



A PoC policy for Iraq

Status and lessons learned

Since 2022, PAX and its partner organization the Iraqi Al-Amal Association have been assisting Iraqi institutions in the development of a national Protection of Civilians (PoC) policy. This briefing provides an update on the progress made in the last workshop in December 2023, the document's current status, and some key lessons learned during the process so far.



Since 2022, PAX and the Iraqi Al-Amal Association have assisted Iraqi institutions in the development of a national Protection of Civilians (PoC) policy, building on contributions from all relevant Iraqi security institutions. In December 2023, representatives from the Prime Minister's office, the Office of the National Security Advisory (ONSA), the Presidency, several ministries, as well as academics and legal experts came together to review and refine a draft version of the policy. As a result, the Prime Minister's Standing Committee on PoC was given one month to finalize the national policy.

The policy is part of a larger effort of the Iraqi government to establish a PoC capability. Much has already been achieved but challenges remain, especially regarding the development of a comprehensive and flexible national PoC policy relevant and actionable for all stakeholders, in times of both peace and conflict. The December workshop helped to establish a comprehensive vision and coordinated effort, and the continued support of experienced and knowledgeable Iraqi as well as external actors will remain a critical enabler. This is particularly true for delicate tasks such as enhancing the understanding and operationalization of Rules of Engagement (ROEs), and Civilian Harm Mitigation (CHM) for all Iraqi security actors, as well as the provision of vital resources that will enable effective training across the security and political sectors. This must, however, remain an Iraqi-led initiative, developed and tailored to the country's specific needs.

Background

PAX has been active in Iraq for over 20 years, working closely with Iraqi partners like the Iraqi Al-Amal Association (IAA). In 2022, government officials requested IAA and PAX to help establish a PoC capability within their national security forces.¹ Since then, PAX and IAA have led training events such as a PoC Basics course and a Train the Trainers course, while also providing subject matter expertise with regards to the drafting of a contextualized PoC Handbook for Iraq.² Since mid-2022, PAX has also been actively involved in the drafting of a national policy document, a process led by the ONSA and with significant contributions from a wide range of military and law enforcement specialists. In December 2023, at the request of the Prime Minister's office, that process culminated in a 3-day workshop. This brought together political representatives and academics – many of them International Humanitarian Law and Human Rights Law specialists – to review the original draft policy paper that was prepared in previous encounters.

Main outcomes

The policy review workshop successfully brought together key Iraqi political and academic stakeholders, whose perspective and buy-in on this policy-making process is vital, as it facilitated the broadening of the scope of the policy with regards to national and international legal considerations. The number of attendees in key political positions, including representatives from the Prime Minister's and President's offices, is testament to the commitment and prioritization the Iraqi government is placing on this important topic.

¹ For the purposes of this paper, Iraqi Security Forces (ISF) refers to members of the military (including Iraqi Counter-Terrorism Unit: ICTS), law enforcement (both local and Federal police units), Peshmerga, as well as the ONSA and Intelligence Services.

² The Handbook's English translation is forthcoming and will be published on <https://protectionofcivilians.org>.

Further, this group of experts offered important insights into the need for a coherent and standardized process for the drafting and operationalization of ROEs. Also noteworthy was the importance the contributors placed on CHM, highlighting the requirement for greater accountability and more effective amends processes. And finally, the workshop provided greater granularity regarding important new reforms and capabilities the policy aims to introduce. These include the establishment of a new Center for the Protection of Civilians, as well as the development of a national training framework and a systematic training program tailored to address the needs of security professionals at all levels and from all relevant Federal and regional entities involved in protection efforts.

Lessons identified

Importantly, the workshop also helped to identify challenges and areas that require further work. PAX identified several lessons:

- **Relevant for all contexts:**

While other PoC policies exclusively focus on protection during conflict, the intended Iraqi policy aims to provide security actors with political guidance on protection for the full spectrum of operations, including in peacetime, for both military and law enforcement entities. Broadening the application of a ‘PoC mindset’ to these inclusive sets of contexts triggers the need for clarification which legal framework is applicable and when. This has implications for important questions: what rules of engagement apply; who and what can and cannot be a legitimate target; who is and is not allowed to use force; and so on. Protection problem sets will look different depending on the operational context and will often require quite different approaches and strategies – and this must be reflected in the new policy.

