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Contents lists available at ScienceDirect

Geoforum

journal homepage: www.elsevier.com/locate/geoforum

The territorial integrity of Iraq, 2003–2007: Invocation, violation, viability

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ARTICLE INFO

Article history:

Received 15 June 2007

Received in revised form 8 December 2008

Keywords:

Territorial integrity

Iraq

Contingent sovereignty

Iraq study group

Iraqi constitution

ABSTRACT

This paper considers the ways in which Iraq's territorial integrity has been invoked by the international community, how it was violated by the US-led coalition between 2003 and 2007, and how these acts have called into question the future viability of the Iraqi state. The paper contends that Iraq provides an instructive illustration of how the international legal term of territorial integrity is being pulled apart; where the spatial extent of the state must be preserved at all costs, yet the sovereignty of the state is rendered entirely contingent. Using interviews with key actors within the British context and documentary analysis, this paper examines the political situation in Iraq and the content of the new Iraqi constitution, the rise of factionalism within Iraq, and the report of the Iraq Study Group. In doing so it considers the impact of key decisions concerning Iraq's sovereignty upon the future viability of the state.

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1. Introduction

Shortly before the 2003 invasion of Iraq was launched, Bush, Blair and Aznar hastily convened a summit in the Azores. In the joint statement that they gave at the end of the summit, they declared:

We envisage a unified Iraq with its territorial integrity respected. All the Iraqi people – its rich mix of Sunni and Shi'ite, Arabs, Kurds, Turkomen, Assyrians, Chaldeans, and all others – should enjoy freedom, prosperity, and equality in a united country. We will support the Iraqi people's aspirations for a representative government that upholds human rights and the rule of law as cornerstones of democracy (Bush, Blair, Aznar, 2003)

The use of the term 'territorial integrity' is not confined to this statement, but was repeatedly invoked before the invasion and has been a constant refrain since. In February 2003 Bush had declared that the US would 'provide security against those who try to spread chaos, or settle scores, or threaten the territorial integrity of Iraq' (Bush, 2003). General Tommy Franks' briefing to his commanders in August 2002 stated that 'the end state for this operation is regime change. Success is defined as regime leadership and power base destroyed; WMD capability destroyed or controlled; territorial integrity intact; ability to threaten neighbors eliminated; an acceptable provisional/permanent government in place' (quoted in Gordon and Trainor, 2006, p. 67). The declassified planning

documents for the invasion (codenamed Polo Step), prepared by US Central Command (CentCom) planners for Franks in 2002, bear this out. In Phase IV of the operation, scheduled to begin after combat operations ceased, the following objectives to support the establishment of a stable Iraqi government were set out:

- Establish a secure environment and assist in recovery and reconstruction.
- Support the establishment of Iraqi self-defence forces.
- Ensure the territorial integrity of Iraq.
- Transition civil/military activities to international organisations/non-governmental organisations/Iraqi Government (CentCom, 2002).

Douglas Feith presented the 'US and Coalition Objectives' to Bush and the National Security Council on 4th March 2003, and of these the key objective was that 'Iraq's territorial integrity is maintained and the quality of life in Iraq is improved visibly' (Woodward, 2004, p. 328). Blair's key speech to the House of Commons on 18th March 2003 during the debate on the war, called for a post-conflict UN resolution that would 'protect totally the territorial integrity of Iraq' (Blair, 2003; see Cater, 2003; Keohane, 2005). This term of 'territorial integrity' is the focus of this article. How are we to understand this term, and how and why has it been so mobilised in the context of the Iraqi state? (see also Elden, 2005; Williams and Roach, 2006; El Ouali, 2006)

It would be instructive to broaden the inquiry beyond simply territorial integrity to look at the question of territory itself. While crucial to the question of state power, territory has received relatively little attention within political geography. By this we do not mean that there has not been extensive discussion of particular

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territorial arrangements, conflicts and settlements, but that the conceptual basis of the term has been under examined. While a fuller discussion of the contemporary usage of this term, and its history are beyond the scope of this essay, it is worth raising a few issues. Territory is traditionally understood as a bounded space under the control or jurisdiction of a group of people, most commonly today a state. It is often blurred with understandings of territoriality – a strategy used by humans or groups of humans to command or organise a space. Yet the historical and geographical specificity of the term tends to be neglected in both of these literatures, and the basis for the crucial elements of 'space', 'boundedness' and control are neglected.¹

It is clear from the statements of Bush, Blair and others, made as troops were massing on the Kuwaiti border and air strikes were being planned, that territorial integrity was understood to mean territorial preservation, by which we mean the maintenance of the existing borders and territorial settlement of Iraq and the region more generally. This was being stressed in part because of the concerns of Iraq's neighbours, but also because of a wish to contain the impact of the intervention, to simply effect regime change. There was a clear strategic need to reassure states in the region that whatever actions were committed by the coalition in Iraq they would not sanction, nor were they in any way meant to facilitate, the breaking up of Iraq into smaller states. Given the way in which ethnic and confessional identities do not straightforwardly map onto territorial division, it was clear that this could lead to an increase in ethnic and religious instability throughout the region. Thus territorial integrity as territorial preservation was invoked specifically to assure Iraq's neighbours that the coalition wanted to keep Iraq as a single state and to maintain stability within the wider region. In February 2004, nearly a year after the invasion, all of Iraq's neighbours – Kuwait, Saudi Arabia, Jordan, Syria, Turkey and Iran 'declared their support for Iraq's territorial integrity' (McGoldrick, 2004, p. 174 n. 83). In interviews conducted during the winter of 2006–2007,² a former UK Cabinet minister, and the former UK Ambassador to the UN, Sir Jeremy Greenstock, who were both closely involved in the discussions of the British government in the lead up to war, agreed that when Iraq's territorial integrity was invoked in relation to Iraq that it was used only in connection with the territorial preservation of the state, not its sovereignty. Greenstock insisted that these were two separate things; the ex-minister that it was linked to wider concerns, and that the usage of term had to be understood in a wider context.³

To see territorial integrity simply as territorial preservation is a partial understanding of the term. Although it has a longer heritage, extending back into the early twentieth century and efforts of the international community to create and maintain a peaceable order, the key contemporary reference is the use of the term in the UN Charter (1945, especially Article 2.4). There, as elsewhere, the UN's invocation of the term 'territorial integrity' is partnered with

a stress on sovereignty and political independence. One key instance of this was the crucial UN Security Council Resolution (SCR) 1441 on 'the situation between Iraq and Kuwait' agreed on 8th November 2002 (for a discussion see Gordon and Shapiro, 2004, pp. 112–113). With the situation becoming ever more tense in the region, this resolution sought to move towards an internationally agreed upon programme for the successful compliance of Iraq with existing resolutions concerning disarmament. Crucially it reaffirmed 'the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait and the neighbouring States' (UNSCR 1441, 2002). This was a key issue, repeated verbatim in the 'second' resolution which the US and particularly the UK government attempted, unsuccessfully, to get agreed by the UN (see Gordon and Shapiro, 2004, pp. 146–147; for the text see Sifry and Cerf, 2003, pp. 499–500).⁴

