



Iraq, Syria and ISIS – recent developments

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Since the shock takeover of Mosul, the progress of ISIS through Iraq has been slowed and, in some places reversed. This has happened because further, Shia-dominated territory is more difficult for ISIS to conquer and because demoralised Iraqi forces are increasingly supported by Shia militias, often with Iranian organisational help, by Kurdish Peshmerga forces who are receiving assistance from the West, and by US air strikes.

The formation of a new government in Baghdad has raised hopes that a political solution to the violence could emerge, but even a broadly acceptable Iraqi government will have to deal with intractable problems including the failures of the armed forces, sharing of oil revenues, decentralisation demands and territorial disputes.

The UK and other Western governments have pledged to assist the Kurdish Peshmerga and the Iraqi government, and this is widely thought to comply with international law, despite the lack of UN Security Council resolution, because the Iraqi government has requested assistance to deal with ISIS. However, any outside military action in Syria (which is thought to be necessary if ISIS is going to be tackled effectively) would be more difficult to justify. US officials have argued that intervention in Syria could be legally justified as an extension of the collective defence of Iraq. Others argue that it could be legal as a humanitarian intervention, without a Security Council resolution; any such resolution would be likely to be vetoed by Russia.

Many commentators have argued that strong military intervention by the West in Iraq would be unlikely to be successful and might even be counter-productive; a solution involving regional powers such as Iran, Turkey and Saudi Arabia would be preferable. However the fundamental hostility between Sunnis and Shias which is likely to be exacerbated by both the Syrian and Iraqi conflicts, stands in the way of regional cooperation and is difficult to resolve.

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1 Introduction

In June 2014, the fall of the northern Iraqi city of Mosul to the extremist group ISIS,¹ which now refers to itself as the Islamic State, shocked regional and Western governments. The fact that the Iraqi Army, on paper much more powerful than IS, simply fled in the face of the IS attacks, stirred deep disquiet about the weakness of the Iraqi state and even brought fears for the future of its capital, Baghdad.²

Fears over the fate of thousands of Yazidis (a group of a Kurdish ethnicity, adherents of a religion based on Zoroastrianism, the pre-Islamic religion of Persia) brought the crisis to a new level. Some extreme Sunnis regard Yazidis as devil-worshippers and observers feared a massacre of the Yazidis surrounded by IS forces on Mount Sinjar, in Iraq's Nineveh Governorate.

2 Political developments in Iraq

After pressure from the US and Iran, Nouri al-Maliki announced on 14 August that he was stepping down as Prime Minister. His sectarian policies had been blamed by many commentators for the unrest in Sunni areas of Iraq, which surged in the last couple of years, as the Sunni Vice President Tariq al-Hashimi was charged with murder in 2011, fled to Iraqi Kurdistan and was sentenced in his absence to death.

Protests and occupations spread and the Baghdad government's response was harsh, particularly in the central Iraqi town of Fallujah. By January 2014, it was reported that al-Qaeda in Iraq (AQI, which was by now turning into ISIS) had taken control of the town, in a foretaste of the successes it was about to have in wide swaths of Iraq and Syria.

In May 2014, with more than 3,500 people dead from the violence during the course of the year, a general election was held and al-Maliki's coalition, the State of Law, won the largest number of seats, gaining 92 of the 328 in the Iraqi Council of Representatives.³

US and Iran were keen to see al-Maliki leave office because of the difficulties in responding to al-Qaeda in Iraq in the same areas in the mid-2000s. Then, there was a surge in violence which was only brought under control when local tribal leaders abandoned Al Qaeda in Iraq and joined the fight against them. This was despite the full-scale occupation by US ground forces.

Western leaders and others did not believe that it was possible to control ISIS without removing their grassroots support in the same way, and this would only be possible if Sunni Arabs in central and northern areas had confidence that the Baghdad was looking after their interests. Achieving this turnaround would not be possible under the leadership of Nouri al-Maliki, as these comments from an adviser to the US Congress suggest:

Malki's government and its Iranian allies suppressed the Iraqi Sunnis so much that ISIS was able to sweep through Sunni areas without much resistance at first because of resentment toward the premier. ISIS is taking advantage and seizing more land, power, and eliminating Arab Sunni moderates in Iraq,

The adviser went on:

¹ ISIS, ISIL and the Islamic State are different names for the same group

² For information on ISIS/Islamic State and the fall of Mosul, see [Islamic State of Iraq and the Levant \(ISIS\) and the takeover of Mosul](#) - Commons Library Standard Note, 20 June 2014

³ 'Iraq elections: Maliki's State of Law 'wins most seats'', *BBC News Online*, 19 May 2014

ISIS knows that the only possible threat against them, short of an all-out international ground campaign, is an uprising by [Sunni] tribes.⁴

A British-educated Shiite from al-Maliki's Dawa party, Haidar al-Abadi, was designated Prime Minister and endorsed as party leader by Dawa on 11 August 2014. Al-Abadi is seen as more moderate than al-Maliki and more able to begin a reconciliation process with Sunnis. But even after the departure of al-Maliki, getting Sunnis to support the federal government and fight ISIS is a tall order, particularly in the context of violence between Sunni ISIS and government forces supported by Shia militias and advised by Iran.

On 22 August Shiite militiamen opened fire inside a Sunni mosque in north east Iraq, killing 65.⁵ Following the attack, Sunni MPs withdrew from the talks to form a new government. ISIS vowed to avenge the attack. The possibility for the situation spiralling into further sectarian violence, rather than improving, was starkly illustrated.

The infighting continued in September as a vote on the new government, scheduled for 6 September was put off until 8 September. Disagreements persisted about the sharing out of government ministries, particularly the Ministry of Defence.

A deadline of Monday 8 September is set out in the Iraqi constitution. The UN Secretary General's Special Representative for Iraq, Nickolay Mladenov, called on the parties to form a government by the deadline:

I encourage the Iraqi political leaders to finalize the government formation process within the constitutional timeline and to ensure a fair representation of women and minority communities in the new government. Forming a new and inclusive government that has wide national support is critical to the future of the country.⁶

On 9 September, it was announced that a new government had finally been formed. Posts had successfully been shared out between the three different groups, although the defence and interior, the two crucial security posts, had still to be agreed. The Prime Minister Haider al-Abadi said that these would be allocated in the next few days.⁷

However, even an acceptable, broadly-based government will still have to deal with intractable underlying problems such as the sharing of oil revenues, disputed territory and arguments over decentralisation as well as much-needed reform of the armed forces. As one commentator argues, those who hope that a new government in Baghdad will transform the Iraqi state's ability to take on ISIS should not hold their breath:

No one envies the policy makers and officials grappling with Isis's rise at a time of public antipathy over military adventures in the Arab world, tightened budgets and multiple interlocking global crises. But they may need to develop an alternative plan that does not rely too much on Mr Abadi's new government for dramatic political change in Iraq.⁸

⁴ ['Iraqi Sunnis who fought al-Qaeda not keen to quell ISIS'](#), *Al-Arabiya*, 29 August 2014

⁵ ['Iraq mosque massacre: 65 dead'](#), *CNN*, 24 August 2014

⁶ ['Mladenov calls to quickly form new government'](#), *Iraqi News*, 5 September 2014

