Syria & Iraq Alert II: Inclusivity essential to long-term political strategy to counter ISIS

November 20, 2014

SUMMARY

In the effort to counter ISIS in Iraq and Syria, think tanks, experts and governments have called for a political strategy with inclusivity as a core facet.[1] PAX also stated in its first Iraq & Syria Alert that "a response to ISIS must be inclusive in character, with a long-term objective of legitimate and responsive governments in Iraq and Syria." But what should this inclusivity entail exactly?

This second alert delves further into what inclusivity entails and sets progress markers for the international community to monitor inclusive policy in different sectors as part of the larger political strategy to counter ISIS. Establishing an inclusive unity government is not enough; reforms have to be taken in all public sectors, including the security sector, education, local governance and the legal framework. Despite the complex political and security situation, meaningful steps can and should already be taken under the present circumstances by the countries participating in the coalition against ISIS.

In **Iraq**, the military and political support to the newly formed Government of Iraq (GoI) and the Kurdish Regional Government (KRG) leads to increased leverage of the international community, in particular the countries involved in the coalition against ISIS, on these governments. PAX believes leverage should be used to develop **benchmarks for political reform**. Further steps in support and cooperation with the GoI and KRG should be made dependent on progress on these benchmarks. Topics the benchmarks should cover include:

- Legal reform, including decentralization, protection of minorities and women;
- Security Sector Reform, including integration of ethnic and religious minorities in the Iraqi Army and the Peshmerga, and including the integration of Sunni and Shia militias as far as these have not been involved in war crimes; and
- Social reforms, including educational systems and curricula.

In **Syria,** the chances for an immediate transition to an inclusive governance system at the national level are more limited. PAX sees the following priority areas to support development of inclusive governance:

- The establishment of a Temporary Government is an opportunity to initiate a process of political transformation that will lead to a more inclusive and democratic governance system. PAX believes **support to this Temporary Government** should be made **conditional on inclusivity benchmarks**. Benchmarks similar to those proposed for Iraq should be agreed upon with the Temporary Government, as should benchmarks for its internal structure and capacity.
- Support for the **development of local governance** is crucial. Strengthening de facto local administrations that are inclusive and participatory will make local communities more resilient against radical groups. The countries supporting the Temporary Government and local councils should stimulate productive interaction between the Temporary Government and local councils.

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[1] On 9 September 2014, the EU High Representative for foreign policy issued a statement to congratulate the new Iraqi government with its formation, commending the inclusive spirit of this government. It stated that the EU "sincerely hopes that the whole government will work effectively together to give inclusive responses of the many urgent needs of all the Iraqi citizens." http://www.eeas.europa.eu/statements/docs/2014/140909_01_en.pdf

INCLUSIVE CHARACTER

A response to ISIS must be inclusive in character, with a long-term objective of legitimate and responsive governments in Iraq and Syria. Years of repression and marginalisation fed into the population's frustration and resentment, particularly among younger generations. In Syria as well as Iraq, the government that is supposed to protect its citizens against massive human rights violations and war crimes has proved to be one of the worst threats to their human security. This contributed to the radicalisation that gave rise to ISIS in Iraq. The expansion of ISIS has further deepened sectarian polarisation in the region with Shi'a actors connected to Iran at one extreme and different Sunni groups with various levels of radical character at the other. This divide dominates the political situation in Iraq and Syria, and also strongly affects the political situation in neighbouring countries, in particular in Lebanon.

Iraq: Benchmarks for inclusivity

The new Iraqi government has the duty to rebuild the trust of the Iraqi population and address many of the root causes of the current crisis by developing truly inclusive policies. It is clear that the international coalition effort to give military and political assistance to the Iraqi and Kurdish governments in their fight against ISIS has created a situation where leverage of the countries in the coalition towards Iraq has increased significantly. This means that military assistance combined with pressure on inclusivity and reform can be effective. PAX therefore proposes that countries involved in the coalition against ISIS which are offering support to the new Government of Iraq (GoI) and the Kurdish Regional Government (KRG) use this leverage and develop benchmarks in dialogue with the GoI and the KRG towards a more inclusive political system as conditions. Further steps in support to and cooperation with the GoI and KRG should be made dependent on the progress on these benchmarks.

Syria: Work with the Temporary Government on developing inclusive governance

In Syria, ISIS could fill the power vacuum left by the erosion of the Assad regime in many parts of the country, but, unlike Iraq, was not able to achieve a strong support base in the country. Establishing inclusive and participatory governance at the local and national level will also there be the best strategy for preventing radical groups such as ISIS from taking further ground. That also means a political transition process needs to be established in order to move from the politically-exclusive Assad regime that is responsible for numerous war crimes. An alternative to the Assad regime should not only be politically inclusive, but also geographically representative (including the marginalised rural areas) and inclusive of all marginalised groups, including religions, ethnicity, and gender, among others.