Territorial integrity, in its use within the UN Charter, requires both territorial preservation and territorial sovereignty. Recent work in political geography and international relations has sought to question the contemporary utilisation of the term, in order to highlight the problems inherent in its partial invocation (see Elden 2005, 2006; El Ouali, 2006; Williams and Roach, 2006). Many international lawyers would agree that territorial integrity requires not simply the maintenance of existing territorial settlements – what we here call 'territorial preservation' – but equally the ability of a state, within its boundaries, to have domestic jurisdiction without intervention or prevention from outside – the notion of 'territorial sovereignty' (see Akweenda, 1997; 1989; Zacher, 2001). Indeed, one of our interviewees stated that 'the whole issue is how you define territorial integrity. Do you mean the unitary nature of the Iraqi state or do you mean the sovereignty of the Iraqi state?'⁵ As Michael Byers argues, 'interpreted according to 1969 Vienna Convention on the Law of Treaties, the ordinary meaning of Article 2(4) is clear: the use of force across borders is categorically prohibited' (Byers, 2005, p. 15). Yet this was palpably not how the term was understood by the Bush–Blair coalition in early 2003. We see the Azores Summit statement (2003) and associated pronouncements of the time as significant in showing how the US-led coalition repeatedly invoked Iraq's territorial integrity in a specifically partial sense. The blindness to this might be explained to some extent by Greenstock's suggestion that the meaning of territorial integrity in UN resolutions and associated discussions had attained the status of a 'mantra', with the meaning of the term little discussed within the Security Council. He suggested that its inclusion in resolutions was meant to reassure people that the UN was not trying to challenge the existing tenets of international law that its resolutions were constructed upon.⁶

There has been a concerted argument in recent years against any absolute sense of territorial sovereignty, whether or not it is implied by territorial integrity. Greenstock, for instance, was adamant that territorial integrity has no direct relation to sovereignty, yet he argued that the Iraqi state in 2003 had lost any sense of legitimacy and therefore any right to the sovereign control of its territory. This contingency has been explicitly stated by numerous US officials, including Stewart Patrick and Richard Haass of the State Department, and forms the basis of claims in the National Security Strategy and other policy documents. This is the idea that 'sovereignty entails obligations'. As the influential academic and government advisor Phillip Bobbitt has put it:

⁴ The reference to Kuwait in these resolutions is in part an attempt to tie this crisis back to the 1990–1991 invasion of Kuwait, which began the long war against Iraq. For some, the authority to invade was provided by resolution 688 (1991), a case which is known as the 'revival argument'. Greenstock forcefully made this point in his interview with us.

⁵ Interview with Simon Jenkins (British journalist at the Guardian newspaper), conducted by Stuart Elden, 6th December 2006.

⁶ Interview with Greenstock.

¹ For a representative sampling of the literature see (Gottmann, 1973; Sack, 1986; Storey, 2001; Delaney, 2005; Elden, 2009).

² This paper makes use of eight semi-structured interviews conducted by the authors with several British politicians, current and former diplomats (both British and Iraqi), and a British newspaper commentator. These interviewees were chosen either because of their knowledge of the situation in Iraq, or because of their views on it. The interviews were completed over a two-month period during the winter of 2006–2007 in London. This methodological approach was adopted to enable analysis to be conducted of how these informed actors understood the notion of territorial integrity as it was being applied by themselves and their peers to Iraq. It should be noted that other key actors – notably serving government ministers – were unwilling to be interviewed.

³ Interview with Sir Jeremy Greenstock (former UK Ambassador to the UN and Her Majesty's former Special Representative in Iraq), conducted by Stuart Elden, 5th December 2006; Interview with ex-cabinet minister, conducted by Stuart Elden, 5th December 2006.

The United States has argued that because sovereignty arises from the people, states that repudiate that popular basis – by denying democratic forms, or by practicing terror against their own populations – forfeit their claims of sovereignty and are therefore subject to lawful intervention by others. Both the Haitian and Panamanian interventions [and the NATO action in Yugoslavia over Kosovo] can be legitimated on this basis. Yet the texts of the UN Charter, numerous treaties, and UN resolutions explicitly proclaim the territorial integrity of states and their right of independence without qualification (2003, p. 648, the phrase in brackets is from the note on that page).

Thus the legal basis of coalition claims is questionable, even if they make claims for legitimacy. The celebration of territorial integrity is, at the same time, its evisceration. This problem has been accepted even by some of the advocates for war. As Richard Perle suggested, 'international law stood in the way of doing the right thing' (reported in [Burkeman and Berger, 2003](#); see [Thornberry, 2005](#)). When told by the British Foreign Secretary that Foreign Office lawyers had doubts about the legality of military action, the US Secretary of State replied that he should 'get new lawyers'. Yet this was not Iraq, 2003, and Jack Straw and Colin Powell, but Kosovo, 1999, and [Robin Cook and Madeleine Albright \(Albright, 2003, p. 384; see Mamdani, 2005, p. 207\)](#).

Kosovo demonstrates an important point here; even some of those that disagreed with the Iraq war agree with the general principle that sovereignty must have limitations, citing Kosovo as the key example. Yet it seems to us that this raises much more general issues about the relation between ideas of humanitarian intervention – as outlined, for example, in the concept of the responsibility to protect (see [International Commission on Intervention and State Sovereignty, 2001](#); [United Nations, 2004](#)) – and notions of contingent sovereignty. This demonstrates one of the internal logics of the post-Cold War era that the 'global war on terror' has brought into stark focus. We have seen, on the one hand, the absolute nature of territorial preservation; yet on the other, the entirely contingent nature of territorial sovereignty. While the latter gave rise to justifications for intervention in Iraq for a range of reasons concerning supposed pursuit of weapons of mass destruction; its putative links to terrorist organisations; and the mistreatment of its civilian population, the former has led to maintenance of the existing territorial settlement being the essential framework within which all debates concerning the future of Iraq and its people have been held. Perhaps most significantly, this has led to any questions of territory being rendered extra-constitutional in the constitutional negotiations.⁷

It is upon this question of territory that this paper focuses. We argue that it is precisely because territorial integrity was invoked in such a specifically partial fashion that Iraq's territorial extent has been in question since the invasion of 2003. This is not to say that there were no challenges before, but rather to stress that the strategy of seeking to minimise them has, somewhat paradoxically, meant that they have never been fully removed. This extends through the increased factionalism, which some have described as a 'civil war', and the destabilising effects this is having on the wider region. What we raise by this is a third meaning that territorial integrity implies, albeit more informally. This is that territorial integrity also has a sense of viability, which can especially be seen in terms of debates about the final status of the Palestinian territories and Kosovo. This raises the questions of whether is Iraq as it currently exists is sustainable, and whether sub-state or secessionist regions would be realistic self-contained sovereign units?