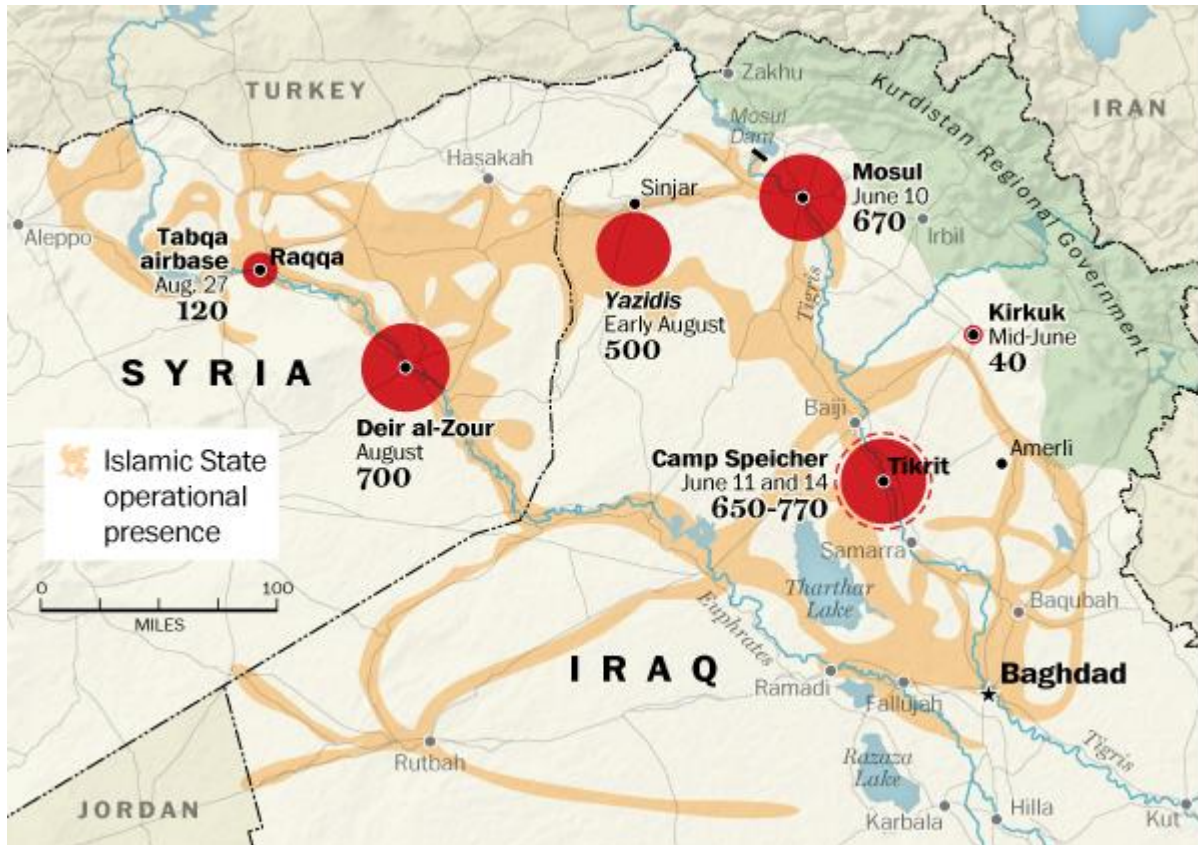
⁷ ['US: New government is 'milestone' for Iraq'](#), *BBC News Online*, 9 September 2014

⁸ ['Surface change in Iraq's politics allows deep wounds to fester'](#), *Financial Times*, 8 September 2014

3 Situation on the ground in Iraq

The rapid progress of ISIS through Sunni areas of both Syria and Iraq has been accompanied by clashes with other Islamist and secularist rebels in Syria and several massacres of other Sunnis, Yazidis and others.

Reported Massacres by ISIS and operational presence



Source: Institute for the Study of War, the Long War Journal and press reports. Compiled by the [Washington Post](#)

US air strikes, combined with stiffer resistance from Shia Iraqi forces, appeared to slow the advance of the extremists in late August and September. There were two particularly important victories, as Iraqi forces, supported by US air strikes, broke the siege of Amerli, which had been surrounded by ISIS forces for some time and was running short of food. According to a Peshmerga fighter, US air strikes were crucial:

It would have been absolutely impossible without the American planes. The strikes prevented the Islamic State from moving freely and targeted them with 100 percent accuracy.⁹

More significant was the fact that the Peshmerga had re-taken the Mosul dam. On around 19 August, Iraqi special forces, supported by US air strikes, assisted the Peshmerga in re-capturing the dam and some towns and villages surrounding it. At the beginning of September, Iraqi government forces said that they had cleared ISIS fighters from around the Haditha dam on the Euphrates, which the extremist group had been trying to control. US forces had supported the assault on ISIS with air strikes.¹⁰ The control by ISIS of dams on the

⁹ 'Jubilant Iraqi forces break two-month siege of Amerli – officials', *Reuters*, 31 August 2014

¹⁰ 'Iraq 'clears' IS from key dam area after US strikes', *BBC News Online*, 8 September 2014

Tigris had raised fears that the group could release water from the dams flooding vast areas and causing a humanitarian catastrophe.¹¹

Meanwhile, Saudi Arabia is building a high technology fence along its border with Iraq. The programme was originally announced in 2009 as a measure against smuggling and illegal migration, but it appears to have been scaled up in response to the increased fears of infiltration by extremist *jihadis*, from Iraq who might threaten the government.¹²

4 ISIS military capabilities

There is no definitive estimate of the military forces at Islamic State's disposal.

A senior US officer, Lt General Mayville, described ISIS as a "very well-organized and very well-resourced force that is an adaptive and learning force."¹³ Chuck Hagel, the US Defence Secretary, told Congress that ISIL has acquired significant resources and advanced weapons as it has seized territory across Iraq and Syria.¹⁴

Jane's Defence Weekly lists the equipment believed to have been captured by IS when it over-ran Syrian Army bases in Al-Raqqah provinces, including the bases of the 17th Division, 121st Regiment and 93rd Brigade. *Jane's Defence Weekly* reported:

The IS also acquired considerable quantities of weapons and equipment when it overran these military facilities. For example, solely from the 121st Regiment base it captured at least 12 130 mm M-46 towed field guns and dozens of crates of associated ammunition; at least seven BM-21 multiple rocket launchers (MRLs) with 400-500 122 mm Grad rockets; several T-55 main battle tanks; dozens of military vehicles; hundreds of rocket-propelled grenades (RPGs); tens of thousands of rounds of small arms ammunition; several anti-tank guided missiles; and large quantities of assault rifles and hand grenades. At the 93rd Brigade, at least 20 T-55 tanks and five 122 mm D-30 howitzers were captured, along with considerable quantities of other weaponry.¹⁵

Jane's added "the Islamic State has already proved that it can use such assets effectively to pave the way for ground assaults."¹⁶

There is evidence of weaponry acquired in one country being used in another. *Jane's Intelligence Weekly* reported that ISIS used M198 howitzers that it had seized in Iraq against the Syrian Army in Raqqa as early as 23 June.¹⁷

The UK Government was asked to estimate the amount of military supplied to Iraq by NATO states that has been appropriated by ISIS in 2014. Defence Minister Mark Francois said:

Iraqi security force losses of military equipment since January 2014 cannot be accurately quantified. Known losses of equipment supplied by NATO members include

¹¹ 'Kurds retake key Mosul dam in morale boosting victory over Isis', *Financial Times*, 19 August 2014

¹² 'Saudi Arabia building high-tech fence to secure border with Iraq', *Haaretz*, 6 September 2014

¹³ "Department of Defense Press Briefing on Operations in Syria by Lt. Gen. Mayville in the Pentagon Briefing Room", *US Department of Defense*, 23 September 2014

¹⁴ "Statement on Iraq, Syria, and ISIL Before the House Armed Services Committee", *US Department of Defense*, 18 September 2014

¹⁵ "Islamic State seeks to link its conquered territories", *Jane's Defence Weekly*, 29 August 2014

