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WHO GUARDS THE ASHES: THE THREAT OF IRAQI PMUS  
AFTER THE FALL OF ISIS

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## **Table of Contents**

<b>Introduction</b>	<b>3</b>
<b>Theoretical Discussion</b>	<b>3</b>
<b>Current Situation in Iraq</b>	<b>14</b>
<b>Case Studies</b>	<b>26</b>
<b>Conclusion</b>	<b>39</b>
<b>Bibliography</b>	<b>43</b>

## **Introduction**

In the centuries since Thomas Hobbes wrote the *Leviathan*, political scientists have debated the impact of violent, non-state actors on a host state's legitimacy. The development of the state legitimacy theories posed by Hobbes and Weber have over the years been studied using case studies of many different types of non-state actors and levels of state control over their use of violence. This paper will analyze these theories and apply them to the modern Iraqi state with the goal of determining the effects of the current popular militias (*Heshd As-Shaabi*) on the legitimacy of the state. After a discussion of theories and an analysis of the current situation in Iraq, several states' histories with violent, non-state actors will be used to find and apply current trends to the Iraqi situation to determine the levels of legitimacy in the future of the Iraqi state.

## **A Theoretical Discussion of Militias and their effects on State Legitimacy**

Before analyzing the various cases of militia control and absorption that we have chosen, as well as the current situation in Iraq, it is important to understand the basic theories and literature concerning militias and their impacts on a state's legitimacy. The following section will review this literature, beginning with Thomas Hobbes through modern scholars like Paul Staniland and Daron Acemoglu. Through individual analyses of these pieces and their possible applications to the situation in Iraq, this section will form a comprehensive and objective narrative about the various paths for militia absorption in a state and the resulting effects on state legitimacy.

Before discussing the modern studies on the relationship between a state's monopoly on violence and the existence of militias, it is necessary to establish a strict definition of a militia from a conceptual standpoint. In 2011, Chris Alden and his coauthors established a new

definition for militias and explicitly discussed their complex relationship with the state. They began by discussing militia's potential as spoilers in a post-conflict environment. They believe that "conventional approaches to conflict management and resolution promulgated by the international community are singularly inadequate in addressing... non-statutory forces as well as the enduring effect they have on post-conflict situations."<sup>1</sup> Per Alden, the most important factor in distinguishing a militia is its non-state affiliation. However, he admits there have been historical situations in which militias have developed as a pseudo-state construct that the central government has used to deploy strategies they cannot themselves. Importantly, Alden also identifies these incidences as anomalies. This point is critically important for our study on the PMUs of Iraq considering how they are often defined. For years, several political militias have operated with tacit state approval as independent, non-state militias. However, when the law was signed in late 2016 establishing the PMUs as an official wing of the Iraqi military their definition should change, according to Alden.

The bulk of Alden's analysis is built on establishing the complex layers that define militias by their motivations, strategies, structure, or other factors like accountability and regional dynamics. The most relevant factors to our discussion on Iraq would be the structure and legitimacy of these groups. Before the integration law most of the groups that make up the PMUs were highly structured and most were legitimate. However, after the integration into the official military structure these groups have each enhanced these definitions by a significant margin. Any funding or leadership that was lacking before has now been guaranteed by the law, depending on implementation.

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<sup>1</sup> Alden, Chris, Monika Thakur, and Matthew Arnold. *Strategic Review for Southern Africa* 33 (2011): p. 2. Web. 7 Apr. 2017.

## Early Scholars and a Definition of Militias

For several centuries, the prevailing thought among political scientists was that a state needed to control all avenues of violence to establish and maintain a legitimate central government. This set of theories is most effectively explained by Thomas Hobbes in his publication *Leviathan*, in which he posits that the state must not only control all violence to be considered legitimate, but must also be the only party capable of using violence to achieve a goal.<sup>2</sup> This idea was particularly important on an international scale. Hobbes believed that the existence of non-state militias and private armies would delegitimize the state and undermine their control over the use of violence.<sup>3</sup>

This paper will analyze the current situation concerning the monopoly on violence in the Iraqi state and discuss the possibilities for a centralizing of power within the Iraqi government. Since the reestablishment of a central government after the U.S. invasion of Iraq in 2003, there have been a vast number of militias operating both for and against the government. Today, the Iraqi government has supported and partially integrated a group of civilian militias known as the Popular Mobilization Forces or Units (or *Heshd Al-Shaabi* in Arabic) into the official military structure. The goal of this research paper is to analyze this relationship and its implications for the Iraqi state's future control over the avenues of violence.

While Hobbes's *Leviathan* is central to the theory of a state's monopoly on violence, Max Weber's discussion of the same issue in *Politics as Vocation* is equally important in the development of the theory. Weber had a stricter view on the state's legitimization, asserting that the state's control over violence is essential to its legitimacy. However, Weber also theorizes on

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<sup>2</sup> Hobbes, Thomas. *Leviathan*. N.p.

<sup>3</sup> Hobbes, Thomas. *Leviathan*. N.p.

the potential for a state to outsource the use of violence to non-state actors if the state maintains the highest level of control over the use of violence within its territory.<sup>4</sup> This is particularly important in the case of Iraq. According to Weber's theories, allowing the *Heshd al-Shaabi* to continue their existence in a post-ISIS Iraq should not undermine the legitimacy of the state so long as the state holds the ultimate authority over the use of violence. However, due to the influence of Iran, it is possible the state will be unable to maintain their hold on the use of violence.

While Hobbes and Weber provided the basis for the modern theory of state monopoly of violence, they lacked the capability to conduct large-scale studies to determine the various issues caused by violent, non-state actors and the impact they can have on a state's legitimacy. Today, there are numerous studies covering the effects of non-state actors on a state's control of violence, some of which found militias can play a key role in the use of violence.

### **Paul Staniland: Theories on the Uses and Dangers of Militias**

Paul Staniland from the University of Chicago examines the various relationships between states and armed, non-state actors existing within their borders. Per Staniland, there are four primary methods by which a state may attempt to control a militia. These methods are: suppression, containment, collusion, and incorporation.<sup>5</sup> Suppression and containment are both targeted at denying the non-state group the ability to commit violent acts that could threaten the state's legitimacy. In the case of Iraq, suppression (2007 surge operation) and containment methods (sponsoring Sunni tribes to fight insurgents) had been used in the past during the U.S.

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<sup>4</sup> Weber, Max. "Politics as a Vocation." *Anthropological Research on the Contemporary*.

<sup>5</sup> Staniland, Paul. "Militias, Ideology, and the State." *Journal of Conflict Resolution* 59.5 (2015): 770-93. Web. 11 Feb. 2017.

occupation to little effect. Whether the existence of these militias contributed to the lack of a legitimate, central government, the condition of the Iraqi state between 2006 and 2008 represented a failure of these methods. Collusion and incorporation (December 2016 law) seem to follow the theories of Weber more closely than Hobbes. According to Hobbes, allowing the existence of any violent, non-state actor is a danger to the legitimacy of the state, while Weber has a less absolute approach. He agrees with Hobbes in that they can pose a danger to the state, but also argues that in some circumstances they can play a beneficial role as well. As these methods relate to legitimacy, suppression and incorporation are the only methods that end in the state establishing control over the use of violence.

Per Staniland, if a state sees a potential benefit to allowing a militia to continue its existence and practices of committing violence, then a working relationship between the two can help legitimize the power of the state, while allowing it to avoid carrying out attacks that may be condemned on a regional or global level. This concept is laid out when Staniland says, “Differing conceptions of the political arenas that they seek to construct and defend help governments decide which armed organizations are threatening, allied, or unsavory but tolerable.”<sup>6</sup> Staniland divides the potential beneficial relationships by analyzing the militia’s stance towards the government. If the militia is pro-government, or leans more toward the government than their opposition, then a collusion or incorporation relationship is more likely than suppression or containment. Finally, the method of incorporation is Staniland’s solution to the state peacefully regaining control over the use of violence and establishing legitimacy. Staniland suggests that through negotiation and cooperation the military elements of non-state actors may be incorporated into the existing military structure of the state, thus ensuring the state

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<sup>6</sup> Staniland, Paul. 2015. Page 771.

is the ultimate controller of the use of violence. This type of relationship has the benefits of preventing violence between the state and the militia, possibly adding experienced fighters to the military, and separating them from their political counterparts.

Staniland again discusses the various effects non-state actors and militias can play in a democracy, whether developing or developed. In his 2014 paper titled *Violence and Democracy*, Staniland examines the various types of violence carried out in democracies, especially during elections (a key factor in state legitimacy). Staniland, through an analysis of several seminal books on the subject, concludes that militias can play a variety of roles in democratic elections, with the most significant being committing violence against the opposition.<sup>7</sup> This type of violence can be carried out both against the state and on behalf of it. In a weak state that doesn't have the power to eliminate the militias, they can play a considerable role in elections by altering voting patterns to benefit politicians who will work for them.<sup>8</sup> In a state where the militia is allied with the government they can be used to repress opposition parties to those already in power. Staniland cautions later in his article that a relationship between the state and a militia in which the group is used to violently control the population can eventually lead to a fracture.<sup>9</sup> If the state does not maintain the ultimate control over the use of violence and therefore the ability to counter the militia, or the militia switches allegiances to a more lucrative supporter, then the state can rapidly lose control of the functions of democracy.