In order to answer these questions in this paper we consider a number of issues analysing several elite accounts of the invasion



Map 1. Map of Iraq. Drawn by Sandra Mather, Geography Department, University of Liverpool.

and its aftermath, interviews with selected 'experts', and numerous government speeches and official documents. This provides us with significant primary and secondary data with which to consider the extent to which Iraq's territorial integrity has been invoked and violated during the period from 2003 to 2007, and the effect that those actions may have on the future viability of the Iraqi state.

2. A history of Iraq's territorial integrity

The complicated historical geographies of the Iraqi state have been carefully examined in a range of studies, and so need not detain us here (see for example [The Geographer, 1964, 1970](#); [Sluglett, 1976](#); [Tripp, 2002](#); [Gregory, 2004](#); see Map 1). The key issue is the role they play in determining the contemporary geographies of the Iraqi state. Dodge, for instance, contends that many of Iraq's present problems can be traced back to the period of the British Mandate and concerns surrounding the settlement of Iraq's boundaries.⁸

⁸ The territory that the British ruled was composed of three vilayets – Baghdad, Basra, and Mosul – which had been part of the Ottoman Empire. The British Army invaded Basra and moved north to Baghdad during the First World War, first to drive out the Ottomans and second to access the oil reserves around Basra ([Sluglett, 1976](#)). In 1916 the UK and France signed the secret Sykes-Picot Agreement to carve up the former Ottoman territories in the Middle East ([The Geographer, 1970](#)). At the end of the First World War the Treaty of Sèvres was negotiated between the Ottoman government and the allies to delimit Turkey's borders. Although never ratified due to the Turkish war of independence it stipulated that the Turkish–Iraqi border should follow the northern border of Mosul vilayet ([The Geographer, 1964](#)). Two years later the League of Nations granted control of Baghdad, Basra, and Mosul to the UK, with France gaining control of Syria, and the state of Iraq was born. Its borders were still to be officially settled, especially those delimiting the boundary with Turkey. The presence of Kurds in Turkey, Iraq and neighbouring countries was problematic, and even though the 1923 Treaty of Lausanne set out plans for the settlement of the Iraq–Turkey boundary within nine months of its ratification this never occurred. The border was finally settled by the Council of the League of Nations in October 1924. They adopted the 'Brussels Line' which delimited the boundary along the Mosul vilayet's boundary ([The Geographer, 1964](#)).

⁷ For a fuller discussion, see [Elden \(2008\)](#).

He argues that the mandate ideal was poorly suited to the region that became Iraq, with its strong tribal traditions and lack of experience of, or desire for, state institutions (Dodge, 2003). In addition, these tribal affiliations were, especially in the north, cut across by the new international border. Thus, when Iraq gained full independence in 1932 a number of festering problems already existed, including the division of the Kurdish population between Iraq and Turkey.

Throughout Iraq's history attempts have been made to keep the country together, both through force of arms and force of law. Iraq's various constitutions, for instance, have repeatedly stressed the inviolability of its territorial settlement, invoking its own territorial integrity. The 1990 Constitution, for example, states in Article 3 that 'the sovereignty of Iraq is an indivisible entity', and that 'the territory of Iraq is an indivisible entity of which no part can be ceded'. The importance of the territorial preservation of the state is underlined with its specific prohibition of secession. This is unsurprising given that, especially in the north, strong attachments to the tribal and ethnic distinctions of the three Ottoman vilayets (Mosul, Basra and Baghdad) were a continual issue for Iraqi governments. The issue of the viability of the Iraqi state has been a continuous undercurrent which, as we will discuss later, has re-emerged in recent years.

This is particularly the case in terms of the Kurdish region in northern Iraq. Many Kurds argue that this region is a part of a greater Kurdistan, comprising Kurdish populations in neighbouring Iran, Turkey and Syria and that the boundary delimitation treaties of the 1920s artificially divided the Kurdish homelands. Since 1991 the Kurdish region in Iraq has operated under *de facto* autonomy (see Stansfield, 2003a,b; Natali, 2005). Following the defeat of Iraq in the 1991 Gulf War, Saddam forcibly put down uprisings in the north and south of the country. A huge movement of Iraqi Kurds toward the Turkish border, attempting to escape the Ba'athist regime, led Turkey to formally close its border with Iraq leaving thousands stranded in the mountainous border country inside northern Iraq (Laizer, 1996). The United Nations Security Council (UNSC) responded by passing resolution 688 on 3rd April 1991, in which it called on Iraq to allow immediate access to these people by international humanitarian organisations. The US and UK governments used this as a basis for establishing and policing no-fly zones in the north and south of the country (see Williams 2007).

Some commentators, such as Ahmed (2003, pp. 194–197) have challenged the claim that the no-fly zones served a humanitarian purpose, on the somewhat tendentious grounds that the people were persecuted elsewhere and that a more genuine desire to protect the civilian population would have been a more widespread measure. His claim is that these zones had more to do with strategic interests. One other aspect that is worth noting is that these measures had absolutely no basis in UNSC resolutions. John Pilger notes an interview with the UN Secretary General Boutros Boutros Ghali who stated with regard to the framing of resolution 688 that 'the issue of no-fly zones was not raised and therefore not debated: not a word... they offer no legitimacy to countries sending their aircraft to attack Iraq' (Pilger, 2002; see Fisk, 2006, p. 885). Yet this resolution unquestionably stressed the commitment of the UN to respecting the 'sovereignty, territorial integrity and political independence' of Iraq.

Much has been written on the efficacy and ethics of these zones (see McKelvey, 1997; Tart, 2001; Yamashita, 2004; Benard, 2004). In terms of Iraq's territorial integrity they clearly inhibited the ability of the Iraqi government to exercise its sovereign powers across the full extent of its territory. This points towards understanding Iraq's sovereignty, and therefore its territorial integrity more widely, as being contingent: dependent on its actions and policed by the US and UK.

This compromised sovereignty was further eroded in 1998 when the allies launched Operation Desert Fox. This operation, which involved the US launching a number of cruise missile and bombing attacks upon sites within Iraq, was carried out as a result of Iraq's perceived failure to adhere to the requirements of UN Security Council Resolutions and to comply with the UN weapons inspectors. With its stated remit to uphold UN directives, this attack met with relatively little resistance from the international community, though this clearly reinforced the continued erosion of Iraq's territorial sovereignty.