- **Relevant for all stakeholders:**

By making this policy applicable to all contexts, it must also be made relevant to all security stakeholders operating throughout the spectrum of operations. During the workshop, this required a conscious effort to resist the temptation of becoming too military and conflict-centric. Participants were continuously encouraged to ensure the document remained sufficiently flexible in its structure and content to address the specific roles and functions of the various Iraqi security actors, including Federal and regional police forces, as determined by the specific operational contexts.

- **Balancing academic and practical considerations:**

While academic participation enriched the discussions on several sections of the policy, some experts struggled to go beyond the legal frameworks provided by national and international human rights law and humanitarian law, arguing that existing law is sufficient to ensure the protection of civilians. This approach generated friction with practitioners, who focus much of their attention on practical PoC approaches and who from experience reason that effective protection must be founded on legal obligations, but also go well beyond these, particularly with regards to mitigating harm from others (i.e., adversaries, organized criminal groups).

- **Balancing civilian and military perspectives:**

PAX considers it a strength of the Iraqi policy-making process that the initiative came from the ONSA and other members of the Iraqi security apparatus, who set the foundations of, and built the first draft of the policy with us in 2022 and early 2023. The participation of political and

academic experts in this workshop was crucial to make sure the policy is fit for purpose from a legal and political perspective. The next step is to reconnect with security institutions as many of the action items included in the policy will require implementation by them. The specific expertise of uniformed professionals will reinforce the practical aspects of the policy, ensuring its aims and guidance are feasible and adequately detailed. Their inclusion in the final stages of the drafting process will also increase ownership amongst military, law enforcement and intelligence stakeholders, reducing some of the potential for resistance.

- **Mainstream terms and definitions:**

It is a necessary step in the process of mainstreaming concepts such as PoC that stakeholders debate, and eventually settle on shared interpretations of commonly used terminology and definitions. The series of workshops provided that space and showed important cultural and professional differences. Mainstreaming PoC requires further educational efforts, broadening the pool of professionals with a shared common conception.

- **Balancing reactive and preemptive efforts:**

The draft document emphasizes the importance of CHM. This makes it highly relevant for the Iraqi context and fits well with current international developments in thinking about protection. However, participants rightfully noted the often reactive and responsive nature of this approach and stressed the importance of identifying more preemptive and preventative considerations. The refinement of the training and doctrine aspects of the policy should contribute significantly to making the document more balanced in this regard.

- **Rules of Engagement:**

A key moment of the workshop was the acknowledgement that more work needs to be done on drafting and implementation of ROEs. This is an area Iraq must address, from the strategic level down to the lowest tactical level. A comprehensive, systematic, standardized approach to ROE development for full-spectrum operations – peacetime to high-intensity conflict and everything in between – will reduce risks to civilians, and it will guide and help protect military and law enforcement professionals from legal prosecution when ROEs are adhered to. At the same time, the ROEs help enforce accountability when decision makers deviate from them in an unjustifiable manner.

Conclusions

As Iraq continues to build and enhance its PoC capability, a national policy will help mainstream concepts, clarify roles and responsibilities, and guide Federal and regional efforts to better protect the people the State is sworn to protect. As of yet, the PoC policy is a work in progress. Every revision cycle so far has proven to be fruitful, and final approval is now within reach. With the continued support of the Prime Minister's office and a team of Iraqi and external specialists, we believe Iraq might soon have one of the most comprehensive and advanced PoC policies currently in circulation. The next challenge will be ensuring that international assistance continues to empower this process and that required resources are made available and optimally employed to ensure the effective translation of this comprehensive, national policy to more detailed, practical implementation guidance for specific institutions. We are optimistic about Iraq's determination to improve its capacity to effectively protect Iraqi civilians and remain dedicated to supporting Iraq in this effort.

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PAX and the Protection of Civilians Program

Worldwide, PAX works to build just and peaceful societies across the globe. PAX brings together people who have the courage to stand for peace. The PAX Protection of Civilians (PoC) program seeks to increase the effectiveness of PoC interventions by enabling civilians to hold local and international security actors to account, and by enabling and motivating security actors to design and implement protection strategies that are civilian-centered.

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