The primary subject of this research paper, the PMUs in Iraq, are currently seen as beneficial by the state who are using a combination collusion/incorporation approach to control them. The Iraqi state discovered the strengths of both the militias that make up the PMUs and the

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<sup>7</sup> Staniland, Paul. "Violence and Democracy." 2014. p. 100

<sup>8</sup> Staniland, Paul. "Violence and Democracy." *Comparative Politics* 47.1 (2014): 99-118. Web. 7 Apr. 2017.

<sup>9</sup> Staniland, Paul. 2014. Page 113.

Kurdish forces in its fight against the Islamic State. While these forces were not part of the official military they often made significant progress in pushing the Islamic State out of its territory. For some time, a relationship of collusion was maintained. The state allowed the existence of the militias, if they focused their violence against ISIS and not the state itself. In December of 2016, this changed when the Iraqi central government signed a law stating the PMUs would be fully incorporated into the military. According to this new law, the PMUs would be considered employees of the Department of Defense and would fall under the command of the Commander-in-Chief and his staff. However, this is not a full incorporation because the multitude of groups has been allowed to remain with their names and political wings intact. To place this new development on Staniland's scale is difficult, for it is neither collusion nor incorporation. If the late 2016 law had separated the various PMU organizations' military and political wings then it could have been considered a full incorporation. Because this is more of a command change than a complete structure change it should be called a weak incorporation.

### **Theories on the Use of Militias and Their Dangers**

Other scholars who have discussed the potential benefits of a relationship between the state and militias are Sabine Carey, Neil Mitchell, Will Lowe, and Michael Colaresi. Over the course of two studies, they created databases of non-state actors, focusing primarily on those with pro-government views. Their second study focuses entirely on pro-government militias, in which they delineate the characteristics that are required for a militia to be designated as pro-government. According to Carey et al, for a militia to qualify as pro-government, it must: 1) identify as pro-government or be sponsored by the government; 2) be outside the established

security apparatus; 3) be armed; 4) and have an established hierarchy.<sup>10</sup>

The purpose of these studies was to determine the potential benefits each group can provide to the host government and determine to what extent these benefits will entice the state into allowing the continued existence of the group. These papers concluded that in both democratic and nondemocratic states, non-state actors had the freedom to carry out attacks or operations against other groups within the state's territory that the central government could not carry out themselves. Essentially, the cost-benefit analysis of states when determining the proper use of militias is focused on the level of risk associated with repression. If the state faces a significant risk when using repression themselves, then they may choose to allow a militia to do so under their direction. As with Staniland's collusion method, this permissive relationship allows the state to maintain control over the use of violence and avoid punishment from the U.N. and regional communities that may condemn attacks against civilians, thus ensuring legitimacy.

While the circumstances in Iraq are unique, the current plan seems to allow the militias to continue their existence after the conflict against ISIS is finished. This has significant potential to be an issue post-conflict should the political goals of the militias not fall in line with those of the central government. While these studies do not explicitly discuss the impact of militias on state legitimacy, they provide important insight that can be applied to the findings of authors who do such as Acemoglu and Alden. Additionally, Hobbes and Weber would undoubtedly agree about the potential benefits these militias offer to the state in exchange for a continued existence, but they would also likely agree that the permitted existence decreases the state's legitimacy.

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<sup>10</sup> Carey, Sabine C., Neil J. Mitchell, and Will Lowe. 2013. "States, the Security Sector, and the Monopoly of Violence: a New Database on Pro-Government Militias." *Journal of Peace Research* 50 (2): 250

Daren Acemoglu and his team have also discussed the potential benefits to a relationship between the central state and militias. Their study on Columbia postulates that the systemic destruction of militias in a state attempting to build a strong central government can decrease the likelihood of the state's success. This factor is especially important in states that have already failed to consolidate their power before. Importantly, Acemoglu and his team acknowledge the rift between theory and reality in the modern development of democracies saying, "[c]ommon to many these explanations is a type of 'modernization' view, suggesting that as society modernizes, state capacity will develop and non-state armed actors will be simultaneously eliminated."<sup>11</sup> In the case of Iraq, similar to that of Columbia in Acemoglu's study, the central government has been working for over a decade to consolidate power and has failed. Acemoglu and his team discovered that by allowing militias who have favorable intentions towards the politicians in power to continue their existence they can offer the central government the stability needed to successfully consolidate power and strengthen democratic institutions.<sup>12</sup>

Should the Iraqi military, in concert with the PMUs and international forces, remove ISIS from their territory then a period of rebuilding will begin and the pro-government militias will offer an opportunity for the state to focus on issues within the central government. The danger in such a situation is the potential for the militias to act as a spoiler in the peace process, or even shift their allegiances to Iran and push the central government in Iraq to cede regional power to the Supreme Leader. For the time being, the relationship between the militias and the central government is positive, and could provide the central government with the operational flexibility to strengthen the democracy and legitimacy.

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<sup>11</sup> Acemoglu, Daron, James A. Robinson, and Rafael Santos. 2013. "The Monopoly of Violence: Evidence from Colombia." *Journal of the European Economic Association* 11 (s1): p. 6

<sup>12</sup> Acemoglu, Robinson, and Santos. Page 9.

Naturally, not all research has discussed the potential benefits of a state allowing militias to continue their existence and maintain some control over the use of violence. One significant study addressing this issue is *Militias and the Challenges of Post-Conflict Peace* by Chris Alden and others. Throughout this book, they discuss the critical issues posed by the existence of militias in both democratic and nondemocratic states. They primarily focus on states that have recently experienced internal conflict, which is important for our discussion of Iraq. Per their findings, militias have a significant potential to cause several issues in peacebuilding if they are not disbanded after the conclusion of a conflict.<sup>13</sup> These issues manifest themselves in two ways. First, the militia's ties to local interests rather than central can cause a rift in the relationship with the state ultimately leading to violence. Second, because of the militias' non-state status they must find alternative methods for collecting revenue and resources. According to the research of Alden, this is often done through the promotion of illicit trade.<sup>14</sup> Importantly, these two issues relate significantly to state legitimacy. If Iraq is unable to maintain an allegiance with militias or able to prevent them from engaging in illicit trading, then they are at risk of losing legitimacy.

In the case of Iraq, these are both important for future peacebuilding, however, the potential for the militias to side with local interests, or even an outside actor such as Iran, could cause critical issues in the post-conflict rebuilding process and reestablishing of legitimacy. Currently, the primarily Shi'a militias have a mutually beneficial relationship with the state and have generally promoted the same goals, however, some of the larger organizations within the PMUs, such as the Badr Brigades, have strong ties to Iran.

To properly discuss the present situation in Iraq and make inferences about its future, an

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<sup>13</sup> Alden, Chris, Monika Thakur, and Matthew Arnold. *Militias and the Challenges of Post-Conflict Peace*. N.p.: Zed Books, 2012.

<sup>14</sup> Alden, Thakur, and Arnold. Page 37.

analysis of the state-militia relationship and its effect on the state's legitimacy was necessary. Political scientists have analyzed these relationships for centuries, not only to determine their effects on the state and its ability to thrive, but also the effects they can have on citizens. For early-modern scholars like Hobbes and Weber, militias posed a significant threat to the security of the state. In their eyes, a state could only truly harness legitimacy in the eyes of its citizens and neighbors if it had an ironclad control over the use of violence within its territory. While this did not mean the state had control over all weapons and the means of violence, it did mean they were the only group capable of carrying out violence on an organized level.

### **State-Militia Theories: What Pathways Can Iraq Take to Deal with PMUs?**

These theories on state relationships with non-state actors have established several pathways a state may take to dealing with the presence of these groups. In Iraq, the central government must decide on how to deal with the presence of armed, political militias once the conflict with the Islamic State has concluded. First, they must determine whether they will continue acting as pro-government organizations. For several years, the PMUs have contributed to the fight against the Islamic State, and have occasionally been more effective than the military itself. The mutual enemy of the Islamic State has drawn the two sides close enough together for the central government to create a law fully integrating the PMUs into the military. As of December 2016, these groups now receive part of their supplies from the state, and have been integrated into the command structure of the military. This situation has been successful so far, but after the conflict with the Islamic State is over it may become challenging.

According to Staniland's methods, the Iraqi state realistically has two options for dealing with these groups after the conflict: they can either maintain a relationship of collusion in which the militias can continue their existence, or they can be fully integrated into the military structure

which would require the groups to separate their military wings from the political. Other scholars such as Alden would argue heavily against the Iraqi state allowing the PMUs to continue to exist post-conflict because of their potential to cause issues and detract from the state's legitimacy in the future. If left uncontrolled, the PMUs could heavily influence elections in favor of the candidates who supports their causes, ultimately undermining the legitimacy of the state. In a return to the theories of Hobbes and Weber, it is not just the state's control over violence that lends it legitimacy, but its ability to protect its institutions from harmful influences.