Thus while these resolutions did not *de jure* dismember Iraq, they profoundly limited the ability of Iraq to exercise its sovereignty across its entire territorial extent.⁹ This is both in terms of the limits on its projection of military power within its own boundaries – what Liberal Democrat Foreign Affairs spokesman Michael Moore raised in terms of the vertical dimension of territorial integrity¹⁰ – but also in terms of the humanitarian agencies which were able to exercise the sovereign power over the lives of the inhabitants (see Duffield, 2007). The governance of life itself thus moved from Iraq to these agencies, and in this, along with other registers Iraq's territorial sovereignty was compromised. *De facto*, its territorial preservation was also affected.

3. Political process and constitution

As well as being a frame within which the invasion of Iraq was conceived, the invocation of territorial integrity also functioned to contain the occupation and reconstitution of the state within established boundaries, directly linking the sovereignty of Iraq to a preconceived geographical entity. Indeed, as Anderson and Stansfield point out succinctly, 'Iraq has maintained its territorial integrity as a state. What it has never succeeded in becoming is a nation' (2004, p. 6). The 'state' in this instance implies its legal basis, while the 'nation' suggests a less rigid sense of a shared community. Yet these notions are not necessarily entirely in tension. The Iraqi Ambassador to the UK, Dr. Salah al Shaikly, highlighted this when he noted that the Iraqi National Accord, of which he was a member when it planned for the future of Iraq after the overthrow of Saddam, had also focused upon the preservation of the territorial state of Iraq, rather than addressing or opening up the national identities of its constituent population. He commented that: 'At no time in fact, at no time, then or now or ever, [had we] ever thought that Iraq would be more than one country'.¹¹

On the one hand this stops short of a project of nation-building, yet on the other it suggests that some elite Iraqis did consider their country to be a single, unified, geographically fixed, state. Thus, for the Iraqi opposition it was a case of replacing the existing regime with a new one, within a given, largely unproblematised, territorial frame.

The nature of that change (driven by Iraqis) would have given a strength to its claims for legitimacy; something that the coalition was unwilling to immediately entertain. In May 2003 the UK and US Ambassadors to the UN published a joint statement in which they described the way the Coalition Provisional Authority would operate as the sovereign power:

The United States, the United Kingdom and Coalition partners working through the Coalition Provisional Authority shall, inter alia, provide for security in and the provisional administration of Iraq. Including by: deterring hostilities; maintaining the territorial integrity of Iraq and securing

⁹ Interview with Jenkins.

¹⁰ Interview with Michael Moore MP (Liberal Democrat Foreign Affairs spokesman), conducted by Alison Williams, 30th January 2007.

¹¹ Interview with Iraqi Ambassador to UK, Dr. Salah al Shaikly, conducted by Stuart Elden, 4th December 2006.

Iraq's borders (Greenstock and Negroponte, 2003; see Chesterman, 2004, p. 93).

What is telling about this programme is the way that it explicitly puts security first, seeing the administration of the state as subsequent to it. Many would agree with this ordering, although it was obviously much less effective in practice. Yet one of the reasons why security has been so difficult to obtain may be precisely because of this obsession with a particular framing. As O'Leary and Salih comment, 'the CPA was fixated on its public international commitment to the territorial integrity of Iraq which pushed it toward favouring a recentralised Iraq' despite the particular opposition of the Kurds (2005, p. 32). This focus can be further evidenced on the CPA's own record of its achievements. In setting out what it saw as the main objectives of Iraq's new foreign policy they stated that it must be to 'protect Iraq's security, stabilise the country and preserve Iraq's territorial integrity' (CPA, 2004, p. 46).

Just as with the invasion plans, it is clear that territorial integrity here is understood as territorial preservation. It must be so, since sovereignty over Iraq was held, at least temporarily, by an occupying force. Greenstock, who held a role in the CPA as British Special Representative, conceded that the coalition occupation was 'in effect a suspension of [Iraq's] sovereignty', but argued that this 'didn't affect the territorial integrity' because while it 'affected the sovereignty of [the] government... it didn't affect the sovereignty of the state and its people.'¹² On these terms sovereignty was held in abeyance, ready to be returned when a suitable Iraqi administration could be put in place.

The peculiar performance of sovereignty that entailed the hand-over of power from the CPA to the transitional government has been discussed elsewhere, so we will focus here only on the territorial aspects. This stress on territorial preservation can be clearly illustrated through reference to the new Iraqi Constitution. There is a clear tension inherent in this document. On the one hand it sought to play off competing demands along ethnic divisions, as power given in one direction had to be balanced with compromises in another; on the other it continually stressed the shared nature of the struggles and future challenges for an Iraqi state it was in the process of constituting and reconstituting. Article 65, for example, states that the President shall be seen as 'the symbol of the nation's unity and represents the sovereignty of the country'. They are further charged with guaranteeing adherence to the constitution as well as 'the preservation of Iraq's independence and unity and the security of its territory, in accordance to the law'. Further, Article 107 states that the role of the central federal authority will be to 'maintain the unity of Iraq, its integrity, independence, sovereignty and its democratic system' (Iraq Constitution, 2005).

At the same time however, the new Iraqi Constitution itself creates a number of difficulties concerning the future territorial integrity of Iraq. This occurs most obviously with regard to the wrangling over the form that the Iraqi state should take, the extent to which it is federated or decentralised, and the place of the different groupings within the organs of the state. The Constitution provides a great deal of latitude in terms of the potential decentralisation of the state. Article 113 clearly states that Iraq shall be a federal state 'made up of the capital, regions, decentralised provinces, and local administrations'. Yet the continued deferring of the most difficult decisions concerning the federal nature of the new state threatens to challenge this. By devolving substantial powers to the regions, especially the Kurdish north, the constitution strikes an uneasy balance between attempting to maintain Iraq as a territorial whole, while aiming to give enough power to the regions to prevent secession. The Constitution of Iraq fails to address the very real question of the constitution of – that is

the elements which make up – Iraq. As Ambassador al Shaikly noted, it is impossible to write a constitution quickly, as it needs reflection, and it 'has to come out of the experience of the nation'. He suggested that the environment was not right, as 'it was very enflamed and violent when the constitution was written'.¹³ Despite it being voted for, many believe it needs to be looked at again.¹⁴

In terms of the international community there have been similar issues. Rather than the earlier invocation of the 'sovereignty and territorial integrity' of Iraq, UNSCR 1546, passed on 8th June 2004, stressed the 'independence, sovereignty, unity, and territorial integrity of Iraq', noting the framework of the international system that post-2003 Iraq must operate within. Thus sovereignty is reinforced with independence, and territorial integrity linked to the idea of unity. These types of pronouncements serve again to centre the notion of territorial integrity, at once unproblematically and yet equally to stress tacitly the way in which it has been understood, and violated.