¹⁶ "Islamic State seeks to link its conquered territories", *Jane's Defence Weekly*, 29 August 2014

¹⁷ "Islamic State's move to consolidate control over Raqqa province will lead to broader confrontations with Syrian forces", *Jane's Intelligence Weekly*, 28 July 2014

howitzers and their tractors, an armoured personnel carrier and numerous vehicles, small arms and munitions. We continue to monitor the situation closely.¹⁸

Breaking Defence has attempted to make some analysis of ISIS capabilities based on analysis of the targets struck by US airstrikes. By analyzing data provided by the US military about IS targets in Iraq, it suggests ISIS “remains a relatively low-tech and lightly-armed irregular force.” It adds that although ISIS have captured lots of US-made Iraqi army equipment and at least some Russian-made Syrian military gear, ISIS “relies overwhelmingly on civilian pick-up trucks jury-rigged to carry machine guns.”¹⁹

Business Insider provided a list in June 2014 of military equipment thought to be in ISIS’s hands. This included approximately 30 Soviet-built T-55 tanks, 5-10 Soviet-built T-72 tanks, Humvees, AK-47s, M79 Osa rocket launcher (used against Iraqi security forces’ armoured vehicles), RBG-6 Grenade Launchers, RPG-7s (rocket-propelled grenades - highly portable unguided shoulder-launched antitank weapons), M198 howitzers (medium-sized artillery piece that must be towed between locations), Type 59-1 Field Gun (a towed field gun), ZU-23-2 is a Soviet anti-aircraft autocannon), Stinger Manpads (FIM-92 Stinger, a shoulder-fired infrared homing surface-to-air missile), HJ-8 (an anti-tank missile) and the DShK 1938 Machine Gun.²⁰

5 Humanitarian and military assistance to Iraq

After the fall of Mosul and surrounding areas to ISIS, the Yazidi crisis brought the response from outside Iraq to a new level.

The substantial gains made by ISIS in recent months, which saw their forces advance on the northern city of Irbil and forced thousands of people from religious minorities to flee their homes, prompted the US, UK and other governments to take more concerted action in Iraq.

On 7 August 2014 the US President [announced](#) the authorisation of two operations in Iraq:

- Targeted airstrikes to halt the advance of IS forces on Irbil, where significant US personnel are based, and the provision of “urgent assistance to Iraqi government and Kurdish forces so they can more effectively wage the fight against ISIL”;
- Humanitarian assistance to those civilians who have fled their homes and become stranded on Mount Sinjar. As part of that operation the President also authorised “targeted airstrikes, if necessary, to help forces in Iraq as they fight to break the siege of Mount Sinjar and protect civilians trapped there”.

The President reiterated that “American combat troops will not be returning to Iraq, because there’s no American military solution to the larger crisis in Iraq”.²¹

5.1 Humanitarian Assistance in Iraq

On 7 August the US air force began undertaking airdrops of food, water, shelter and medical supplies to assist those civilians stranded on Mount Sinjar. A USAID Disaster Assistance response team had also been deployed to provide assistance. On 13 August the Department of Defense confirmed that 130 additional military advisers, primarily US Marines and Special

¹⁸ PQ 207376 [Defence equipment], 11 September 2014

¹⁹ “ISIS Force remains low-tech: DOD data”, *Breaking Defense*, 10 September 2014

²⁰ “As ISIS Routs The Iraqi Army, Here’s A Look At What The Jihadists Have In Their Arsenal”, *Business Insider*, 8 July 2014

²¹ [Statement by the US President](#), 7 August 2014

Forces personnel, had been sent to northern Iraq in order to assess the humanitarian situation and identify where further assistance could be provided.

That assessment concluded, however, that there were far fewer stranded civilians on Mount Sinjar than previously feared and those that remained were in better condition than originally believed. On that basis the Pentagon confirmed that humanitarian assistance would continue, as necessary, but that an evacuation mission was now far less likely.²² The humanitarian situation in Iraq as a whole would also continue to be monitored.²³

Indeed, the US confirmed on 30 August that it had undertaken a number of humanitarian airdrops to the town of Amirli, which had been under siege by ISIL for two months. A number of airstrikes against nearby ISIS positions were also undertaken in coordination with that humanitarian effort.²⁴

Under the UK aid package RAF C-130 aircraft also conducted a number of humanitarian airdrops on Mount Sinjar.²⁵ A small number of RAF Tornado aircraft have also been pre-positioned in Cyprus in order to provide a surveillance capability that will allow for increased situational awareness to help with the humanitarian effort.²⁶

On [12 August](#) the government also confirmed that a number of Chinook helicopters would be deployed to the region in order to provide further humanitarian relief options, should it become necessary.

In light of the US assessment of humanitarian need on Mount Sinjar, the UK Government confirmed on 14 August that it would keep the need for additional airdrops under review; while continuing to provide humanitarian support across the region. A humanitarian adviser has been embedded with the Kurdish regional Government in order to assist with their response to the crisis. Chinook and Tornado aircraft will also remain in the region to provide assistance, should it become necessary.²⁷ On [16 August](#) the Defence Secretary stated that a Rivet Joint surveillance aircraft had also been deployed to the region. A number of British Special Forces personnel are also reported on the ground in northern Iraq.²⁸

However, the deployment of the Rivet Joint led to speculation that the intelligence gathering mission had evolved beyond the humanitarian effort to assisting in monitoring the activities of ISIS fighters. BBC Defence Correspondent, Jonathan Beale, commented:

The British military role in Iraq has already morphed from providing humanitarian relief to gathering intelligence. It could easily change again to more direct intervention.

Even now one can assume that surveillance being carried out by the RAF's latest spy plane - the Rivet Joint - is being used to help the US military to identify potential IS targets.²⁹

France and Australia have also been conducting humanitarian aid drops.

²² [Statement by Pentagon Press Secretary Rear Admiral John Kirby](#), 13 August 2014

²³ Department of Defense Press Briefing, 14 August 2014

²⁴ Statement from Pentagon Press Secretary Rear Admiral John Kirby, 30 August 2014

²⁵ The Department for International Development has also chartered a number of aid flights.

²⁶ [COBR Meeting on Iraq](#), 11 August 2014

²⁷ Downing Street Press Release, [COBR Meeting on Iraq](#), 14 August 2014

²⁸ "Britain is dragged deeper into the Iraq conflict", *The Daily Mail*, 18 August 2014

²⁹ "David Cameron defends 'clear' Iraq Strategy", *BBC News Online*, 18 August 2014

Following a [meeting of COBR on 11 August](#) the UK Foreign Secretary set out three objectives for the UK's government's response to events in Iraq:

- alleviating the humanitarian suffering of those Iraqis targeted by ISIL terrorists
- promoting an inclusive, sovereign and democratic Iraq that can push back on ISIS advances and restore stability and security across the country
- working with the international community to tackle the broader threat that ISIS poses to the region and other countries around the world, including the UK.

The government's immediate priority was to address the humanitarian situation. An emergency [£8 million aid package](#) for Iraq was announced, including the provision of supplies and support for charitable organisations, and NGOs, on the ground. A further [£10 million aid package](#) was announced on 27 August 2014. Since the crisis began the UK government has provided £23 million in aid overall.³⁰ While the Department for International Development has been leading the humanitarian response, RAF assets have been utilised. Transport aircraft have been involved in the delivery of aid with further assets, including fast jet aircraft and helicopters, deployed to the region in order to assist with that humanitarian effort.