Now, with a clearer view on the past and present theories of states' control over militias, as a well as the potential effects of militias on state legitimacy, a closer look at Iraq is necessary. Keeping in mind the conclusions of Staniland, Alden, and Acemoglu, Iraq's current situation is highly complex. Through an in-depth analysis of the *Heshd Al-Shaabi* and a subsequent comparison to several nearby states in the remainder of this paper we hope to clarify the potential applications of these theories.

### **An Analysis of the Current Situation in Iraq**

The presence of the Islamic State in Iraq and Syria (ISIS) for now, represents a common enemy which ties together the Iraqi state and the PMUs. ISIS antipathy towards non-Sunni Muslims and non-extremist Sunnis has helped to mobilize various local communities, some minorities such as the Iraqi Christians on the Nineveh Plains and some majority groups such as Shi'as in Eastern and Southern Iraq. What we examine in the next few pages is the situation in which the Iraqi state finds itself after fighting ISIS for years and coming to terms with the next threat to its sovereignty, the PMUs.

Iraqi PMUs or as they are referred to in Arabic as *Al-Heshd Al-Shaabi*, literally the

“popular crowd,” are a mainly Shi’a-dominated group of local militias that are aiming to fill the gap left by the state government in providing protection and security to smaller Iraqi villages, sometimes in or around ISIS-controlled territories. PMU fighters are currently in the process of cutting off ISIS’s retreat options through Western Iraq by retaking small villages on Mosul’s outskirts while the Iraqi army advances through the city. The PMUs, as they are referred to in the news, are commonly associated with Shi’a fighters although the PMUs represent a variety of Iraqi citizens. Christian and Sunni PMUs are also present in the current war against ISIS such as Kata’ib Babylon, a Christian PMU group. In total, the Sunni forces in the *Heshd Al-Shaabi* are estimated to be somewhere around 30,000.<sup>15</sup> Due to their constantly changing structure and names, the PMUs have de facto fallen under their Arabic name umbrella for lack of a more definite term. PMU categorization is like the Syrian opposition in terms of its constantly changing names and ease that comes with simply calling it ‘the Syrian opposition.’

The *Heshd Al-Shaabi* emerged in response the Islamic State emerging onto the global scene. Iraqis saw the devastation and swiftness of the ISIS threat and could not rely on the government to protect them from the new jihadi organization. In some instances, such as in Mosul in June of 2014, the Iraqi army fled without resisting. Absenteeism and lack of will to do their duty caused them to abandon the city to terrorists.<sup>16</sup> ISIS began killing dissidents before embarking on its genocidal campaign against Christians, Shiites, and Yazidis, which is still underway today.

In the same month that Mosul fell to the Islamic State, Seyyid Ali Al-Sistani, a prominent *Shi’a* cleric, proclaimed during his Friday address that all those capable of fighting should fight

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<sup>15</sup> "الحشد الشعبي في العراق: من فصائل غير نظامية إلى تشكيل قتالي رسمي" - أبو بكر, محمود. BBC Arabic." BBC News. BBC, 23 Feb. 2017. Web.

<sup>16</sup> Cockburn, Patrick. 2015. Rise of Islamic State: ISIS and the new Sunni revolution. London; New York: Verso.

ISIS. The contents of the *fatwa* “defense is an integral duty,” dealt with the emergence of the Islamic State and the need of the people to join in the fighting against the new enemy. Sistani’s speech created a new martial spirit among the Shi’a to whom it was addressed and caused the emergence of the PMUs.<sup>17</sup> Sistani called out in clear Arabic, “It is incumbent upon the citizens who can carry weapons and fight those who inspire terror to defend their country, their people, and their sacred rites by joining the security forces to achieve this goal.”<sup>18</sup> The office of the cleric later released a clarification of the address wherein Sistani qualified his statement to mean that all able men should be fighting through state institutions and not forming their own militias. Sistani made his statement as clear as possible through several avenues. On his website, one of the most heavily visited Shi’a cleric websites, he issued a clarification (*toudih*) of his *fatwa* where he reiterated the need for new fighters to join the Iraqi military.<sup>20</sup> Additionally, on one of his unofficial websites, Sistani responded to a follower from Pakistan that his *fatwa* applies to Iraqis only. He was specific in that only Iraqis should heed his call to take up arms and not Iranians, Saudis, or anyone else.<sup>21</sup> Perhaps Sistani was trying to prevent a spillover of the Iraqi war against ISIS into other states. If all that was not enough, a letter from a follower sent last year asked if the “defense as an integral duty,” *fatwa* is still valid. Sistani clarified to his follower that the *fatwa* was still valid and reiterates the obligation of Iraqis to join the national

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<sup>17</sup> نص فتوى سماحة المرجع الأعلى السيد السيستاني بالجهاد الكفائي التي تمخضت عن تشكيل قوات الحشد الشعبي Perf. Sayyed Ali Al-Sistani. YouTube, 10 Apr. 2015. Web.

<sup>18</sup> Ibid

<sup>19</sup> Original text: و من هنا فان على المواطنين الذين يتمكنون من حمل السلاح ومقاتلة الارهابيين دفاعا عن بلدهم وشعبهم ومقدساتهم عليهم التطوع من الانخراط في القوات الامنية لتحقيق هذه الغرض المقدس

<sup>20</sup> Al-Sistani, Ali. "مكتب المرجع السيستاني يوضح ما ورد في موقع مكتب سماحة المرجع الديني الأعلى السيد علي الحسيني السيستاني (دام ظله)." بخطبة الجمعة من ( ان الدفاع واجب كفائي ) - المرجعية في الإعلام Office of the Marji' Sayyed Ali Al-Sistani, 14 June 2014. Web.

<sup>21</sup> Al-Sistani, Al-Husseini Ali. Facebook. 19 June 2014. [Accessed 28 April 2017. <[https://www.facebook.com/syed.sistani/?hc\\_ref=SEARCH](https://www.facebook.com/syed.sistani/?hc_ref=SEARCH)>]

armed forces.<sup>22</sup> It appears as if Sistani was trying to make the Iraqi people understand that the only avenue that should be available to them when fighting ISIS is the Iraqi Army. Obviously, it is politically unpopular for Sistani to denounce the actions and recruits to the *Heshd Al-Shaabi* as they represent a legitimate effort to fight the Islamic State that plays into sectarian narratives about security and resistance. Without the *Heshd Al-Shaabi*, it's possible that many of the Iraqi fighters would not even be on the front lines.

Part of the reasoning behind the formation of the *Heshd Al-Shaabi* is that the Iraqi Armed Forces don't have the ability to absorb massive amounts of new fighters. Iraq had one of the lowest GDPs per capita in the Middle East in 2014 before sinking further in 2015 and the war with ISIS has not helped their development.<sup>23</sup> Before ISIS, the Iraqi Army was already a disorganized fighting force set up by the United States after the 2003 Second Gulf War. Corruption and unclear command were partially responsible for the quick spread of ISIS. Sectarian tensions didn't help either. Some of the divisions of the Iraqi Army were pushed out of Mosul by the civilians who claimed that they were a Shi'a army and not an Iraqi army that intended to protect civilians.<sup>24</sup> Given the general ineptitude, corruption, and sectarian tensions that pervaded the Iraqi army before ISIS emerged onto the political scene, it's not surprising that former militias and political groups formed themselves into fighting units.

As of February 2017, the structure of the *Heshd Al-Shaabi* is wide but not overly varied. Generally, the militias are characterized as Shi'a as Iraq's population is approximately 60-65%

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<sup>22</sup> Kadhimi, Abbas. "Iraq: Grand Ayatollah Sistani Renews his Fatwa to Fight Terrorism." *Huffington Post*, 8 Apr. 2017, [www.huffingtonpost.com/entry/iraq-grand-ayatollah-sistani-renews-his-fatwa\\_us\\_58e80218e4b0acd784ca5827](http://www.huffingtonpost.com/entry/iraq-grand-ayatollah-sistani-renews-his-fatwa_us_58e80218e4b0acd784ca5827). Accessed 19 Apr. 2017.

<sup>23</sup> "GDP per Capita (current US\$)." *GDP per Capita (current US\$)*. World Bank Group, n.d. Web.

<sup>24</sup> Cockburn

Shi'a, meaning Shi'a militias have more men to choose from when recruiting.<sup>25</sup> Several factions within the *Heshd Al-Shaabi* are Sunni and Christian but most of the forces are Shi'a. Most of ISIS's territory in 2014 consisted of Sunni territory almost down to Baghdad, in addition to several Christian villages and enclaves in and around Mosul.<sup>26</sup> ISIS occupied Kurdish territory in its initial push to conquer Iraq and Syria, but it has largely been pushed out of Kurdish majority regions by the Peshmerga. Within this essay, the Peshmerga are not regarded as part of the *Heshd Al-Shaabi* as they are legally independent from the Iraqi forces according to the March 1970 agreement that allowed them to act as the protectors of Iraqi Kurdistan.<sup>27</sup> Additionally, the Peshmerga act as a homogenous unit within the conflict against ISIS and their independent politics do not threaten the stability of the Iraqi state as much as the *Heshd Al-Shaabi* in a post-ISIS situation.