4. Viability

Immediately after the 1991 Gulf War, a White House policy paper declared that 'in no way should we associate ourselves with the 60-year-old rebellion in Iraq or oppose Iraq's *legitimate* attempts to suppress it' (quoted in Kaplan and Kristol, 2003, p. 41). We find here an interesting stress on the territorial sovereignty of Iraq, that matters of internal concern are for Iraq alone. The justification for this war had been the invasion of Kuwait, legally coded as Iraq's violation of Kuwait's territorial sovereignty, and the limits of intervention had been to redress that wrong, rather than to overthrow the Saddam regime. Although this had been with UN authorisation, the first President Bush's National Security Advisor has claimed this was not essential.

While we had sought United Nations support from the outset of the crisis, it had been as part of our efforts to forge an international consensus, not because we thought we required its mandate. The UN provided an added cloak of political cover. Never did we think that without its blessing we could not or would not intervene (Scowcroft in Bush and Scowcroft, 1998, p. 416).

Colin Powell, who had served as Chairman of the Joint Chiefs of Staff in the 1991 war, similarly justified the way in which the military action did not continue to Baghdad, suggesting that 'it would not contribute to the stability we want in the Middle East to have Iraq fragmented into separate Sunni, Shia, and Kurd political entities' (Powell, 1995, p. 512). The reasons behind this are clearly outlined by McQueen:

Although the US would have liked to see Saddam Hussein removed from power, perhaps through a military *coup d'état*, it did not intend the disintegration of Iraq for a number of reasons. It believed that the 'Lebanonisation of Iraq' would 'create a geopolitical nightmare' that might significantly destabilise the balance of power in the region. The US feared the rising influence of Iranian fundamentalism in the Middle East, as did its allies Saudi Arabia and Kuwait, which were more concerned about Shi'ite domination of Iraq than about the continuation of a weakened Ba'athist regime. In addition, the US feared that the disintegration of Iraq into its ethnically homogenous parts might risk a power vacuum that would lead to instability and recurrent warfare in the region (2005, p. 31).

¹² Interview with Greenstock.

¹³ Interview with al Shaikly.

¹⁴ Interview with al Shaikly.

A number of these concerns clearly relate to the situation the US, UK, and Iraq have found themselves since 2003. Indeed, as Galbraith notes:

Ironically, it was Bush [Senior]'s failure to help the uprising that produced the breakup of Iraq. The Kurds created their de facto independent state when the president was forced to establish the safe haven for them. America's indifference to the slaughter of Iraq's Shiites drove them into the embrace of Iran' (Galbraith, 2006, p. 60)

Yet during the Clinton years, the long running problems and the regrets of some who had previously advocated caution, as well as the increasing influence of those who had wanted to overthrow Saddam then, led to a sustained call for a resolution of the situation. By the time George W. Bush was elected, and especially after the terrorist attacks of September 11th 2001, there was great momentum behind calls for intervention. What is interesting is that reasons previously given about instability were no longer sufficient of a present danger to mitigate against intervention. In 2003 the neoconservatives Kaplan and Kristol, for example, declared that

We have long ago passed the threshold where the prospect of, say, a fragmented Iraq is a greater evil than the persistence of Saddam Hussein. That things might be worse without him is of course a possibility. But given the status quo in Iraq, it is difficult to imagine how (2003, p. 96).

Five years later, it is unfortunately all too obvious. Despite a number of events which have been hailed as important milestones – the end of 'major combat operations' (1st May 2003); the transfer of sovereignty from Bremer to unelected Iraqi officials (28th June 2004); the acceptance of the constitution in a referendum (15th October 2005) and various elections – increased and sustained violence, ethnic divisions and political gridlock rendered this state almost untenable as a viable political entity. Yet there would be very real problems for any sub-state entity seeking to break away from Iraq. These include issues concerning the contiguity of territory within a state and its ability to function self-sufficiently.

Several issues, such as passage to the outside world, access to resources, the free movement of people and goods and control of airspace and territorial waters are crucial to full sovereignty. The continuing issues facing Palestine and Israel, and the viability of a two-state solution there, illustrate this point clearly (see Farsakh, 2001). With specific relation to Iraq, questions of ethnic divisions, access to the sea, oil reserves, fertile land and the location of marshes, mountains and deserts all raise a number of complications. For instance, Iraq's vast deposits of oil are located in two relatively small geographic areas within the state. Therefore, it is unsurprising that some Iraqis are opposed to any fragmentation of Iraq, seeing this as a potential for dispossession, while others living within these resource-rich regions are less concerned about Iraq's future construction, and indeed at times are expressly pushing for its breakup. Such strategic considerations help to explain some of the tactics of those holding positions of power within post-2003 governments.

Arguments about these sorts of problems are not new. In 2004 Michael Knights of The Washington Institute suggested that

Current trends suggest that it will be governed by a very strong form of federalism, with central government playing a minimal role. With the traditional central government role of security devolved to the regions, Iraq's oil revenues could become the only real element of the Iraqi state holding the nation together – the only feature with sufficient gravity to stop the centrifugal forces of sectarianism from pulling the country apart (2004, p. 238).

Others have worried about the possibilities that this might produce. As a Professor of Strategic Studies at the US Naval War College has noted, reporting the views of a Kurd interlocutor, 'the US will fight for the last seat on the last helicopter; the Kurds will go up into the mountains and "those who remain behind to fight over the rotting carcass of the Iraqi state will be the survivors of a process of political Darwinism"' (Hashim, 2006, p. 361). In his study of the insurgency in the country, Hashim suggests two alternatives of a soft partition of confederation 'with ironclad agreements on territorial boundaries and resource-sharing', or a "'hard partition", which splits the country into distinct and independent entities'. He goes on to suggest that 'the mere mention of partition is viewed with distaste by the international community, genuine horror regionally, and wide variety of responses by Iraqis'. His conclusion is that 'it would be best if the Iraqis were to walk back from the abyss and find a way to coexist' (Hashim, 2006, p. 360). While this may be true in terms of the impact the current situation is having, very real questions need to be asked about whether this is in the genuine long term interest of the people.

When, in 2006, then British Foreign Secretary Margaret Beckett was asked what sort of Iraq Britain would leave, she replied: 'one that was democratic, which could "cope" and that was "back on its feet"'. She was further questioned about whether she thought Iraq was sustainable or might fragment. Her reply was instructive: 'Everyone has been very keen to keep everyone together but in the longer term... it is not for us to say 'you will do this or you will do that's. Her interviewer then asked if it would be a disaster to have this fragmented state: 'If that is what they want and they feel it is workable that is another matter' (BBC News, 2006a). It is of course difficult to argue with the claim that it is for the Iraqi people to decide.¹⁵ However two key points need to be made to nuance this argument: one is the question of who the Iraqi people are. Does it include those currently present within the legal boundaries of the country, or those who are currently living elsewhere? Where do those who lived in exile during the Saddam regime, those who formed the Iraqi National Accord and other key voices of dissent, fit into this picture? What about those who have begun to return to Iraq since the overthrow of the former regime? This is particularly important when the question of regions or key cities are discussed. Kirkuk, for instance, witnessed significant population changes as a result of Ba'athist policies, so any plebiscite on its future regional affiliation is necessarily problematic. It would be problematic both in terms of political viability but also, and potentially more importantly, by reducing a political problem to a question of a technocratic, calculative solution. A second key point is how the insistence on Iraqi choice fits with the deeply compromised sovereignty of the existing government, constitution and population, while the country continues to be occupied by US and UK forces?