The proposal of UN Special Envoy Staffan De Mistura to establish a "freeze" of fighting in Aleppo to start with provides an opportunity to develop democratic and participatory local governance, which makes communities more resilient against radical groups. De Mistura stated that a freeze in fighting should be supplemented by a revival of local governance and administration and that they could be test areas for decentralisation. If a freeze in fighting in Aleppo would be accompanied by international support to develop democratic and participatory local governance in Aleppo, it could become an example for other parts of the country.

POLITICAL INCLUSIVITY AND PARTICIPATION

In **Iraq**, initial political inclusivity efforts have been made by Prime Minister Abadi, who established a coalition government with participation of political factions representing the three main majority groups: the Sunnis; the Shia and the Kurds. This is a good first step, and will provide the basis for further political reconciliation amongst warring political factions. However, it must not be forgotten that true inclusivity also extends to minority participation and the participation of women and other marginalised groups. These groups, the most fragile in Iraqi society, bear the brunt of violations in the current crisis and are currently underrepresented.

Minorities make up the majority of the IDPs currently hosted in camps, which consist of empty and unfinished buildings and schools around the country. These people, uprooted and under severe duress, are even more voiceless than they were before the crisis. Participation of community leaders and involvement of IDPs, including women, is necessary in order to prepare for a possible scenario for return to the areas they fled from in the future. The needs and demands that they consider key to their survival, safety and development need to be central hallmarks in any planning developed. At the moment, IDPs, in particular those coming from minority groups, are neither willing nor able to consider return.

Regarding **Syria**, the Syrian Opposition Coalition (SOC), which is until today the only political body on a national level with a wide representation, has made efforts to be an inclusive political representative body for the Syrian people, but has not yet succeeded in that. Representation of minority groups such as Christians is merely dependent on their political allegiance to certain political currents or foreign supporters rather than on an inclusive national agenda. The SOC has not been able to seriously address Kurdish rights. Women's representation in the SOC is minimal. The establishment of the Temporary Government provides an opportunity to develop a democratic political body that applies inclusive policies and facilitates participation, but this will require international support and a system of benchmarks for inclusive governance.

Recommendations on Iraq
- Intergovernmental organizations such as the UN and the EU should use existing instruments, such as the EU Human Rights Dialogue, to monitor and address human rights violations, in particular structurally ingrained discrimination and other violations based on ethnicity, religion or gender in existing as well as newly proposed legal frameworks and policies. Iraqi civil society organizations should be consulted and supported to monitor human rights violations at the local and national level.
- Donors to humanitarian intergovernmental and non-governmental humanitarian aid organizations should insist that any strategy developed by humanitarian aid providers, in coordination with GoI and KRG, dealing with the IDP crisis must include diversity management aspects, and should enlist the participation of minority community leaders and take into consideration gender-sensitive responses in order to avoid tensions between IDPs and host communities;
- The countries involved in the coalition against ISIS should call upon the GoI and KRG to commit to systems of citizen participation and participatory planning for the rebuilding and redevelopment of areas already liberated or planned to be liberated from ISIS occupation. Such planning should be part of an urgently needed set of measures to enable IDPs to consider return to their areas after liberation.

Recommendations on Syria
- The EU and countries that have recognized the SOC should support the SOC to develop a clear vision on Kurdish rights and facilitate dialogue between SOC and Kurdish political parties and civil society. In coordination, the EU and UN should also take a clear position on Kurdish rights, calling for dialogue to find political agreement on how to implement the Kurdish right to self determination and secure Kurdish cultural rights.
- These countries and the EU should work with the Temporary Government to make inclusivity and participation cross-cutting themes in all their policies. This requires working on awareness raising and capacity building on these topics in all different ministries. A system of benchmarks on inclusive governance should be agreed upon and support should be made conditional on progress. This should also include policies on diversity management and minority protection.
- The EU and countries supporting the Syrian Temporary Government should work on the local level to support the building of inclusive participatory local governance in the areas under control of the opposition, as this is one of the most important ways to build local resilience against radical groups such as ISIS. De Mistura's plan for a freeze in Aleppo could give room for strengthening local governance, thus promoting an example of democratic and participatory governance.

LEGAL REFORM AND INCLUSIVITY
Inclusivity should be a hallmark of legal frameworks that foster citizen rights and equal participation in the Iraqi and Syrian political and administrative systems. Legal systems should grant equal rights to all citizens regardless of religion, ethnicity or gender. In particular in Iraq the smaller minority groups are in danger of extinction and struggle for survival. As an immediate measure, minority rights and protection thereof should be enshrined in legal frameworks. The tension between such laws and equality of all citizens before the law should be openly debated in order to facilitate public thinking on and long-term development of laws that enable full religious freedom and freedom of speech, as well as anti-discrimination policies. This should lead to a situation where full equality and protection of all citizens is promoted outside sectarian mind-sets and frameworks.