Much of the infrastructure that the *Heshd Al-Shaabi* relied on to form their units and groups already existed in the form of political parties that had formed in the short time since the fall of Saddam Hussein. Some of the structure was even provided by external powers. Iran saw an opportunity in the Shi'a government to gain more strategic depth by funding and training Iran-friendly groups within the new Iraqi militias. Qassem Suleimani, head of the Quds Force extra-military unit, has been sighted several times in Iraq among units of the *Heshd Al-Shaabi*.<sup>28</sup> Suleimani's presence in Iraq is troubling. Suleimani is an experienced military leader who knows how to lead soldiers to victory. His presence signals Iranian interest and influence on the actions of the militias he encounters. Politically, Iran could have several motivations for these actions. It

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<sup>25</sup> "Iraq." Central Intelligence Agency World Factbook. Central Intelligence Agency, n.d. Web.

<sup>26</sup> Fisher, Max, and Zack Beauchamp. "14 Maps That Explain ISIS." Vox. Vox, 25 Sept. 2014. Web.

<sup>27</sup> Aziz, Mahir A., and Inc ebrary. *The Kurds of Iraq: Nationalism and Identity in Iraqi Kurdistan*. London; New York: I.B. Tauris, 2011.

<sup>28</sup> Roggio, Bill, and Amir Toumaj. "Iraq's Prime Minister Establishes Popular Mobilization Forces as a Permanent 'independent Military Formation'." FDD's Long War Journal. N.p., 28 July 2016. Web.

could be concerned that ISIS represents an existential threat as an orthodox Sunni organization seeking to eliminate or convert the Shi'a. Iran could also be concerned with ISIS' ability to penetrate into Iraqi politics and use the country as strategic depth in a larger conflict against Saudi Arabia. The influence of Iran on the *Heshd Al-Shaabi* is beyond doubt but the scope of its involvement and the motivations behind its actions are still unclear

The PMUs have their own designated government office which is headed by several Iranian-affiliated former heads of militias and bureaucrats. At the head of the organization is the Prime Minister, Haider al-Abadi. Falih al-Fayyadh is the designated chairman of the PMUs but the more interesting members of the committee ostensibly work beneath him.<sup>29</sup> Two prominent politicians and fighters are housed under the PMU umbrella. One of them is Abu Mahdi Al-Muhandis, the deputy chairman. Al-Muhandis is the current leader of Kata'ib Hezbollah and was also a member of the Iranian Quds Force.<sup>30</sup> Al-Muhandis stayed in Iran after the war until 2006 when he returned to Iraq as was named transportation minister. The second interesting member of the PMU leadership is Hadi Al-Imari. Imari also fought for Iran during the Iran-Iraq War and is the leader of the Badr Brigade, which was a disarmed militia until the call for action came from Ali Al-Sistani. There's even footage of Al-Imari in Iran during the 1980s switching back and forth between Arabic and Farsi before declaring "we are with Iran until the last drop of blood."<sup>31</sup> The presence of both men within the core Iraqi leadership of the PMUs poses many questions; not the least of which is are these men looking to defend Iraq, or make it an Iranian proxy in the larger confrontation with Saudi Arabia for sectarian dominance in the Middle East?

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<sup>29</sup> Watling, Jack. "The Shia Militias of Iraq." The Atlantic. Atlantic Media Company, 22 Dec. 2016. Web.

<sup>30</sup> Kalian, Yousif. "فرع "حزب الله" التابع لإيران في العراق: دروس من الأحزاب الشيوعية في لبنان." Fikra Forum. The Washington Institute for Near East Policy, 9 Nov. 2016. Web.

<sup>31</sup> الحاج المجاهد هادي العامري في شبابه - لا يفوتكم Perf. Hadi Al-Imari. YouTube. YouTube, 9 Sept. 2015. Web.

As of February 2017, BBC Arabic published that the total forces of the *Heshd Al-Shaabi* are approximately 130,000 fighters from 45 different organizations according to Karim Nouri, a PMU spokesman.<sup>32</sup> Of these 45 different organizations, a few stand out as the largest among the collection of groups. By far the largest of the organizations represented in the *Heshd Al-Shaabi* is the Badr Organization with roughly 24,000 fighters.<sup>33</sup> The Badr organization forces are led by Hadi Al-Imari. Katai'b Hezbollah has more than 8,000 members under the command of Abu Mehdi Al-Mouhandis. Serayat Al-Salaam, the newest label for Mouqtada Al-Sadr's forces, numbers about 6,000. Finally, the League of the Righteous under Qais Al-Khazali contributes about 10,000 fighters to the PMU forces.<sup>34</sup>

The main goal of the *Heshd Al-Shaabi*, as described by Sistani, was the retaking of Mosul from ISIS. However, many steps needed to be taken before arriving at the ISIS stronghold in Iraq. *Heshd Al-Shaabi* forces took part in the attacks against ISIS forces in Fallujah, Baiji, and other locations.<sup>35</sup> Once the battle of Mosul began, the *Heshd Al-Shaabi* displayed the government's lack of control over their actions. In the lead up to the battle, the Iraqi Army and Peshmerga forces pressed into the city from the west, east, and south, and left a small corridor open in the north west.<sup>36</sup> Ostensibly, the arrangement was made to force the ISIS fighters in Mosul out through a specific highway that leads into Syria. The Iraqi Armed Forces would then have a specific route where they could attack the retreating ISIS fighters along Highway 1. Instead, the *Heshd Al-Shaabi* closed the Highway 1 gap and contained the ISIS fighters in

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<sup>32</sup> Abu Bakr 2017

<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> Watling

<sup>36</sup> Knights, Michael. "Shiite Militias Are Crashing the Mosul Offensive." The Washington Institute of Near East Policy. The Washington Institute of Near East Policy, 18 Nov. 2016. Web.

Mosul, ensuring that the fighting would be block-by-block guerilla warfare.<sup>37</sup> The Tikrit operation, by contrast, was successful in terms of Iraqi Army and *Heshd Al-Shaabi* cooperation and reliance.<sup>38</sup> However, the PMU tactics are not the same as the Iraqi army tactics.

*Heshd Al-Shaabi* forces have more inconsistent methods than with regular forces that shows either a lack of discipline or a general disregard for the laws of war and human rights. Human Rights Watch (HRW) identified several instances between December of 2016 and February 2017 when *Heshd Al-Shaabi* fighters engaged in arbitrary destruction of civilian property in several villages surrounding Mosul. When interviewed, PMU fighters claimed that the buildings were used by ISIS fighters as traps for Iraqi forces reclaiming the villages. Upon further photo analysis, HRW experts concluded that the blasts and roof destruction on the photos was inconsistent with IED blasts.<sup>39</sup> Further reporting by *The Daily Beast* alleges that some elements of the PMUs committed human rights abuses during operations in Fallujah. When the PMUs were pushing ISIS out of villages like Saqlawiyah, northwest of Fallujah, the head of the largest tribe, Sheikh Raid Salman, claimed that “300 citizens have been burned alive...700 more have been severely tortured.”<sup>40</sup> Similar events occurred during the counter ISIS operations in Tikrit.<sup>41</sup> The PMUs are claiming to target any citizens they believe to have worked with ISIS, but there appears to be no judicial procedure to speak of during these executions and torturings. Sectarian violence is an existential danger to the Iraqi state. If the Iraqi Army is attempting to goad the PMUs into an agreement with them, more mechanisms need to be put in place to ensure that the PMUs do not continue committing arbitrary war crimes that are antithetical to the war

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<sup>37</sup> Ibid

<sup>38</sup> Fordham, Alice. "The Fragile Peace of An Iraqi City Once Run By ISIS." NPR. NPR, 29 Jan. 2016. Web.

<sup>39</sup> "Iraq: Looting, Destruction by Forces Fighting ISIS." Human Rights Watch. N.p., 16 Feb. 2017. Web.

<sup>40</sup> Hawez, Abdulla. "Iraq's Shia Militias Accused of War Crimes in Fight Against ISIS." *The Daily Beast*. The Daily Beast Company, 08 June 2016. Web.

<sup>41</sup> Fordham, Alice. "Shiite Militias Move into A Sunni City: What Happens Next?" NPR. NPR, 02 Apr. 2015. Web.

effort.

It appears as if the politicians of Iraq were considering the future of the *Heshd Al-Shaabi* during its initial formation until just last year. Throughout the *Heshd Al-Shaabi's* existence, the government has worked to create the illusion that the militias are under state control and respond to state restraints and controls. From the formation of the groups in 2014, the Iraqi government created the committee on the *Heshd Al-Shaabi* as an attachment to the Office of the Prime Minister. Unfortunately for the state, many of the leaders who were placed in charge of the *Heshd Al-Shaabi* were the de facto leaders in the first place and, as was previously discussed, may not have the best interests of the state in mind. Realizing that more control over the militias had to be instituted, Prime Minister Ibadī issued Executive Order 91 last year that added more nuance to the role of the *Heshd Al-Shaabi* and more fully integrated the fighters into the Iraqi armed forces. In the first clause, the executive order states “The *Heshd Al-Shaabi* constitute a military formation...part of the Iraqi Armed Forces,” in addition to explicitly stating at the beginning of the order that its purpose is to bring the *Heshd Al-Shaabi* into the Iraqi Armed Forces.<sup>42</sup> It is telling that the Iraqi government, specifically the office of the Prime Minister that established the PMU committee, felt the need to reiterate the founding principle of the *Heshd Al-Shaabi* committee.