5. Factionalism in Iraq

One of the issues that is often under examined is how the continual attempt to balance the competing interests of 'Kurds, Shi'as and Sunnis' has not brought them closer together as Iraqis, but rather helped to cement them as discrete identities. This was a point made many times by our interviewees. In his book on the Bosnian conflict, Campbell, following Derrida, utilises the notion of ontopology, linking 'territorial representation, population identification, and historical determination' to examine the roots and outcomes of the collapse of Yugoslavia (Campbell, 1998, p. 80). Adopting this approach gives a powerful lens with which to analyse the impact of invocations and violations of territorial integrity

¹⁵ This was a point that was repeatedly made in the interviews, particularly by Labour MP, John McDonnell (conducted by Stuart Elden, 4th December 2006) and Plaid Cymru MP, Adam Price (conducted with Alison Williams, 30th January 2007).

in the current factionalism within Iraq because it allows us to consider the extent to which these problems are rooted in historically-grounded divisions that link Iraqi notions of 'home' to either a specific ethnic or religious group, or to a bounded territorial entity (see Bulley, 2006). These notions have become increasingly important since the 2003 invasion, not only as a rallying point against the US-led coalition, but also as self-identifiers utilised to heighten the significance of the different minorities, and the differences between them.

The militant factionalism within Iraq has all too often seen as the basis for the descent into what the former UN Secretary General Kofi Annan, and former Iraqi Prime Minister Iyad Allawi have both called a 'civil war' (see BBC News, 2006b; Cockburn, 2006, p. 208).¹⁶ The emergence of groups such as the Mehdi Army, and the growth in obviously sectarian-motivated attacks in Iraq, clearly have ethnic and religious bases. Yet rendering them as purely ethnic conflicts fails to illuminate the complex nature of the post-2003 situation and does nothing to generate an understanding of its origins. The Western media has been all too happy to paint this infighting as symptomatic of a country dogged by divisions that can be traced back to its inception as a state (see Packer, 2006, p. 336). However, this over-simplification overlooks the composition of pre-2003 Iraq and fails to analyse how events since then have shaped and embedded new factionalisms across the country. Indeed, Ambassador Al Shaikly suggested that under Saddam there was a strong sense of an Iraqi identity:

We have never quarrelled among ourselves since the British put together modern-day Iraq in the '20s. Iraqis didn't quarrel among themselves. In other words, Arabs didn't fight Kurds; Shi'a didn't fight Sunnis. Our quarrel was not lateral, our quarrel was vertical in a sense. We quarrelled with our government all the time. We accused them of being dictators, we accused them of not giving us sufficient freedom. But we haven't quarrelled with each other.¹⁷

As Packer similarly suggests, 'the decades of living together wove innumerable personal ties and created a national consciousness that was badly damaged by Saddam, especially among the young, but was nonetheless real' (Packer, 2006, p. 337). Yet, of course, as al Shaikly himself admitted, the situation is different today. It is too simplistic to argue that the presence of coalition forces in Iraq and the overthrow of the Saddam regime are completely to blame for this emergent factionalism, yet the handling of the reconstruction and occupation has undoubtedly played a major role.¹⁸ As Packer continues, 'there was nothing inevitable about Iraq's falling apart. If it fell apart, it would do so because of the folly of its leaders' (Packer, 2006, p. 337). The violence in the country is not confined to one of the stated groups, and some of the worst Iraqi-on-Iraqi violence has come from the Shi'a community that, according to received wisdom, has benefited most from the removal of the pro-Sunni Saddam regime. Instead we need to consider the extent to which the rise in factionalism was itself produced through the attempts to operate within a fixed sense of the territorial extent and the population composition of the country.

As al Shaikly's comments above suggest, the history of Iraq is not, as many would suggest, straight-forwardly shot through with inter-ethnic animosities. To be sure, as in all multi-ethnic and multi-religious states, a degree of tension has been present but politi-

cal movements within Iraq have often tended to focus more explicitly upon the removal of the incumbent regime rather than changing its ethnic composition. The question, therefore, arises as to what has happened in Iraq to change this vertical quarrel into a lateral one.

To consider post-2003 factionalism in Iraq as simply a conflict between Shi'a, Sunni, and Kurd, is to grossly simplify a complex situation. Inevitably though, as the Shi'a, Sunni, and Kurd are the three most populous groupings it is the actions from within these groups that receive the most coverage. However, these are not discreet groups. As well as intermarriage which inevitably complicates straightforward division – al Shaikly claimed that '50% of the Iraqi population are of mixed nationality'¹⁹ – the majority of Kurds are Sunni Muslims. And while popular conceptions of Iraq commonly suggest that these three groupings are based in discreet geographical localities in reality this is only significantly true for the Kurds.²⁰

As noted above, the Kurdish population within Iraq is concentrated in the north of the country, although there are significant elements of other population groups in this area. Yet events have conspired to keep the Kurds concentrated within this geographical area, and their relationship to the Iraqi state was altered inexorably by the imposition, by the US and UK, of the northern no-fly zone after the 1991 Gulf War, which effectively limited Iraq's ability to enforce and maintain its territorial integrity and allowed the Kurds to operate *de facto* autonomy over the region. Since 2003, however, the Kurdish situation has become increasingly complex with prominent Kurds explicitly advocating Iraq's territorial integrity through their participation in the CPA and the new Iraqi government. Indeed the current President of Iraq, Jalal Talabani, is a former leader of one of the Kurdish factions, while his bitter enemy during the 1990s, Massoud Barzani, presently holds the position of President of the Kurdish autonomous government. Both these men have stated that they do not wish to see Iraq split into its original three provinces, but instead favour the development of a federal Iraq (BBC News, 2005a,b). In terms of calls for full Kurdish independence this is a step backwards. It remains unclear, however, whether these are their true strategies, or that they are merely tactically sensible actions given the current climate and in particular the US occupation. However, as Bremer notes, in the early stages of the post-Saddam period Talabani commented that 'you are asking us to join an Iraq in which we'll have less freedom that we had while Saddam was in power' (2006, p. 297, emphasis added). Indeed, as Packer notes, 'a generation of Kurds grew up speaking no Arabic and feeling no connection to Iraq, and the idea of rejoining a country that not long ago visited genocide and ethnic cleansing on Kurds was a hard sell' (2006, p. 362).