On 16 August the Defence Secretary reportedly suggested that the Government's mission had gone beyond the humanitarian effort and that the surveillance capabilities that had been deployed to the region, including a Rivet Joint surveillance aircraft, were now being used to monitor the activities of ISIS fighters.³¹ However, the UK Government's website on the crisis in Iraq stated on 18 August that the Rivet Joint aircraft had been deployed to support the humanitarian mission:

UK humanitarian aid air drops have been run out of Akrotiri, as have surveillance flights. Also supporting the humanitarian mission is the recent deployment of the Rivet Joint intelligence gathering aircraft by providing operational and tactical level intelligence.³²

The Government has consistently stated that British combat forces will not be deployed on the ground.³³

On 24 August the Government confirmed the appointment of Lieutenant General Sir Simon Mayall as the government's Security Envoy to the Kurdistan Region of Iraq, alongside his existing role as the government's senior defence adviser for the Middle East.

On 29 and 30 August, an informal meeting of EU foreign ministers agreed that member states should provide arms to the Iraqi government and to the Peshmerga, and that the humanitarian response should be stepped up. Ministers also agreed on the need to cooperate with other states in the region.³⁴

³⁰ [Iraq: UK Government Response](#), 27 August 2014

³¹ ["UK jets deployed to stop advance of Islamic State in Iraq"](#), *The Daily Telegraph*, 18 August 2014

³² [Iraq: UK Government Response](#), 18 August 2014

³³ See Downing Street Press Release, [COBR Meeting on Iraq](#), 18 August 2014

³⁴ [HC Deb 5 Sep 2014](#), c27WS

5.2 Initial US Airstrikes in Iraq

Targeted airstrikes against ISIS forces near Irbil began on 8 August 2014. US Air Force and Navy aircraft, including F-15, F/A-18 aircraft and MQ-1 Predator drones have conducted more than 190 airstrikes in Iraq in order to protect US citizens and forces in and around Irbil, to assist with the evacuation of civilians trapped on Mouth Sinjar, and in support of efforts by the Iraqi security forces and Kurdish defence force to counter ISIS forces, including in the operation to retake the Mosul Dam and protect the Haditha Dam.

Intelligence, surveillance and reconnaissance missions have also continued using a mixture of manned and unmanned systems. Director of Operations for the Joint Staff, Lt Gen William Mayville, confirmed in a Pentagon press briefing on 11 August that “about 50 to 60 ISR flights are being conducted daily by US aircraft”.

In a press briefing on 21 August US Defense Secretary, Chuck Hagel, stated that “overall, these operations have stalled ISIS's momentum and enabled Iraqi and Kurdish forces to regain their footing and take the initiative. As Iraqi and Kurdish forces continue to take the initiative, the United States will continue to support them”.³⁵

However, the Pentagon has also acknowledged that “while US airstrikes in northern Iraq have slowed ISIS's operational tempo... the strikes are unlikely to affect ISIS's overall capabilities or its operations in other areas of Iraq and Syria”.³⁶ Indeed, the Pentagon has stated that, at present, it remains unclear exactly what ISIS's full intent is.³⁷ However, should it become necessary, the US made clear that it would conduct airstrikes anywhere in Iraq, including Baghdad, in order to protect US personnel and facilities and in support of the humanitarian operation.³⁸ Responding to allegations that the recent airstrikes in support of the operation to retake the Mosul dam represented ‘mission creep’ the Pentagon stated:

Mission creep refers to the growth or expansion of the goals and objectives of a military operation ... that the goals and objectives change, morph into something bigger than they were at the outset. Nothing has changed about the missions we're conducting inside Iraq. Airstrikes are authorized under two mission areas – humanitarian assistance and the protection of US personnel and facilities. The airstrikes in and around Mosul Dam fit into both of those categories, both helping prevent what could be a huge humanitarian problem should the dam be blown... and to protect US personnel and facilities.³⁹

Going forward Secretary Chuck Hagel set out the US' position during the 21 August press briefing:

addressing the threat posed by ISIL to the future of Iraq requires political reform in Iraq. The country's peaceful transition of power last week was important, and the United States will continue urging Iraq's new prime minister to establish an inclusive government that is responsive to the needs of all Iraq's citizens. A united Iraq will be a more secure and prosperous Iraq.

Political reform will make it harder for ISIL to exploit sectarian divisions. The United States and the international community will increase support for Iraq in tandem with political progress.

³⁵ Department of Defense Press Briefing, 21 August 2014

³⁶ “Humanitarian assistance continues in Iraq”, *American Forces Press Service*, 11 August 2014

³⁷ Department of Defense Press Briefing, 14 August 2014

³⁸ *ibid*

³⁹ Pentagon statement, 19 August 2014

The president, the chairman and I are all very clear eyed about the challenges ahead. We are pursuing a long-term strategy against ISIL because ISIL clearly poses a long-term threat. We should expect ISIL to regroup and stage new offenses.

And the U.S. military's involvement is not over. President Obama has been very clear on this point. Our objectives remain clear and limited -- to protect American citizens and facilities, to provide assistance to Iraqi forces as they confront ISIL, and to join with international partners to address the humanitarian crisis.⁴⁰

Professor Gareth Stansfield at RUSI warned over the longer term consequences of such action:

Recent precedents suggest that limited air strikes could serve to further legitimise ISIL, giving rise to longer-term consequences of these short term, reactive measures designed to protect the Kurdistan Region and throw a life-line to minorities at risk.

this is a very dangerous balancing act indeed, not least because ISIS may well prove to have the strength in depth to cope with the setbacks caused by the limited US air attacks.⁴¹

Writing in *Foreign Affairs*, Robin Simcox has also argued that the US needs to reconsider its military approach in Iraq:

Obama has said that there is no specific end date for US military involvement. But a senior US official has also clarified that Washington is not undertaking a sustained campaign against ISIS. Obama's plan seems to be to use the US military to assist Iraqi and Kurdish forces in fighting ISIS to a draw, while encouraging the formation of a new Iraqi government that can take the lead militarily. But he seems unaware that this plan sends a counterproductive message to Iraqis. Not only does it promise to leave ISIS in a position of relative strength and enable it to claim victory over the might of the US military; it also signals that Washington is ultimately indifferent to helping shape Iraqi domestic politics in the future.⁴²

5.3 A new and sustained campaign of airstrikes in Iraq and Syria

On 10 September 2014 the US President set out his [broader strategy](#) for defeating ISIL/ISIS. The overall objective is to “degrade, and ultimately destroy, ISIS through a comprehensive and sustained counterterrorism strategy”. A systematic campaign of airstrikes in both Iraq and Syria is a key element of that strategy, alongside support for local ground forces, broader counterterrorism initiatives and humanitarian assistance. Once again the President reiterated that US personnel would not be committed on the ground in a combat role but that:

This counterterrorism campaign will be waged through a steady, relentless effort to take out ISIL, wherever they exist, using our airpower and our support for partner forces on the ground.⁴³

In Iraq US operations will now expand beyond the initial remit of protecting US citizens and facilities and assisting humanitarian operations, to directly targeting ISIS forces in order to allow Iraqi forces to conduct offensive operations.

⁴⁰ Department of Defense Press Briefing, 21 August 2014

⁴¹ Professor Gareth Stansfield, [RUSI Commentary](#), 11 August 2014

⁴² Robin Simcox, “[Go big or go home](#)”, *Foreign Affairs*, 12 August 2014

⁴³ A further 475 US personnel are being deployed however in order to assist with the training and equipping of Kurdish forces (See below)

The President also confirmed that the US would not “hesitate to take action against ISIS in Syria, as well as Iraq”,

The first airstrikes under this new strategy were conducted on 16 September against ISIS targets to the south west of Baghdad.