In November, the Iraqi government took a massive step toward asserting themselves over the *Heshd Al-Shaabi* by passing a law which established their overarching authority over the organization. This law was just passed in November of last year so details are still unclear in terms of whether its contents are being respected by the groups it's aiming to govern. The first clause of the law states:

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<sup>42</sup> Iraqi Executive Order 91

The groups and formations of the PMUs are considered, according to this law, legal entities that enjoy rights and are committed to the obligation to serve in their capacity as reserve and support for the Iraqi security forces that also have the right to protect their unique character as long as it does not threaten the security of the Iraqi state.<sup>43</sup>

While the executive order was more indirect with the control the central government could exert over the *Heshd*, the new law is explicit. Clause two specifically states that all action performed by the *Heshd Al-Shaabi* must be done in coordination with the commander-in-chief of the Iraqi Army, Hayder Al-Ibadi. The Iraqi state will also take on the responsibility of arming and supplying the militias to maintain their full readiness. In other words, the state takes ultimate responsibility for ensuring that the *Heshd Al-Shaabi* is fully armed and ready to take on any threat with which the Iraqi army cannot contend or needs help facing.

According to reporting from Al-Sharq Al-Awsat newspaper, just over 52% of the Iraqi PMs voted on the bill, while 18% of those present abstained from voting.<sup>44</sup> Sunni PMs boycotted the vote, protesting a law that would create a branch of the military in which they were largely outnumbered. Sunni PM Raid al-Dahlaki voted against the law, claiming that legalizing the PMUs would create an Iranian Revolutionary Guard in Iraq.<sup>45</sup> Sectarian politics played a large role in the voting. Regardless, the bill ultimately passed because of the absence of those protesting. The unpopularity of the bill among the Sunnis PMs comes from an uneasiness with validating a force which outnumbers them and could someday end up hurting them as was the

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<sup>43</sup> Article 1. Law of November 16, 2016. <http://www.qoraish.com/qoraish/2016/11/%D9%86%D8%B5-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AD%D8%B4%D8%AF-%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82/>

<sup>44</sup> Asharq Al-Awsat. "Iraq Parliament Passes a Law Legalizing PMF." ASHARQ AL-AWSAT English. Asharq Al-Awsat Newspaper, 27 Nov. 2016. Web.

<sup>45</sup> Ibid

case during the Iraqi civil war from 2006-2008.

The idea that an extra-military force for Iraq is troubling on many different levels. First, the lack of faith in the regular Iraqi Army is based on their initial losses to ISIS in 2014. The Iraqi army has been proven ineffective on multiple occasions since its recreation in 2003 under Coalition Provisional Authority Order 2.<sup>46</sup> Wide disorganization is also endemic to the army. Occasionally, simple decisions such as training schedules have had to run through the Ministry of Defense because no officer was willing to make the decision unilaterally. Further, monopolizing knowledge to maintain authority structures between the officers and the enlisted men was also an issue during the initial training of the reformed Iraqi army. Clause two places the groups under the authority of the prime minister's office, but other than cutting off pay and the supply of weapons, which Iran already provides, the government is not in a strong negotiating position. On the other hand, the inclusion of the *Heshd Al-Shaabi* may represent a maturation in the structure of the Iraqi Army. It is possible that the Iraqi government is trying to maximize its capabilities and diversify its resources when dealing with terrorist threats in its country. However, it's doubtful that these militias would have been integrated into the state unless the Iraqi government believed that they represented a significant threat to its sovereignty.

Of course, this law is new so it's difficult to say what effect it has had on the government controlling the movements and actions of the *Heshd Al-Shaabi*. Besides the Mosul operation, the Iraqi Army is not currently engaging in any large-scale attack with the *Heshd Al-Shaabi* outside of small terrorist hunting operations.<sup>47</sup> The government has been trying to regulate the *Heshd Al-Shaabi* through various mechanisms. Since its inception, the *Heshd* was meant to represent the

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<sup>46</sup> "Coalition Provisional Authority Order 2." (2003): n. page. Web.

<sup>47</sup> خيمة العراق (2016): n. page. Iraqi Ministry of Defense. Iraqi Government. Web.

Iraqi government and an extension of the armed forces. However, the futility of these actions is obvious. What is most concerning is their potential to politicize and control the state or threaten the state in its current existence? The *Heshd* have clear political intention, as they were formed from old political parties and home grown movements. It's likely that their unity is more due to the presence of ISIS than any doctrinal agreement and while their numbers might be great, they can easily descend into chaos and disorder after defeating ISIS.

With a more complex understanding of the theories of state control of violence and the current situation in Iraq we will now discuss and compare similar situations in Lebanon, South Africa, and Rwanda. Through this comparative analysis, we will form a more comprehensive conclusion on the potential for the PMUs to exist in concert with the Iraqi military. The potential for the PMUs to exist in concert with the Iraqi military is very decisive for the state's legitimacy because the state is only legitimate to the extent it can delegate the use of violence effectively and appropriately.

### **A Comparison of Lebanon, South Africa, and Rwanda**

#### **Application**

In this section, our paper will compare the process of militia absorption in Iraq to states that have faced a similar challenge, and how that process impacted the state's legitimacy. Bear in mind the Iraqi context is unique, as is each the case study we selected. Nevertheless, we have identified common important issues that will influence the process of militia absorption in Iraq. In the first half of this section we discuss the important factors influencing the process of militia absorption in Iraq and why we selected them. In the second half, we give a brief background on the comparison countries and discuss how the selected factors apply to them.

## **I. Important Factors influencing the process of militia absorption in Iraq**

### **A. Factor One: Destabilizing Crisis**

The first important factor comparing the process of militia absorption in Iraq is a destabilizing crisis. We picked this factor because the 2003 U.S. invasion and occupation triggered drastic and long-term effects which dismantled the state's previously strong monopoly on violence. Instead, the invasion created a power vacuum which diverted part of the state's monopoly on violence to what would become the PMUs. Weeks after the invasion, Presidential Envoy Paul Bremer's De-Ba'athification policy left many Iraqis facing economic and institutional collapse. In addition to the armed forces,<sup>48</sup> Bremer dismissed up to 100,000 Baathist employees in government ministries from "universities, hospitals, transportation, electricity [to] communications," some of whom "...joined the Ba'ath Party simply to keep their jobs."<sup>49</sup> Hundreds of thousands of people were unemployed,<sup>50</sup> many of whom turned to armed militias to fill in the security and economic void while Iraq devolved into sectarian violence and the U.S. Armed Forces struggled to rebuild the state from scratch.<sup>51</sup> Some Sunni Iraqis, including former soldiers of the pre-2003 Iraqi Army, turned to ISIS after the civil war, which conquered much of northern and eastern Iraq from Syria in 2014.<sup>52</sup>

### **B. Factor Two: Intergroup Fighting**

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<sup>48</sup> Pfiffner, James P. "US Blunders in Iraq: De-Baathification and Disbanding the Army." *Intelligence and National Security*. Vol. 25, No. 1. February 2010. Page 78-79.

<sup>49</sup> Pfiffner, James P. Page 78-79.

<sup>50</sup> Thompson, Mark. "The U.S. decision 12 years ago has provided the enemy with some of the best commanders and fighters." *Time*. 28 May 2015. <http://time.com/3900753/isis-iraq-syria-army-united-states-military/>

<sup>51</sup> Thompson, Mark. "The U.S. decision 12 years ago has provided the enemy with some of the best commanders and fighters." *Time*. 28 May 2015. <http://time.com/3900753/isis-iraq-syria-army-united-states-military/>

<sup>52</sup> Thompson, Mark. "The U.S. decision 12 years ago has provided the enemy with some of the best commanders and fighters." *Time*. 28 May 2015. <http://time.com/3900753/isis-iraq-syria-army-united-states-military/>

The second factor comparing the process of militia absorption in Iraq is intergroup fighting. This factor is important for two reasons. First, because it explains how and why the PMUs organized themselves. In Iraq, the militias divided themselves on largely sectarian lines.<sup>53</sup> Second, because it explains why militias remained in Iraq.

### **C. Factor Three: Foreign-Backed Proxies**

The third factor comparing the process of militia absorption in Iraq is the role of foreign-backed proxies. This factor is important because the country's sectarian hostilities are partly driven by outside actors. Many of the PMUs in Iraq have origins in Iran and receive money, connections<sup>54</sup> and services from the Iranian government.<sup>55</sup>

### **D. Factor Four: Security Vacuum**

The fourth factor comparing the process of militia absorption in Iraq is the security vacuum created by the U.S. destruction of the Ba'ath Party. This factor is important because it explains why the militias' foundation and continued existence. For example, terrorist attacks in Baghdad,<sup>56</sup> and ISIS' embarrassing 2014 conquest of large areas of north- and southwestern Iraq, exposed the government's inability to protect the public. Because of this inability, the government officially sanctioned PMUs.

