involved in the U.S.-backed Awakening movement, are still skeptical of the Shiite-led government and see an American presence as a guarantee of their representation in pending provincial and national elections. On the other hand, Iraqi secular parties such as al-Iraqiya, and some independents in the parliament, are hovering in between. They support a long-term U.S. presence but cannot say so publicly for fear that their mostly nationalist constituency would punish them in forthcoming elections.

Iraq's Neighbors

Iran rejects any long-term agreement between Iraq and the United States. Tehran knows that a U.S. presence impedes its growing influence in Iraq and provides Iraqi political parties with a non-Iranian source of support. Ali Larijani, Iran's speaker of parliament, stated in a recent interview that "[t]he Iraqi nation should courageously resist the U.S. security pact just as they have so far resisted the occupiers." Other Iranian officials have made similar statements.

The Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) and Jordan see an extended U.S. presence in Iraq as an insurance policy against Iran's regional hegemony. Syria, interestingly, has been hesitant to take a formal position on the issue. Damascus apparently is trying to balance its alliance with Iran with improving ties with the United States; Syria has been willing to explore a possible peace treaty with Israel (via Turkish mediators) and has been silent on the U.S.-Iraqi SOFA.

Turkey supports an extended U.S. presence in Iraq. It hosts U.S. bases and is a key regional ally of Washington. Moreover, Ankara's comfort level with U.S. policy in Iraq has increased recently as a result of American support for recent Turkish operations against Kurdish insurgents in northern Iraq.

Policy Implications

Two factors cloud the prospects for signing a SOFA by July 2008: the success of Iraqi opponents of a SOFA in framing the domestic policy debate, and the opposition of Iraq's most influential neighbor, Iran. As a result, Iraq and the United States will likely seek an extension of the current UN resolution. If this happens, it would be useful for both Washington and Baghdad to reassure everyone concerned that the United States intends neither to use Iraqi territory to attack its neighbors (since the Iraqi constitution prohibits it), nor to leave Iraq anytime soon, since the current UN resolution provides U.S. forces with all the legal authority needed to continue operations. This experience also demonstrates the need for careful preparations and sophisticated information campaigns when dealing with matters of national sovereignty and pride in Iraq.

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