Airstrikes against ISIS targets in Syria began on 23 September. Fighter and bomber aircraft, alongside Tomahawk land-attack missiles, targeted ISIS training camps, headquarters, command and control facilities, logistics hubs, armoured vehicles and leadership figures.⁴⁴

The US also took unilateral action against an alleged network of terrorist organisations, the Khorasan group, currently based in Syria. A US Central Command press release stated:

Separately, the United States also took action to disrupt the imminent attack plotting against the United States and Western interests conducted by a network of seasoned al-Qaida veterans known as the Khorasan Group. The group has established a safe haven in Syria to develop external attacks, construct and test improvised explosive devices and recruit Westerners to conduct operations, the release said. These strikes were undertaken only by U.S. assets.

In total, U.S. Central Command forces conducted eight strikes against Khorasan Group targets located west of Aleppo, to include training camps, an explosives and munitions production facility, a communication building and command and control facilities.⁴⁵

Coalition support

At a meeting of international leaders on 15 September, 30 countries pledged to join the US-led coalition against ISIL.

In terms of offensive military operations, the US is currently being assisted by a broad coalition of partners. The first airstrikes in Syria were assisted by aircraft from Jordan, the United Arab Emirates, Bahrain and Saudi Arabia, with Qatar in a supporting role.

France has also conducted airstrikes against ISIL targets in Iraq.⁴⁶ At present the French Government does not envisage expanding those operations into Syria.⁴⁷

A number of countries have committed either offensive military support or pledged military assistance to Iraqi and/or Kurdish forces.

Australia has deployed eight F-18 Super Hornet fighter aircraft, tanker and airborne early warning aircraft to the region although is yet to undertake any offensive operations. Australia has said it will deploy 600 troops to the United Arab Emirates but it will not send combat soldiers to Iraq.⁴⁸

The Netherlands has committed six F-16s jets up to 380 military personnel, focused on Iraq, for a period of up to one year.⁴⁹

⁴⁴ US Department of Defense [Press briefing](#), 23 September 2014

⁴⁵ <http://www.defense.gov/news/newsarticle.aspx?id=123234>

⁴⁶ <http://www.defense.gouv.fr/operations/irak/actualites>

⁴⁷ <http://edition.cnn.com/2014/09/23/world/meast/syria-airstrikes-countries-involved/>

⁴⁸ “Who supports the US's airstrikes in Syria?”, *Daily Telegraph*, 25 September 2014

⁴⁹ “Factbox: Arab states line up behind U.S. in fight against Islamic State”, *Reuters*, 24 September 2014

A number of other countries have also offered other forms of military assistance, in particular military equipment and/or aid to the Iraqi army and Kurdish forces, according to the Daily Telegraph:

The Czech Republic has offered weapons to the Iraqi army and training to Kurdish forces.

Germany said it will provide military equipment and aid to Kurds, but on Sunday it ruled out participating in air strikes or any ground offensive against IS.

Albania, Italy and Poland have sent military equipment to Kurdish forces, and Warsaw also delivered tons of assistance to Christian and Yezidi refugees via its C-130 aircraft.

Estonia is donating one million artillery shells and Denmark's parliament has authorized its planes to resupply Iraqi and Kurdish forces.⁵⁰

UK military participation and the recall of Parliament

The question of the UK joining US-led campaign of airstrikes remains on the table. During questions in the House on 8 September the Prime Minister confirmed that any decision to join military action in Iraq would be put to a Parliamentary vote.⁵¹ However, he went on to say that the Government should preserve its freedom to act quickly:

I have always believed, in this role and as leader of a Government, that you should consult the House of Commons as regularly as you can and the House of Commons should have an opportunity to vote. The point I always make, though [...], is that it is important that a Prime Minister and a Government reserve the right to act swiftly without consulting the Commons in advance in some specific circumstances—for instance, if we had to prevent an immediate humanitarian catastrophe or, indeed, secure a really important, unique British interest. But other than that I believe it is right, as he said, to consult the House of Commons.⁵²

On 24 September Downing Street announced that the Speaker of the House of Commons had agreed to the Government's request for a recall of Parliament on the following Friday, 26 September. The House would discuss a substantive motion on the Government's policy of participating in air strikes against ISIS targets in Iraq but not in Syria.⁵³ The motion, which had been carefully negotiated with party representatives to describe carefully what was being approved, ran as follows:

That this House condemns the barbaric acts of ISIL against the peoples of Iraq including the Sunni, Shia, Kurds, Christians and Yazidi and the humanitarian crisis this is causing; recognises the clear threat ISIL poses to the territorial integrity of Iraq and the request from the Government of Iraq for military support from the international community and the specific request to the UK Government for such support; further recognises the threat ISIL poses to wider international security and the UK directly through its sponsorship of terrorist attacks and its murder of a British hostage; acknowledges the broad coalition contributing to military support of the Government of Iraq including countries throughout the Middle East; further acknowledges the request of the Government of Iraq for international support to defend itself against the threat ISIL poses to Iraq and its citizens and the clear legal basis that this provides for action in Iraq; notes that this motion does not endorse UK air strikes in Syria as part of this

⁵⁰ ["Who supports the US's airstrikes in Syria?"](#), *Daily Telegraph*, 25 September 2014

⁵¹ See also [Parliamentary Approval for Deploying the Armed Forces: An Update](#) - Commons Library Standard Note, 24 September 2014

⁵² [HC Deb 8 September 2014, c663](#)

⁵³ ['Downing Street statement on recall of Parliament'](#), Prime Minister's Office press release, 24 September 2014

campaign and any proposal to do so would be subject to a separate vote in Parliament; accordingly supports Her Majesty's Government, working with allies, in supporting the Government of Iraq in protecting civilians and restoring its territorial integrity, including the use of UK air strikes to support Iraqi, including Kurdish, security forces' efforts against ISIL in Iraq; notes that Her Majesty's Government will not deploy UK troops in ground combat operations; and offers its wholehearted support to the men and women of Her Majesty's armed forces.⁵⁴

The House of Lords would also meet to debate a motion to take note of the developments in Iraq.

Prime Minister David Cameron addressed the United Nations General Assembly on 25 September, making a veiled reference to the vote in the House of Commons in 2013 against punitive strikes against the Syrian government for the use of chemical weapons. He said that inaction would be the wrong lesson to learn from the past:

This is a problem that affects us all. And we must tackle it together.

Now there is not one person in this hall who will view this challenge without reference to the past. Whether in Iraq. Whether in Afghanistan.

Now of course it is absolutely right that we should learn the lessons of the past, especially of what happened in Iraq a decade ago.

But we have to learn the right lessons. Yes to careful preparation; no to rushing to join a conflict without a clear plan. But we must not be so frozen with fear that we don't do anything at all.

Isolation and withdrawing from a problem like ISIL will only make matters worse. We must not allow past mistakes to become an excuse for indifference or inaction.

Declaring that he was recalling Parliament to secure approval for British air strikes against ISIS in Iraq, he said:

We are facing an evil against which the whole of the world should unite. And, as ever in the cause of freedom, democracy and justice, Britain will play its part.⁵⁵

UK Military assets

The UK has a range of assets available to conduct bombing missions in Iraq.

Tornado GR4 aircraft have already been sent to RAF Akrotiri in Cyprus, albeit to provide surveillance support (they have been fitted with the Litening III reconnaissance pods). Tornado aircraft can carry a range of air-to-surface weapons, including:

- Brimstone (Dual Mode Brimstone and Brimstone 2): precision close air support weapons, useful against armour and battlefield vehicles
- Paveway II, Paveway III and Paveway IV: precision-guided bomb
- Storm Shadow: long-range air-to-surface cruise missile designed to strike large compounds, key command centres, airfield facilities and bridges

⁵⁴ House of Commons Order of Business, 26 September 2014

⁵⁵ ['PM speech at the UN General Assembly 2014'](#), Prime Minister's Office, 25 December 2014

In addition, it can also carry ASRAAM air-to-air missiles (advanced short-range air-to-air missile) and has a Mauser 27mm Cannon.