## **II. Case Studies**

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<sup>53</sup> Boghani, Priyanka. "In their own words: Sunnis on their treatment in Maliki's Iraq." *Frontline*. PBS. 28 October 2014.

<sup>54</sup> Pecquet, Julian. "Al-Monitor." *Rise of Iran-backed militias jeopardizes US aid to Iraq* Read more: <http://www.al-monitor.com/pulse/originals/2016/09/rise-iran-backed-militias-pmu-iraq-threat-us-aid.html#ixzz4dVYtMWIX>, 14 Sept. 2016.

<sup>55</sup> Pecquet, Julian. "Al-Monitor." *Rise of Iran-backed militias jeopardizes US aid to Iraq* Read more: <http://www.al-monitor.com/pulse/originals/2016/09/rise-iran-backed-militias-pmu-iraq-threat-us-aid.html#ixzz4dVYtMWIX>, 14 Sept. 2016, [www.al-monitor.com/pulse/originals/2016/09/rise-iran-backed-militias-pmu-iraq-threat-us-aid.html](http://www.al-monitor.com/pulse/originals/2016/09/rise-iran-backed-militias-pmu-iraq-threat-us-aid.html). Accessed 6 Apr. 2017.

<sup>56</sup> <https://www.state.gov/r/pa/prs/ps/2017/02/267680.htm>

## A. Lebanon - 1970s - Present

### *Background*

During Lebanon's Civil War between 1975 and 1990, foreign-backed militia factions emerged. These factions can be divided into three main camps. The Status Quo camp, made up of conservative Christians who had historically held political power,<sup>57</sup> aligned with Israel.<sup>58</sup> The second camp was made up of Shiite militias, including the Amal Movement and Hezbollah (after 1985)<sup>59</sup> which aligned with Syria and Iran respectively.<sup>60</sup> Finally, the Leftist Camp, was made up of Palestinian militias including the Palestinian Liberation Organization.<sup>61</sup>

The civil war ended with the 1989 Ta'if Agreement which, for our purposes, was important for two reasons. First, because Ta'if ensured Syrian hegemony in Lebanon by delegating Syrian forces with the task of keeping the peace until constitutional reforms were completed;<sup>62</sup> however, Syria would remain in Lebanon until 2005.<sup>63</sup> Second, because Ta'if mandated that all militias would be disbanded.<sup>64</sup> The agreement granted amnesty to many ex-

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<sup>57</sup> Badran, Tony. "The Lebanese Civil War." 7 June 2008. Page 3. <http://www.rubincenter.org/2008/06/badran-2008-06-07/>

<sup>58</sup> Badran, Tony. "The Lebanese Civil War." 7 June 2008. Page 11. <http://www.rubincenter.org/2008/06/badran-2008-06-07/>

<sup>59</sup> Badran, Tony. "The Lebanese Civil War." 7 June 2008. Page 11. <http://www.rubincenter.org/2008/06/badran-2008-06-07/>

<sup>60</sup> Badran, Tony. "The Lebanese Civil War." 7 June 2008. Page 11. <http://www.rubincenter.org/2008/06/badran-2008-06-07/>

<sup>61</sup> Badran, Tony. "The Lebanese Civil War." 7 June 2008. Page 11. <http://www.rubincenter.org/2008/06/badran-2008-06-07/>

<sup>62</sup> "The Ta'if Agreement." United Nations Permanent Missions. Page 9. <[https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the\\_taif\\_agreement\\_english\\_version\\_.pdf](https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf). Accessed 12 Apr. 2017.>

<sup>63</sup> "Syrian Troops Leave Lebanon After 29-Year Occupation.", New York Times, 26 Apr. 2005, [www.nytimes.com/2005/04/26/international/middleeast/syrian-troops-leave-lebanon-after-29year-occupation.html](http://www.nytimes.com/2005/04/26/international/middleeast/syrian-troops-leave-lebanon-after-29year-occupation.html). Accessed 28 Apr. 2017.

<sup>64</sup>

"The Ta'if Agreement." United Nations Permanent Missions. Page 9. <[https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the\\_taif\\_agreement\\_english\\_version\\_.pdf](https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf). Accessed 12 Apr. 2017.>

militia members from prosecution for war crimes, while other ex-militia members were successfully absorbed into the national forces.

Florence Gaub argues that the integration of Lebanese Muslim militias into the Lebanese Armed Forces was a smooth transition. She credits this ease to preselecting apolitical soldiers from the lower ranks, who would be less likely to stir trouble<sup>65</sup> together with the structural breakdown of the confessional system by assigning soldiers to mixed sectarian units.<sup>66c</sup> This structural breakdown discredited the idea that “it was only natural that men should serve in units that corresponded to their religious and geographic milieu.”<sup>67</sup> Mixed sectarian units also strengthened the trend of cross-sectarian cooperation between militias during the civil war.<sup>68</sup>

The notable exception to the Ta’if disbandment of militias however is Hezbollah which was exempt from the demobilization clause. Indeed, Hezbollah appears regularly alongside the Lebanese Armed Forces.<sup>69</sup> Gaub argues the reason why Hezbollah continued to exist is because the army and Hezbollah don’t compete.<sup>70</sup> Abboud and Muller argue that Hezbollah’s legitimacy is based on different factors. One is Hezbollah’s ability to transform Lebanon at a deep level to create a resistance society which normalizes the group’s existence:

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<sup>65</sup> Gaub, Florence. *Military Integration After Civil Wars: Multiethnic Armies, Identity and Post-Conflict Reconstruction*. 2011. Page 67.

<sup>66</sup> Gaub, Florence. *Military Integration After Civil Wars: Multiethnic Armies, Identity and Post-Conflict Reconstruction*. 2011. Page 68.

<sup>67</sup> Gaub, Florence. *Military Integration After Civil Wars: Multiethnic Armies, Identity and Post-Conflict Reconstruction*. 2011. Page 68.

<sup>68</sup> Rowayheb, George Marwan. “Lebanese Militias: A New Perspective.” *Middle Eastern Studies*, Vol. 42, No. 2 (Mar. 2006). Page 304. [https://www.jstor.org/stable/4284448?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/4284448?seq=1#page_scan_tab_contents)

<sup>69</sup> Gaub, Florence. *Military Integration After Civil Wars: Multiethnic Armies, Identity and Post-Conflict Reconstruction*. 2011. Page 67.

<sup>70</sup> Gaub, Florence. *Military Integration After Civil Wars: Multiethnic Armies, Identity and Post-Conflict Reconstruction*. 2011. Page 68.

“We consider Hizbollah’s resistance to be very public, in so far as the resistance society is underpinned by a complex cultural (radio, television, newspapers, journal), social economic, and political institutional matrix that transmits a resistance identity to its political community. [This]...holistic approach to resistance aims to create a resistance society.... [which] can serve as poles for disenfranchised Muslims to rally around....and offer nothing less than an alternative organizational structure to the nation-state....”<sup>71</sup>

Hezbollah’s ability to transform society is powerful because it allows Hezbollah to create institutions to serve the resistance society, such as *Jihad al-Banna*, organize surveys of areas devastated by the Israeli 2006 Invasion, and establish volunteer services, medical care, banks, and schools.<sup>72</sup>

We chose Lebanon to compare the process of militia absorption with Iraq because it meets the four criteria we set out. The militias find their origin in the Lebanese Civil War, an event triggered by a destabilizing force in the form of the PLO, which mirrored the unrest another Palestinian nationalist conflict, Black September, provoked in Jordan after the 1967 War uprooted Palestinians from the West Bank (Factor One).<sup>73</sup> The Lebanese Civil War was a sectarian event, with Christian, Palestinian, and Shiite militias fighting each other to stake their claim in the confessional system (Factor Two). On the positive side of sectarianism, interconfessional units and relationships may have played a factor in facilitating militia absorption into the national forces.<sup>74</sup> The success of militia absorption depended on the role of

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<sup>71</sup> Abboud, Sammer, and Muller, Benjamin. *Rethinking Hizballah: Legitimacy, Authority, Violence*. 2012. Page 43.

<sup>72</sup> Abboud, Sammer, and Muller, Benjamin. *Rethinking Hizballah: Legitimacy, Authority, Violence*. 2012. Page 41-51.

<sup>73</sup> "Not Welcome: Jordan's Treatment of Palestinians Escaping Syria." Human Rights Watch.

<sup>74</sup> Rowayheb, George Marwan. "Lebanese Militias: A New Perspective." *Middle Eastern Studies*, Vol. 42, No. 2 (Mar. 2006). Page 314. [https://www.jstor.org/stable/4284448?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/4284448?seq=1#page_scan_tab_contents)

foreign-backed proxies, like the Iranian- and Syrian-backed Hezbollah, and the Israeli-backed Christian militias (Factor Three). Finally, the Civil War left a security vacuum from which Lebanon is still recovering (Factor Four).