Recommendations on Iraq

- The countries involved in the coalition against ISIS as well as UN and EU institutions should call upon, and offer technical assistance to, the GoI, which according to its constitution is a federal state, in order to further develop and implement laws enabling political decentralisation.
- The GoI should table the draft law on minority rights protection for a second reading in parliament. The KRG should develop a draft law enshrining minority rights that includes processes to address violations of rights and detailed mechanisms to ensure adequate protection of rights.
- The GoI should completely cancel the currently shelved new Personal Status Law (also called "Jaafari Law") which would severely violate women's rights.
- The countries participating in the coalition against ISIS should call upon and support the GoI to implement the 1325 NAP for Iraq to ensure better protection for women and girls in situations of war and violence.
- The countries participating in the coalition against ISIS should call upon the GoI to sign the Rome Statute and take steps to investigate fully without bias and according to international standards crimes committed by all state and non-state actors, including ISIS and the various Shiite militias, and set up structures to bring to justice the perpetrators of war crimes and crimes against humanity.

Recommendations on Syria

- Also for Syria, decentralisation as a potential model to foster inclusive governance and manage diversity has to be further developed. The countries supporting the Temporary Government should support it to do so.
- The personal status law will be the litmus test for a new government's ability to secure equal rights for all citizens regardless of religion, ethnic background or gender. Development of an improved personal status law should therefore be a priority issue within the transition process for the Temporary Government and its supporters.

SECURITY SECTOR REFORM AND INCLUSIVITY

An inclusive national army and police force that protect all citizens is a condition for peace and should be one of the top priorities for the international community for its work **in Iraq**. One of the major causes of the current crisis in Iraq is the lack of equal representation of all groups in the security sector, in particular at decision-making levels. In Sunni areas, the population feels harassed by the mainly Shiite soldiers manning city checkpoints. Citizens of Sinjar report that they feel the Peshmerga troops would not have retreated without warning, as happened, if Yazidis would have been present at decision making levels in the Peshmerga. The Iraqi Ministry of Defence has launched the plan to set up a so-called "National Guard" (often referred to as "The Iraqi Guards"), which would operate as regional protection forces on provincial levels. Various militias would be reintegrated in this body under the current plan. This integration of armed groups should only be done under strict conditions.

For Syria, SSR on a national level would be an important issue for a later stage, as the international community has no control and little leverage over the various armed groups, including foreign fighters on the different sides of the conflict. If countries deliver arms and provide military support to the Free Syrian Army, this should be done only under strict conditions. On a local level, local governance development should include an SSR process of transforming armed groups into police and civil defence under civil control.

Recommendations on Iraq

- The international community should make SSR support to the Iraqi Army and the Peshmerga conditional on human rights criteria and inclusivity. The prevention of war crimes and human rights violations and a monitoring and disciplinary system should be conditional for any arms delivery or other military support.
- A key element of SSR policies should be that citizens from all ethnic and religious backgrounds are able to make a career in the security forces and reach decision-making levels. Policies of appointments based on sectarian affiliation should be reviewed and disbanded by the GoI and KRG.
- A second key element in SSR policies should be the Inclusion of women in the security sector as part of the NAP on 1325 that Iraq developed, and will be further enabled by the implementation of the plan;

- A process of transitional justice should be developed by the GoI and KRG before reintegration of various militias in the "National Guard" can start, in order to ensure perpetrators of war crimes are brought to justice, and victims receive retribution.

Recommendations on Syria
- Countries that decide to deliver arms or provide military support to the FSA should carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted.
- These countries should adopt strong mitigation measures so as to minimize the risk of arms being misused by recipients for serious violations of international human rights law or international humanitarian law. The countries should put in place mechanisms to immediately halt any arms transfer in case of evidence or strong suspicion of misuse of arms, or their transfer to third parties.
- Countries supporting local governance development in Syria should cooperate with armed groups, with the aim of transforming them into a police and civil defence force under civil rule.
- Countries supporting the Syrian opposition should engage in dialogue with them and provide support for their commitment to inclusivity and ability to protect civilians from all backgrounds.

SOCIAL POLICIES AND INCLUSIVITY

The deep roots of the current conflicts reside in cultural and social structures that enable sectarian discrimination and exclusion of groups and individuals on the basis of ethnicity, religion, gender and age.

Recommendations on both Iraq and Syria
- The international community should support the GoI, KRG and Syrian Temporary Government to review educational systems and school curricula, in particular in the fields of history, religion and social sciences, and to develop new curricula that promote equal rights and tackle sectarian and gender stereotyping;
- The international community should support the GoI, KRG and Syrian Temporary Government to develop anti-discrimination policies and mechanisms to be implemented for all official institutions and government bodies, in particular for universities and schools;
- The international community should support civil society efforts in Syria and Iraq that promote inclusivity, demand inclusive and participatory governance and work on building social cohesion between the different segments of society. When supporting development projects, a do-no-harm policy should be applied, making sure that projects do not increase sectarian divides and tensions.

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