These comments reinforce a perception that Iraqi Kurdistan is territorially and culturally separate from the rest of Iraq, and that its potential bond with Kurds in neighbouring countries is greater than its attachment to the rest of Iraq. However, whether Kurds want independence is not clear cut. Oxford Research International polls, in 2005, found that only 12% of Kurds polled were in favour of Iraq being broken up into separate states (see Dodge, 2005, p. 55). Yet during the January 2005 elections there were unofficial 'referendum booths just outside, or actually inside, every polling place. Two million Kurds voted in the referendum and 98% chose independence' (Galbraith, 2006, p. 171). In addition, while there is little argument that the Kurdish population within Iraq does have a distinct territorial extent, and has experience of controlling

¹⁶ The Iraqi Ambassador disputed this in his interview with us. The recent US troop surge can be seen as an acknowledgment that this labelling is not without some validity.

¹⁷ Interview with al Shaikly.

¹⁸ This opinion was also voiced by Keith Simpson MP (Conservative Foreign Affairs spokesman for Middle East affairs) in an interview with Alison Williams, 30th January 2007.

¹⁹ Interview with al Shaikly.

²⁰ See Anderson and Stansfield (2004) for an analysis of the complex, geographically overlapping, nature of the ethnic and religious composition of Iraq. Interestingly most of our interviewees reinforced this notion, talking about the Sunni Triangle, the Kurdish north, and referencing Iraq's geography by its ethnic groups.

its own sovereign functions that would allow the creation of a separate state, such geographical readings of the other factional disputes within Iraq are less clear cut.

Much of the post-2003 coverage of the rise of factionalism in Iraq has centred upon the supposed conflict between the Shi'a and Sunni Arabs, and of the Sunni 'insurgency' against the coalition (on the occupation and insurgency see McCarthy, 2006; Napoleoni, 2005). Much of this has focused upon the perceived geographical heart of the rebellion against the coalition and the new government – the 'Sunni Triangle'. This region, which has Baghdad at its eastern corner, Ramadi to the west and Tikrit to the north, has been consistently held up as the seat of the insurgency²¹, but as Packer comments this term is seen by many within Iraq as an 'insult – that the term was an American invention' (2006, pp. 335–336). A particular geographical imaginary is at play here, suggesting that specific areas, and sites within them – Fallujah being the most obvious example – can be targeted as part of the process of securitising Iraq.

In his study of Bosnia Campbell talks about the ways in which 'questions of history' can be 'violently deployed in the present for contemporary political goals' (1998, p. 86). This has certainly been seen in terms of Iraq's present. The coalition's invocation of Iraq's territorial integrity as preservation, and in particular the strategy of bargaining with the perceived key ethnic groupings, actually helped bring the artificial nature of the Iraqi state to the fore. Rather crudely it suggested that Iraq was composed of three largely homogenous groups the Shi'a, Sunni, and Kurd, who populated almost exclusively three distinct geographical regions, mapping on to the original Ottoman vilayets of Baghdad, Basra, and Mosul. The strength of a defined Iraqi Kurdistan and the emergence of more notional entities, such as the Sunni triangle, play into these arguments, as the geographies of the pre-Iraqi populations within the Ottoman Empire are unproblematically mapped onto today's factionalism. This is yet another partial invocation, a partial understanding of Iraq's current problems and the crises they create for its continued territorial viability.

At the heart of sovereignty is the ability to secure the state, protect the population and enforce security within its borders. While many states are not able to achieve this, it is the inherent myth that founds the international system; what Greenstock described as 'an important structural fiction'.²² The failings of the CPA and the legacies of the occupation are, of course, multiple, but the lack of an accountable sovereign and the failure to provide security and basic services undoubtedly led to a breakdown in trust. For some, this is productive of division rather than a consequence of it. Greenstock admitted failures of the CPA, and talked at length about the ways in which security and identity are linked

You can take risks in sharing territory and life and towns and shops and modes of transport with people of other identities, if you trust the rule of law and you trust the central government to provide services including security within which those different identities can live without harming each other. If you take the security away, you take those government services away, and move into the politics of insecurity. Then people of a particular identity are suspicious of any people of any other identity in case they are a danger to them, and when insecurity becomes almost total in your daily life and in your perceptions of your society the most dangerous people to you are those who are geographically closest to you of a different identity.²³

This can clearly be seen in what has happened in Baghdad, but also in other parts of the country. As two of our interviewees noted, the parallels with Hobbes are striking.²⁴ While the situation has undeniably been exploited by those opposed to the US for other reasons, and by those who seek to use this as an opportunity to settle scores, there is a root problem which stems from the actions of the CPA and its successors. There are undoubtedly parallels to Bosnia, as these events reinforce the notion that representations of history, identity, and space are intrinsically linked in the production of conflict. While al Shaikly suggested to us that these problems were in part the obsession of Western journalists and academics,²⁵ it seems more plausible that they were exacerbated by the outcome of the occupation. That they exist today is, it seems, undeniable. As Simon Jenkins suggested, 'there is no self-delusion to which an Iraqi will not be subject if he really wants to... To say we caused it, fine. To say that we are now talking it up just flies in the face of reality'.²⁶

In addition, such representations are not bounded by the territorial limits of states; the implications of the assault on Iraq having sent significant ripples across the wider Middle East and beyond. Indeed, one of the few things all of our interviewees agreed upon was that only by addressing the place of Iraq within the wider region and allying its security and prosperity to that of its neighbours could any lasting progress be made.²⁷ To this end, gestures towards a regional security conference for the Middle East have been made.²⁸ At such a conference Iraq's territorial integrity would no doubt be addressed. For the coalition and elements within the government there is a pressing need to remove the influence of Iran, Saudi Arabia, and Syria from the internal politics of the country (see Samii, 2003). Yet such aspirations will ring hollow while the US and UK continue to occupy it, even if we believe the claim that this is merely at the request of the Iraqi government.²⁹ As Bremer recounts, in the 2004 handover Bush expressed a clear view about the new Iraqi Prime Minister:

whoever it is, I want to be sure that he won't start playing to the gallery by attacking the Coalition right after taking office... we've got to be certain the new PM won't ask us to leave the day after sovereignty (Bremer, 2006, p. 360).

6. The Iraq Study Group and the troop surge

The stability of the Middle East as a whole was a key theme in the report of the Iraq Study Group. They suggest that 'no country in the region will benefit in the long term from a chaotic Iraq' (2006: ix, see 27); yet the key issue here is the 'in the long term'. Actually, for a number of neighbours, Syria and Iran among them, having the US bogged down in Iraq substantially lessens the chance of a US military intervention in their own affairs.³⁰ Equally a pro-US regime with US bases and preferential oil deals would hardly be in their own interest (see Hashim, 2006, pp. 136–137). Yet even in the long term these countries interests do not simply coincide. Saudi Arabia has reportedly stated that if the US withdraws they will consider arming Sunni militias in order to protect them from Shiite forces backed by Iran. Turkey has intervened in the north, partly claiming that this was a question of preserving its own territorial integrity. Indeed the Iraq Study Group recognises this when it suggests that: 'Other

²⁴ Interview with ex-cabinet minister; interview with Jenkins.