## **B. The Republic of South Africa - 1990s to 2000s**

### *Background*

Between 1948 and 1991 the country institutionalized a system of racial segregation (*apartheid*). Under *apartheid*, white South Africans enforced a brutal minority rule in which they had full access to civil rights, employment, and social freedom. Meanwhile the nonwhite majority, were forced to live in segregated and usually substandard areas and violently oppressed. For that reason, anti-*apartheid* South Africans organized political opposition movements like the African National Congress (ANC) and the Pan African Congress (PAC) to end *apartheid*. Because the state used the South African Defense Forces (SADF) to squash anti-*apartheid* opposition in South Africa, many anti-*apartheid* political movements also had a military wing, such as the ANC's Spear of a Nation (MK)<sup>75</sup> and PAC's Azanian People's Liberation Army (APLA).<sup>76</sup> These movements aligned with the Soviet bloc to obtain arms, which gave the pro-Western South African government justification to exterminate them at home and abroad.<sup>77</sup>

By the 1980s, however, the South African Republic was facing a political crisis. Sanctions and boycotts isolated the government on the international stage, while the collapse of

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<sup>75</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 120.

<sup>76</sup> Stapleton, Timothy J. *A Military History of South Africa: From the Dutch-Khoi Wars to the End of Apartheid*. Praeger Security International. 2010. Page 191-192.

<sup>77</sup> Seegers, Page 245.

the USSR pressured the state to redefine its anti-communist position, which it had used to justify its persecution of the anti-*apartheid* movements at home and abroad.<sup>78</sup> The National Party-led government declared a state of emergency for much of the decade to crush mass protests and anti-*apartheid* militias.<sup>79</sup> In 1990, the state capitulated and agreed to negotiate with the ANC and PAC to end *apartheid*.<sup>80</sup> At this time the SADF, ANC, and PAC discussed a plan for state-militia merger,<sup>81</sup> which became the new South African National Defense Force (SANDF).<sup>82</sup>

Licklider views the integration process into the SANDF as successful and peaceful because of several factors. First, the transitional government appointed representatives from various anti-*apartheid* parties to key positions, which showed good faith on the former to the latter<sup>83</sup> Second, the introduction of public service and security missions facilitated intergroup cooperation,<sup>84</sup> as did re-training the militias in conventional military skills.<sup>85</sup>

Much like Lebanon, cooperative internal housecleaning also demonstrated good faith commitment to the other side. Hence, the state consulted with the MK and APLA to preselect which “individuals [were] eligible for integration.”<sup>86</sup> In exchange, the state compensated 10,000 militiamen who were unwilling to continue service in the post-*apartheid* SANDF by issuing

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<sup>78</sup> Seegers, Page 245.

<sup>79</sup> *Between States of Emergency: Photographers in Action 1985 - 1990*, The Nelson Mandela Foundation, [https://www.nelsonmandela.org/uploads/files/NMF\\_states\\_emergency.pdf](https://www.nelsonmandela.org/uploads/files/NMF_states_emergency.pdf). Accessed 28 Apr. 2017.

<sup>80</sup> Seegers, Page 245.

<sup>81</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 120.

<sup>82</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 120.

<sup>83</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 132.

<sup>84</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 132.

<sup>85</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 126.

<sup>86</sup> Licklider, Roy. *New Armies from Old*. Georgetown University Press, 2014. Page 125.

lump sum bailout packages.<sup>87</sup> <sup>88</sup> However, Gear and Stapleton do not give as much credit as Licklider does to the bailouts in demonstrating good faith, since MK and APLA antagonism against the state remained high, and the bailouts were small.<sup>89</sup> Instead, Stapleton

gives more credit to the post-*apartheid* government's commitment to dismiss SADF officers attempted to foil efforts in integrating MK and APLA to the ranks, a commitment which both showed the government's good faith and allowed more ex-militiamen replace the old ranks:

“A major transition occurred in early 1998 when chief of the SANDF, General Georg Meiring, submitted a letter to the president, warning of an anticipated coup by prominent political, military, business, and international figures. The report was rejected and Meiring was forced to resign. [Thus, several] conservative, former SADF officers left key positions and were replaced by former MK officers just returned from training including General Sipiwe Nyanda who became the new SANDF chief.”<sup>90</sup>

In many ways, South Africa is comparable to the Iraq context. It did not have a destabilizing foreign intervention like the Iraqi state did after the 2003 U.S. invasion. However, by 1990 the South African state was forced to re-define itself or suffer domestic and political catastrophe; in that sense, the fight to end *apartheid* was a destabilizing crisis (Factor One).<sup>91</sup> *Apartheid* rule, especially as the government doubled-down on opposition movements in the

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<sup>87</sup> Gear, Sasha. "Now that the War is Over Ex-Combatants Transition and the Question of Violence: A literature review.", Centre for the Study of Violence and Reconciliation, 2002, [www.csvr.org.za/docs/militarisation/nowthatthewar.pdf](http://www.csvr.org.za/docs/militarisation/nowthatthewar.pdf). Accessed 5 May 2017.

<sup>88</sup> Stapleton, Page 192.

<sup>89</sup> Gear, Sasha. "Now that the War is Over Ex-Combatants Transition and the Question of Violence: A literature review.", Centre for the Study of Violence and Reconciliation, 2002, [www.csvr.org.za/docs/militarisation/nowthatthewar.pdf](http://www.csvr.org.za/docs/militarisation/nowthatthewar.pdf). Accessed 5 May 2017.

<sup>90</sup> Stapleton, Page 192.

<sup>91</sup> Seegers, Annette. *The Military in the Making of Modern South Africa*. Tauris Academic Studies. 1996. Page 245,

1980s, left the non-white majority of South Africa disenfranchised socially, economically, and politically much like former Baathists post-2003 (Factor Two). Anti-*apartheid* groups received support across Africa, Europe, and the Americas, much like the PMUs receive sponsorship from Iran (Factor Three). Finally, SADF's violence against non-white forced non-*apartheid* movements to organize militia wings to protect their communities, much like the post-2003 security vacuum and anti-Sunni persecution under Maliki necessitated Iraqi civilian militias (Factor Four).

### C. Rwanda - 1970s - Present

#### *Background*

During the 1990s, 85% of Rwanda was *Hutu* and 15% was *Tutsi*.<sup>92</sup> In 1990, the Rwandan Patriotic Front (RPF), a Tutsi political movement armed with its militia namesake, attacked Rwanda from Uganda.<sup>93</sup> The attack, combined with pressure from Rwanda's international donors,<sup>94</sup> forced the Hutu President Juvenal Habyarimana, to adopt democratic reforms.<sup>95</sup> To protect his regime, Habyarimana all but officially "created, organized, trained, financed, armed, and directed" a private militia (*interahamwe*). Together with the state military, *Forces Armées Rwandaises* (FAR), the *interahamwe* allowed Habyarimana to crush opposition while avoiding punishment for human rights abuses, and it allowed him to use the *interahamwe*'s apparent lack of control to bargain for foreign aid.<sup>96</sup>

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<sup>92</sup> "Rwanda: A Brief History of the Country." *Outreach Programme on The Rwanda Genocide and the United Nations*, The United Nations, [www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml](http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml). Accessed 28 Apr. 2017.

<sup>93</sup> Roessler, 215.

<sup>94</sup> Philip G. Roessler. 2005. "Donor-Induced Democratization and the Privatization of State Violence in Kenya and Rwanda." Page 218.

<sup>95</sup> Roessler, 215.

<sup>96</sup> Philip G. Roessler. 2005. "Donor-Induced Democratization and the Privatization of State Violence in Kenya and Rwanda." Page 218.

The regime-militia collusion method went rogue, however, when Habyarimana was assassinated in 1994.<sup>97</sup> Extremist *Hutus*, FAR and *interahamwe* took advantage<sup>98</sup> of the ensuing civil war and committed genocide against one million Tutsis.<sup>99</sup> During the Habyarimana administration, In July 1994, the RPF seized power, ending the genocide as the *interahamwe* and ex-FAR fled to Zaire<sup>100</sup> With the tacit permission of the Zairean government and under the cover of refugee camps, the *interahamwe* stockpiled arms and organized attacks against RPF Rwanda.<sup>101</sup> In 1996, the RPF invaded Zaire and eliminated the *interahamwe*.

Rusagara describes militia absorption after the 1994 genocide as a twofold process, the first side of which was introspective.<sup>102</sup> For example, the state instilled pre-colonial, pan-Rwandan customs such as *ingando* (a pre-expedition briefing session). *Ingando* sessions helped ex-FAR and militia soldiers reconcile, “demystify the notion of incompatibility between the *Hutu* and *Tutsi* identities.”<sup>103</sup> and reinforce national identity above personal interests.<sup>104</sup> Additionally, renaming the national army from the Rwandan Patriotic Army (RPA) to the Rwandan Defense Forces (RDF) “which better reflect[ed] a more national character.”<sup>105</sup> Integration also likely catalyzed a decrease in insurgency<sup>106</sup> On other side of

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Rwanda. Page 218.

<sup>97</sup> <https://www.theguardian.com/world/2008/may/16/congo>

<sup>98</sup> Roessler, 216.

<sup>99</sup> Rusagara, 193.

<sup>100</sup> Note: Zaire became the Democratic Republic of Congo in 1997.

<sup>101</sup> <https://www.theguardian.com/world/2008/may/16/congo>

<sup>102</sup> Rusagara, Frank K. *Resilience of a Nation: A History of the Military in Rwanda*. 2009.