The RAF can draw on 3 frontline squadrons: 31 Squadron has just deployed to Afghanistan and IX(B) squadron has just returned from Afghanistan, as of [mid-September](#) 2014. In addition, there is 2 (Army Cooperation) Squadron, which specialises in low-level reconnaissance.

The RAF's other fast-jet aircraft are Typhoon aircraft, which are primarily air defence aircraft, although they were used in Operation Ellamy in Libya in 2011 in an air-to-ground role, carrying Enhanced Paveway II guided bombs. It carries the Advanced Medium Range Air-to-Air Missile (AMRAAM) and the Advanced Short Range Air-to-Air Missile (ASRAAM).

Reaper MQ9A, a remotely piloted aircraft (also known as a drone), can be armed with 500lb laser guided bombs and Hellfire missiles. They have only be used in an armed capacity in Afghanistan.

Both the Trafalgar and the new Astute-class of submarines carry the Tomahawk missile which has a range in excess of 1,000 miles. Tomahawk cruise missiles were launched from HMS Triumph, a Trafalgar class submarine, in 2011 for Operation Ellamy in Libya. The Ministry of Defence does not routinely discuss submarine operations.

Typically, the Royal Navy keep two frigates or destroyers are on patrol in the Gulf and the Indian Ocean, plus four mine-hunters that are permanently based in Bahrain, plus a Royal Fleet Auxiliary tanker. Currently HMS Defender, a Type 45 Destroyer, and HMS Northumberland, a type 23, are deployed in the Gulf region and Indian Ocean.

Other aircraft likely to be involved include, among others, the Rivet Joint surveillance aircraft and A330 Voyager tanker/transport aircraft which provide air-to-air refuelling.⁵⁶

Tornado aircraft have already been sent to RAF Akrotiri in Cyprus.⁵⁷ 906 Expeditionary Air Wing (906 EAW) operates the UK's air mobility hub in the Middle East, for air transport, air-to-air refuelling aircraft and fast jet aircraft:

906 EAW enables operations by C-17A Globemaster III strategic air transport aircraft from 99 Squadron, Hercules C-130J tactical air transport aircraft from XXIV Squadron and 30 Squadron, and Voyager passenger and air-to-air refuelling aircraft from 10 Squadron and 101 Squadron. The EAW is also able to provide base support for RAF Tornado GR4 and Typhoon FGR4 aircraft when they participate in joint exercises with the UK's partner countries in the Middle East.⁵⁸

⁵⁶ Voyager reportedly carried out its first 'combat' air-to-air refuelling mission in August 2014 as part of the humanitarian air drop mission: ""RAF RC-135 operations over Iraq revealed", *Jane's Defence Weekly*, 19 August 2014

⁵⁷ "[RAF Deploys Tornado Aircraft to Support Humanitarian Operations](#)", *RAF*, 13 August 2014

⁵⁸ [906 Expeditionary Air Wing](#), RAF website, accessed 25 September 2014

5.4 Assistance for Kurdish Forces

The US, France, Albania, Canada, Croatia, Denmark, Germany and Italy have been supplying military equipment to Kurdish forces in response to requests from the Kurdish regional authorities.⁵⁹

Further assistance to Iraqi government and Kurdish forces was also outlined as a key element of President Obama's strategy to defeat ISIL announced on 10 September. A further 475 US personnel will be deployed to Iraq in order to assist Kurdish forces with training, intelligence and equipment. Australia and Canada have also recently deployed military personnel in a training and advisory role.

At the [COBR meeting of 11 August](#) the UK Government agreed to examine how the "UK could play a role, alongside others, in getting equipment to Kurdish forces so they are better able to counter ISIS forces and critically so that they can continue to protect the large number of displaced persons who are seeking safety in Iraqi Kurdistan". On 12 August the Government announced that it had agreed to transport critical military re-supplies to Kurdish forces, from other contributing states".⁶⁰

The Government consistently stated that it would "favourably" consider any requests for the provision of military equipment made by either the Iraqi or Kurdistan Regional Government.⁶¹ That position was reiterated following a COBR meeting on 18 August after which a spokesman said "we remain open to supplying equipment directly and work is underway to identify what we could usefully provide".⁶² On 24 August the Government confirmed that work was underway "to supply non-lethal equipment to Kurdish forces in the coming days, including night vision equipment and body armour".⁶³

Following a Statement to the House on 8 September 2014 the Prime Minister suggested that the UK would move from delivering arms to Kurdish forces, to arming them directly and would offer to train a battalion of Peshmerga forces, if so requested.⁶⁴ In a [Written Statement](#) on 9 September the MOD confirmed that military equipment would be gifted to the Government of Iraq, including the Kurdish Regional Government. The initial gift will consist of heavy machine guns and ammunition, at an estimated cost of £1.6m.

The Government also announced the appointment of a Special Envoy to the Kurdistan region, in order to "support Kurdish and wider Iraqi efforts to counter ISIS and work with Iraq's leaders as they establish a unity government".⁶⁵

At its meeting on 15 August, the EU Foreign Affairs Council meeting welcomed member states' efforts to send military assistance to the Kurdish Regional Government:

The Council also welcomes the decision by individual Member States to respond positively to the call by the Kurdish regional authorities to provide urgently military material. Such responses will be done according to the capabilities and national laws of the Member States, and with the consent of the Iraqi national authorities.⁶⁶

⁵⁹ Statement by Secretary of Defense Chuck Hagel on Kurdish Resupply Effort, 26 August 2014

⁶⁰ [COBR Meeting on Iraq](#), 12 August 2014

⁶¹ Downing Street Press Release, [COBR Meeting on Iraq](#), 15 August 2014

⁶² Downing Street Press Release, [COBR Meeting on Iraq](#), 18 August 2014

⁶³ [Downing Street Press Release](#), 24 August 2014

⁶⁴ HC Deb 8 September 2014, c663

⁶⁵ *ibid*

⁶⁶ [Council conclusions on Iraq](#), Foreign Affairs Council meeting, 15 August 2014

5.5 NATO Summit September 2014

The situation in Iraq was discussed at the 2014 NATO Summit in Wales. Although NATO was not involved in Iraq during the invasion of 2003 or subsequently and there has been no suggestion so far that NATO should be involved in the response to ISIS, concern was expressed at the Summit, as set out in the communiqué:

32. We are deeply concerned by the growing instability and mounting transnational and multi-dimensional threats across the Middle East and North Africa region. These threats directly affect the security of the people living there, as well as our own security. Peace and stability in this region are essential for the Alliance. Therefore, we emphasise the need for lasting calm and an end to violence. We continue to support the legitimate aspirations of the peoples in this region for peace, security, democracy, justice, prosperity, and the preservation of their identity. We will continue to closely monitor the situation and explore options for possible NATO assistance to bilateral and international efforts to promote stability and contribute to the response to the growing crisis in, and threats from, the Middle East region.

33. The so-called Islamic State of Iraq and the Levant (ISIL) poses a grave threat to the Iraqi people, to the Syrian people, to the wider region, and to our nations. We are outraged by ISIL's recent barbaric attacks against all civilian populations, in particular the systematic and deliberate targeting of entire religious and ethnic communities. We condemn in the strongest terms ISIL's violent and cowardly acts. If the security of any Ally is threatened, we will not hesitate to take all necessary steps to ensure our collective defence. The rapid deterioration of the security situation in Iraq and ISIL's expanding threat underline the necessity for a political solution based upon an inclusive Iraqi government with cross-sectarian representation. Additionally, in light of the dramatic humanitarian consequences of this crisis and its repercussions on regional stability and security, many Allies have already provided, and are offering, security and humanitarian assistance to Iraq on a bilateral basis.