²⁵ Interview with al Shaikly.

²⁶ Interview with Jenkins.

²⁷ Especially noted by Simpson.

²⁸ Price suggested that such a conference would be significant, both in terms of dealing with Iraq, but also to start moving towards solutions for conflicts right across the Middle East.

²⁹ This is generally made by the US and UK administrations, and stressed in the interview with Greenstock.

³⁰ As well as many media reports, this point was made to us by al Shaikly.

²¹ A view reinforced by Simpson.

²² Interview with Greenstock.

²³ Interview with Greenstock. Similar points were made in the interview with Jenkins.

countries in the region fear significant violence crossing their borders. Chaos in Iraq could lead those countries to intervene to protect their own interests, thereby perhaps sparking a broader regional war' (2006, p. 33; see [Gordon and Trainor, 2006, p. 339](#)).³¹ Increased tensions between the US and Iran, for a multitude of reasons, but in particular accusations by the Americans that Iran is arming Shi'a militias have done little to help the situation in the region ([BBC News, 2007](#)). Conversely, elements within Saudi Arabia and Syria have been accused by the coalition of aiding Sunni insurgents within Iraq, both in terms of the supply of arms and funds. ([BBC News, 2006c](#)). For some this suggests that Iraq has already become the location for a proxy war between regional powers.

In order to address these particular concerns, the report of the Iraq Study Group sets out a number of key aims. Indeed, its second recommendation, which is the first explicit policy, is that 'The goals of the diplomatic offensive as it relates to regional players should be to: i. Support the unity and territorial integrity of Iraq' (2006, p. 45). This is explicitly noted in terms of putting pressure on Iran and Syria in terms of their actions in the region. The report stresses that 'Iran should stem the flow of arms and training to Iraq, respect Iraq's sovereignty and territorial integrity' (2006: xv); and that 'Iran should make clear its support for the territorial integrity of Iraq as a unified state, as well as its respect for the sovereignty of Iraq and its government' (2006, p. 53). It suggests that the key incentive for these countries is that it will help to create 'an Iraq that does not disintegrate and destabilize its neighbours and the region.' (2006, p. 51).

Yet the Iraq Study Group's call to engage with Iran and Syria may be counter-productive in terms of wider US strategy. For concessions from these countries regarding their involvement in Iraq is likely to be conditional on US non-intervention in their own domestic affairs. As Dodge suggests, 'the danger is that, if such an understanding is not brokered, and if Iran's confrontation with the international community continues, Iraq will become an arena in which regional powers use violence to further their own foreign-policy aims' ([Dodge, 2005, p. 63](#)).

The report is similarly explicit in suggesting that a division – either into separate states or devolved regions – is impracticable and undesirable.

The costs associated with devolving Iraq into three semiautonomous regions with loose central control would be too high. Because Iraq's population is not neatly separated, regional boundaries cannot be easily drawn. All eighteen Iraqi provinces have mixed populations, as do Baghdad and most other major cities in Iraq. A rapid devolution could result in mass population movements, collapse of the Iraqi security forces, strengthening of militias, ethnic cleansing, destabilization of neighboring states, or attempts by neighboring states to dominate Iraqi regions ([Baker and Hamilton, 2006, p. 39](#)).

Thus, for all the supposed tensions between this report and the Bush administration, this is a dispute over tactics rather than strategy. Bush declared in a 2007 speech that

Succeeding in Iraq also requires defending its territorial integrity and stabilizing the region in the face of extremist challenges. This begins with addressing Iran and Syria. These two regimes are allowing terrorists and insurgents to use their territory to move in and out of Iraq. Iran is providing material support for attacks on American troops. We will disrupt the attacks on our forces. We'll interrupt the flow

of support from Iran and Syria. And we will seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq ([Bush, 2007](#)).

In these terms it is unsurprising that the report states that

We agree with the goal of US policy in Iraq, as stated by the President: an Iraq that can 'govern itself, sustain itself, and defend itself.' In our view, this definition entails an Iraq with a broadly representative government that maintains its territorial integrity, is at peace with its neighbors, denies terrorism a sanctuary, and doesn't brutalize its own people. Given the current situation in Iraq, achieving this goal will require much time and will depend primarily on the actions of the Iraqi people (2006, p. 40).

Indeed, the much trumpeted 'troop surge', hailed by some as a major success and by others as a continual denial of the reality of the situation, simply defers this situation, since it effectively delays the shift to the 'actions of the Iraqi people' (see [Dodge, 2007](#)). Longer term US plans, including the establishment of permanent bases and the largest US embassy in the world, and the continual meddling with government affairs reinforce this trend.

7. Conclusions

This puts us effectively back in 2003. For the US and its allies it is essential that the following state of affairs is maintained. Iraq must remain together, but it must demonstrate appropriate behaviour in terms of its neighbours and population. Territorial integrity is thus seen as territorial preservation; unity; and the only possibly viability considered and supported is of the entire state. Yet its sovereignty must remain entirely contingent, for three key reasons. These are exactly the same as the reasons for invasion, and the broader arguments made for the contingency of territorial sovereignty: the stability of the region, including weapons of mass destruction; the harbouring of terrorists; and the treatment of its people. While the latter is the basis of 'humanitarian intervention', recoded as the 'responsibility to protect'; the first two are the key aims of the 'global war on terror'.

We thus have a renewed reinforcement of the breaking apart of territorial integrity – preservation of territorial extent but contingency of sovereignty within it. The viability of this state of being remains off the official agenda, even as realities on the ground make the idea of a unified Iraqi state and territory an increasingly apparent fiction. Can the two halves of territorial integrity be put back together or is the split irrevocable? If territorial sovereignty is held to be contingent, can challenges to territorial preservation be continually deferred? To put it this way, why should the actions of a state be limited when the spatial extent of that power is precisely unquestioned? These issues of course exceed the particular case examined here, and are deeply worrying for many in the international community, but the relation between Iraq and the international community throws a number of these issues into stark focus. In terms of Iraq it is difficult to disagree with Galbraith's judgement that the Constitution and the effective 'three-state solution' that it implicitly tends toward 'could lead to the country's dissolution'. He suggests that if it does, 'there will be no reason to mourn Iraq's passing' ([Galbraith, 2006, p. 206](#)). The question, of course, is what cost will be incurred by the disintegration of its territorial integrity: invoked, violated, and increasingly unviable.

Acknowledgements

The authors gratefully acknowledge the support of the Nuffield Foundation in funding this research.

³¹ This is a point about the US putting pressure on the Kurds not to push toward Kirkuk and give Turkey a *casus belli*.

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