<sup>103</sup> Rusagara, Page 194.

<sup>104</sup> Rusagara, Page 193-194.

<sup>105</sup> Rusagara, Page 193-194.

militia absorption, Rwanda adopted a self-defense strategy.<sup>107</sup> Using humanitarian assistance converted for military use, the expelled *interahamwe* and ex-FAR began to persecute Congolese Tutsis and launch attacks on Rwandan soil, endangering Rwanda's goal to safely repatriate its citizens.<sup>108</sup> For that reason, Rwanda led several successful counterinsurgency operations inside Rwanda and the Democratic Republic of Congo between 1998 and 2001.<sup>109</sup> During *Opération Oracle du Seigneur* from May to December 2001, the RPA captured 1,700 insurgents, essentially marking "the end of insurgency inside Rwanda." The self-defense measure legitimized the integrated RPA to the public, since "[Hutu] refugees...had earlier fled the country in the belief that the RPF was the enemy,"<sup>110</sup> and it showed that reconciliation worked. Additionally, self-defense measures eliminated a brewing inner threat.<sup>111</sup>

Rwanda bears resemblance to the Iraqi context. First, because the RPF's attack on Rwanda from Uganda triggered a destabilizing political crisis which ultimately led to the assassination of President Juvenal Habyarimana in 1994, the Tutsi genocide, and confrontation between the RPF and *interahamwe* militias (Factor One). Secondly, because the Hutu-Tutsi conflict amounted to intergroup fighting as extreme Hutus promoted genocide against Tutsis (Factor Two). Third, the issue of militia absorption was complicated by ex-*interahamwe* Hutus launching counterinsurgency operations against RPF in Rwanda, since it could do this with the complicity of Zaire, effectively making it a foreign-backed proxy (Factor Three). Fourth, the

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<sup>106</sup> Rusagara, Page 198.

<sup>107</sup> Rusagara, Page 195.

<sup>108</sup> Rusagara, Page 195-196.

<sup>109</sup> Rusagara, Page 198.

<sup>110</sup> Rusagara, Page 196.

<sup>111</sup> Rusagara, Page 198.

Rwandan genocide and assassination of President Habyarimana, triggered a security vacuum in which the state lost control over its monopoly over violence, even as it was complicit in it, since the *interahamwe* and FAR ultimately lost to the RPF and was forced to resettle in the Congo (Factor Four).

### **Summary of Comparisons**

Lebanon, South Africa and Rwanda share with Iraq four factors that will likely determine the success of its militia absorption: 1) a destabilizing crisis; 2) intergroup fighting; 3) foreign-backed proxies; 4) and a security vacuum. Despite these common factors, the three countries addressed militia absorption in unique ways. The Lebanese solution to private militia absorption was a holistic process resulting in an extreme incorporation, in which the militia essentially took control and overall legitimacy from the state. This is why, The Lebanese Parliament may have ratified the Ta'if Accord, but the exemption the Accord gave Hezbollah from abandoning its arms allowed Hezbollah to dominate the state and society without impediment, thereby allowing it to monopolize violence and by extension, the state's legitimacy.

Similarly, the militia absorption process in South Africa ended in an incorporation where the state made concessions to the militia, but retained a stronger monopoly on the legitimate use of violence than the state retained in Lebanon. Firstly, because although the government abandoned apartheid, the MK and APLA divorced their political wings, with militiamen either joining the state military structure or retiring as civilians. Secondly, because the state, reformed the authority structure of the national armed forces, making enough room for ex-militiamen to enter the ranks in the armed forces, and compensating retired militiamen.

In Rwanda, initially the relationship between the state and the *interahamwe* militia was

one of collusion. This collusion initially benefited the Habyarimana regime because it suppressed political opposition without provoking international scrutiny for its human rights abuses.

However, Habyarimana's assassination destabilized the state, and triggered a security vacuum which allowed the *interahamwe* to take control of the state. When the RPF-led government took control of the state away from the *interahamwe*, it began what became a successful incorporation process through creating ethnically integrated units, reintroducing mutually appreciated traditions, dispatching those units for peacekeeping missions, and dispatching those units to eliminate foreign insurgents. What, then, does the story of militia absorption in Lebanon, South Africa and Rwanda teach us about the effects that the *Heshd Al-Shaabi* will have on the legitimacy of Iraq?

## **Conclusion**

As the fight against ISIS in Iraq begins to wane, the central government must make a crucial decision regarding the future of the PMUs. To rebuild the former legitimacy of the state will not be an easy path, and authorities like Prime Minister 'Ibadi must decide how to accomplish these goals. This research paper has analyzed the theories that discuss the existence of violent, non-state actors and their impact on a state's legitimacy and ability to control violence within its borders, the current situation in Iraq and how it became so complex, and several other states with similar situations.

With the four options presented by Staniland in mind, it is evident that Iraq has two likely and two unlikely options. Any of these options that deal with the elimination of the PMU threat to the Iraqi government legitimizes the use of violence by the state. Containment and suppression are unlikely solutions for the Iraqi state because of the power the PMUs currently hold. Their foreign funding and local popularity prevents them from being easily dismantled, therefore any

attempt to do so would likely result in an armed confrontation between the PMUs and the military. In such a scenario, the Iraqi government would likely need to back down. Recall ‘Ibadi’s Executive Order 91, the November 2016 law (both recent efforts to correct conflicts of interest under the Committee on the *Heshd Al-Shaabi*)<sup>112</sup>, as well as the alleged human rights abuses PMUs have committed against civilians in Fallujah and outside Mosul.<sup>113</sup> With the state’s ability to reign the PMUs in question after several failures, and its national security unstable, an armed confrontation could irreparably discredit the state’s ability to monopolize the legitimate use of violence.

Collusion and incorporation are more likely solutions, though neither is necessarily preferable. Should the Iraqi state wish to implement a method of collusion, they could establish a program in which a joint anti-terrorism task force is created that partners the military and the PMUs, resembling the integrated peacekeeping missions carried out in post-*apartheid* South Africa and post-genocide Rwanda. This would allow the state to keep the PMUs in check, while facilitating sectarian cooperation and protecting the public. Given the *Heshd al-Shaabi*’s political strength and legitimacy it is unlikely a collusion method would deteriorate into a situation like Rwanda’s, where collusion between the Habyarimana government and the *interahamwe* allowed the militia proximity to stage a takeover once the opportunity arose. This is because the *Heshd al-Shaabi* have already established a legitimate and official basis for their existence in the state, unlike the *interahamwe*. For that reason, should the *Heshd* move to gain more political power, it would likely do so by using legal means to reach a Lebanon/Hezbollah outcome, rather than stage a coup. One caveat of this program would have to be that the PMU forces that are used should be placed in regions outside their largest recruiting pools to prevent them from

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<sup>112</sup> See Page 21.

<sup>113</sup> See Page 20.

accumulating political capital.

One possible path to incorporation for the PMUs would be for the Iraqi state to set up an incentive program for members to leave the various militias. Smaller militias are theoretically easier to handle and incorporate into the national army. This program could include financial rewards for leaving the militias and enlisting in the army, or it could include rewards for retiring from the militias. This path of incorporation may be the most peaceful approach to solving the state's future legitimacy issues, because it would divert PMU militiamen who might otherwise resist the government to pursue their own agenda in a way that would satisfy both parties without bringing each in conflict against the other. This method of incorporation legitimizes the use of violence under the state, as the state would theoretically become the only legally authorized user of violence through the Iraqi army and the police.

However, a payout option is entirely dependent on the state's ability to raise enough money for an effort this large. As of April 2017, Iraq is recovering from an economic crisis.<sup>114</sup> The closest model country to resemble Iraq's current economic position with respect to a collusion by bailout is Lebanon, whose economy was destroyed after the civil war.<sup>115</sup> In that case, while bailouts in Lebanon served the state because they weeded out militiamen who might otherwise spoil the Ta'if Agreement, Hezbollah benefited more from the bailouts because they removed potential competition to control large sections of the state. If there is similar competition between the PMUs, then the Lebanon outcome would be more likely. Finally, a state bailout to militiamen will not prevent PMU militiamen from taking the state's monopoly on

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<sup>114</sup> "Iraq's Economic Outlook- April 2017.", The World Bank, Apr. 2017, [www.worldbank.org/en/country/iraq/publication/economic-outlook-april-2017](http://www.worldbank.org/en/country/iraq/publication/economic-outlook-april-2017). Accessed 5 May 2017.

<sup>115</sup> "Lebanon - World Bank.", World Bank, [web.worldbank.org/archive/website01241/WEB/IMAGES/LEBANONF.PDF](http://web.worldbank.org/archive/website01241/WEB/IMAGES/LEBANONF.PDF). Accessed 5 May 2017.

violence if militiamen are motivated more strongly for non-economic reasons

Solving the issues regarding the PMUs in post-ISIS Iraq will not be easy, but we consider these solutions to be the best options available in establishing a peaceful relationship between the state and the PMUs while legitimizing the authority of the state. In the end, the Iraqi state and *Heshd Al-Shaabi* must work together and come to an agreement that benefits the future of all Iraqis.

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