34. We re-affirm NATO's continued commitment to the NATO-Iraq partnership, through which we will revitalise our effort to help Iraq build more effective security forces. That partnership encompasses, within the existing Individual Partnership and Cooperation Programme, cooperation in the areas of: political dialogue; education and training; response to terrorism; defence institution building; border security; and communications strategy. Allies and partners should continue to help coordinate humanitarian assistance to Iraq through the appropriate channels. We welcome the role that the Euro-Atlantic Disaster Response Coordination Centre is playing. We have also agreed that NATO will help coordinate among Allies and partners security assistance support to Iraq; this could also include helping coordinate the provision of lift to deliver assistance. Should the Iraqi government request it, NATO will stand ready to consider measures in the framework of NATO's Defence and Related Security Capacity Building Initiative with an eye to launching such an effort in the near term. NATO will support ongoing bilateral efforts of Allies and partners by soliciting and coordinating, on a voluntary basis, Intelligence, Surveillance, and Reconnaissance assets. Additionally, Allies will seek to enhance their cooperation in exchanging information on returning foreign fighters.

In his end of Summit press conference, Prime Minister David Cameron welcomed the commitment to Iraq expressed by NATO Member States. He commented:

Everyone remembers the divisions around the world over the Iraq War ten years ago. There were no real divisions here.

The NATO Alliance is clear about the threat that we face. The scale of that threat and the fact that we must use all the instruments at our disposal – humanitarian, diplomatic and military. We have agreed to offer a NATO training mission for Iraq as soon as the new Iraqi government is in place.

The fight against ISIL must be led by the Iraqis themselves. But we will continue to encourage countries in the region to support this effort and we'll continue to work with our partners on the ground to take all necessary steps to squeeze this barbaric terrorist organisation out of existence. This will take time and it will take resolve.

We will proceed carefully and methodically, drawing together the partners we need, above all in the region, to implement a comprehensive plan.⁶⁷

US President, Barack Obama also stated:

I also leave here confident that NATO Allies and partners are prepared to join in a broad, international effort to combat the threat posed by ISIL. Already, Allies have joined us in Iraq, where we have stopped ISIL's advances; we've equipped our Iraqi partners, and helped them go on offense. NATO has agreed to play a role in providing security and humanitarian assistance to those who are on the front lines. Key NATO Allies stand ready to confront this terrorist threat through military, intelligence and law enforcement, as well as diplomatic efforts. And Secretary Kerry will now travel to the region to continue building the broad-based coalition that will enable us to degrade and ultimately destroy ISIL.⁶⁸

5.6 International strategy to counter the threat from ISIS

Foreign and Defence Ministers from ten countries⁶⁹ met on the fringes of the NATO Summit to discuss an international strategy to counter the threat from ISIS. Convened by the UK and US, the meeting was intended to formulate a comprehensive response to the challenges posed by ISIS, specifically:

- The provision of military support to Iraqi partners
- Stopping the flow of foreign fighters into Syria and Iraq
- Countering ISIS's financing and funding, including any trade in petroleum products
- Addressing the humanitarian crisis
- De-legitimising ISIS's ideology.

In the immediate term the ten countries agreed to engage with a new Iraqi government over the potential for additional training and equipping of the Iraqi security forces at the federal, regional and provincial level. A multinational task force will also be formed to share more information about the flow of foreign fighters into Syria and from Syria into Iraq.

The meeting recognised that “the formation of a new and inclusive government in Iraq will be a critical step in this effort” and that “the effort to degrade and destroy the threat posed by ISIS will take time and persistence” and will “require a unified approach at the international,

⁶⁷ [NATO Summit 2014: PM end of summit press conference](#), 5 September 2014

⁶⁸ [Remarks by President Obama at NATO Summit press conference](#), 5 September 2014

⁶⁹ US, UK, Canada, Australia, Turkey, France, Germany, Italy, Denmark and Poland

regional and local level – combining military, law enforcement, intelligence, economic and diplomatic tools”.⁷⁰

These counterterrorism initiatives were outlined as a key part of President Obama’s strategy to defeat ISIS announced on 10 September. This effort was also the focus of a UN General Assembly meeting held on 25 September, with a view to establishing a “truly global coalition” to counter ISIS.

Speaking after the NATO side meeting, Foreign Secretary Philip Hammond said:

The clear message coming out of here is that we have to have a comprehensive response to the ISIL challenge. It’s not just about whether or not we should get involved in air strikes. Everyone has a role to play and we should look at all elements, though it is clear we need regional support with a new and inclusive Government of Iraq leading the efforts.⁷¹

6 Position of Russia

Russia’s attitude to the international efforts to tackle ISIS will be significant. Russia has traditionally supported the West’s campaigns against Islamist extremist groups; it cooperated with the NATO campaign in Afghanistan by facilitating the Northern Supply Network.

The following comes from the *Daily Telegraph’s* Moscow correspondent and illustrates the conflicted situation that Russia finds itself in, as we discussed, resulting in a policy of neither supporting air strikes, nor doing anything actively to oppose them:

Russia’s foreign ministry criticised the air strikes saying they should not have been launched without the approval of Damascus or the UN Security Council.

But Fyodor Lukyanov, an analyst who heads an advisory panel to the Kremlin on foreign and defence policy, said Moscow would limit itself to rhetoric over the bombing campaign.

"Russia will naturally not take any kind of active measures (against the strikes) because Islamic State cannot be seen in any way as some sort of partner organisation and objectively the attempt to destroy its positions is to the advantage of Bashar Assad too because they are also his enemies," he said. Moscow has consistently supported Mr Assad throughout the conflict in Syria.

Mr Lukyanov said Moscow would likewise not actively support the strikes, even though Islamic State has promised to "liberate" the Caucasus, where Islamist militants are fighting Russian security forces.

"Illogical" US policies on sometime supporting and sometimes bombing forces opposed to Mr Assad meant it made no sense for Moscow to back Washington over the strikes, he said. For the US the government of Iraq is good, so supporting it is good, but the government of Syria is bad, even though it is fighting the same enemies," he said. "That is a problem for America, whose policy has become completely inconsistent."

Russia’s message to Washington, he said, was, "You think Islamic State is a threat? So do we, so let’s support the legal government [of Syria] and help it defeat this evil."

⁷⁰ [Joint Statement by Secretary Kerry and Secretary Hagel on the ISIL Meeting](#), 5 September 2014

⁷¹ [‘Foreign Secretary hails deeper international commitment to tackle ISIL’](#), Foreign and Commonwealth Office press notice, 5 September 2014

Mr Lukyanov said Russia's desire to cooperate with the US after the Ukraine crisis was "close to zero" but he doubted Moscow's position would have been different without the war.

The Kremlin's line was consistent with a widely held Russian belief that "everything that is happening in the Middle East is the fruit of the absolutely insane and pointless policies of the US which began with Iraq", he said.⁷²

7 Initial Criticisms of the UK's Response

The extent of the UK's response to the crisis initially prompted criticism from some quarters. General Sir Richard Shirreff, until recently the UK's most senior officer in NATO, is reported to have accused the government of "meaningless posturing" designed to "be seen to be doing something rather than having a serious effect". He reportedly suggested that the government was "terrified" of putting British troops on the ground before the 2015 election, while warning that "the longer we sit on our hands and prevaricate, the more dangerous the situation is going to become".⁷³

Several former military officers also joined calls for the UK to take greater action. Writing in *The Daily Telegraph* Colonel Tim Collins argued for the UK to take part in airstrikes and arm Kurdish fighters suggesting that otherwise "ancient civilisations will be extinguished". General Sir Mike Jackson, has also suggested that the UK has a "moral duty" to help the humanitarian response with the provision of airpower, alongside the US.⁷⁴

Former Defence Secretary, Dr Liam Fox, also called for the UK to join the US campaign of targeted airstrikes.⁷⁵

However, while several commentators have called for greater British military involvement, others have argued against any sort of 'mission creep'. Graham Allen MP is quoted in *The Daily Mail* as stating that "Many MPs who voted for the Iraq war, started this blood-letting and the creation of Isis, have learnt nothing and bay for yet more violence".⁷⁶ The decision to deploy the Rivet Joint surveillance aircraft, in particular, has been seized upon by a number of commentators as evidence of the UK's expanding military role in this crisis.

More recently, the outgoing Chief of the General staff, General Sir Peter Wall, has warned against "rushing into a war against ISIL", suggesting that the Government "must be cautious because it has little idea of the capabilities and strengths of the terrorist organisation". However, he went on to comment that Britain could not ignore the threat posed by the group.⁷⁷

8 UK military assistance to the Peshmerga

8.1 What is the Peshmerga?

The Peshmerga ("those who face death") militias are an important part of Kurdish society. In Iraq, it has in effect become the armed forces of the Kurdistan Regional Government (KRG). The main Iraqi Kurdish parties, Massoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK), have strong roots in the Peshmerga and there

⁷² 'US launches air strikes against Isis in Syria – live', *Daily Telegraph*, 24 September 2014

⁷³ "Iraq crisis: General says UK 'commitment-phobic'", *BBC News Online*, 12 August 2014

⁷⁴ "UK troops must help the Kurds", *The Daily Telegraph*, 12 August 2014

⁷⁵ "UK must bomb Iraq fanatics", *The Daily Mail*, 12 August 2014

⁷⁶ "Cameron chairs Iraq crisis meeting", *The Daily Mail*, 13 August 2014

⁷⁷ "Army chief: don't rush into war against Isis", *The Daily Telegraph*, 8 September 2014

continue to be formations within the KRG's armed forces with close links to each of these parties.⁷⁸

8.2 Strength

It is not clear exactly how strong the Peshmerga are. There are some 35,000 Peshmerga incorporated in the Iraqi armed forces (although some of these may be fighting separately since the flight of the Iraqi Army in the face of ISIS advances). Most Peshmerga were already outside the command of the Iraqi government in Baghdad – a Kurdish official estimated the total number at 190,000 in 2012 – and they are relatively well-armed and experienced. However, the ISIS strategy and tactics are widely reported to be very effective.⁷⁹

8.3 What is the legal status of the Peshmerga under Iraqi law?

It is widely accepted that the Peshmerga is a legal entity under Article 121(5) of the 2005 Iraqi Constitution, whose role is the safeguarding the internal security of Iraqi Kurdistan (although the Peshmerga is not referred to explicitly in the Article).

Article 121(5) stipulates that:

the Regional Government [of Kurdistan] shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces and guards of the region.⁸⁰

This does not mean that there is not some ambiguity and dispute about the precise status under Iraqi law of the Peshmerga. Indeed, elsewhere the Iraqi Constitution states that the central government has exclusive authority for:

Formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq.⁸¹

Article 9(B) sets out that should be no armed militias in Iraq: “The formation of military militias outside the framework of the armed forces is prohibited.”⁸²

According to some sources, only the Iraqi federal ministries of defence and interior have authority to import arms from abroad, under Iraqi law.⁸³ However, the definition of ‘arms’ remains unclear.

The status of the Peshmerga is one aspect of wider unresolved (and long-entrenched) problems in relations between the Iraqi federal government and the KRG. However, it seems clear that the force is constitutional under Iraqi law.⁸⁴

⁷⁸ Massoud Barzani is the president of the Kurdish Regional Government and Jalal Talabani was the President of Iraq until 24 July 2014, when he was succeeded by another Iraqi Kurd, the PUK's Fuad Masum (real power in Baghdad belongs with the Prime Minister).

⁷⁹ ‘How effective is Isis compared with the Iraqi army and Kurdish peshmerga?’ *Guardian*, 12 June 2014

⁸⁰ Article 121(5), [Iraqi Constitution](#)

⁸¹ Article 110(2), [Iraqi Constitution](#)

⁸² Article 9(B), [Iraqi Constitution](#)

⁸³ J. Devigne, “[Iraqoncilable differences: The political nature of the Peshmerga](#)”, NIMEP Insights, 2011. See also, ‘[Kurds in N. Iraq Receive Arms From Bulgaria](#)’, *Washington Post*, 23 November 2008

⁸⁴ See Brendan O’Leary, ‘[It is politically and morally right for European states to support Kurdish forces in Iraq](#)’, London School of Economics European Politics and Policy blog

8.4 Would it be legal for the UK to supply arms directly to the Peshmerga?

The UK Government can probably argue with confidence that it would be legal to supply arms direct to the Kurdish Regional Government – provided that doing so is consistent with the UK/EU *Consolidated Criteria*.

There are still UN and EU *arms embargoes* in place with regard to Iraq. However, since 2004, the Iraqi Government has been exempted from these embargoes (so have multinational forces).

Because it is not clear that the Peshmerga is a federal security institution in Iraqi law, and given the international arms embargoes on Iraq, any UK arms supplied to it in the current situation are likely to be supplied at the request of or with the consent of the Iraqi federal government. The Iraqi central government gave its consent in the case of *France* on 13 August and the EU Foreign Affairs Council mentioned the consent of the Iraqi national authorities in its conclusions of 15 August (see below).

Since it can be considered a legal entity under the Iraqi Constitution (see earlier), the Peshmerga cannot be viewed as a ‘non-state actor’ under international law. In any case, the UK does not consider – as some states argued during negotiations on the Arms Trade Treaty – that there is a general prohibition under international law against supplying arms to non-state actors.⁸⁵

It should also be noted that, if UK arms supplied to the Peshmerga was in the form of ‘gifts’ of government-owned equipment, the UK Government has *Crown Immunity* from the 2002 *Export Control Act* and is not required to obtain a licence (in effect, from itself). But past and present governments have said that they do in practice ensure that gifts are consistent with the *Consolidated Criteria* and provide publicly-available information about them, from the issuing of departmental minutes to parliament (for gifts of over £100,000, or which are of an unusual nature), that must lie for 14 sitting days to allow Parliament the opportunity to object and have any objections addressed, to their inclusion in its quarterly and annual reports and strategic export controls.

Campaigners and parliamentarians have *argued* that the UK’s institutional and legal framework for providing such gifts is not as strong as it could be. But it can be viewed as stronger than the provisions of the Arms Trade Treaty, which *does not specify gifts, loans or leases* as being within its scope – to the disappointment of many campaigners, who worried that some states might seek to circumvent their treaty commitments by designating a larger proportion of arms exports as such.

⁸⁵ The UN Arms Trade Treaty, adopted by the General Assembly in April 2013 and ratified by the UK in June 2014, is not yet in force. It does not explicitly prohibit the transfer of arms to non-state actors. However, States parties agree not to authorize any transfer of conventional weapons — or their ammunition/munitions, parts or components — if the transfer will violate their chapter VII obligations of the UN Charter or those under international agreements, or if they have knowledge that arms will be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks against civilians or other war crimes. If the export is not prohibited under article 6, each exporting State party, under article 7, agrees that, prior to authorization of exports, they will assess the potential that conventional arms or related items will undermine peace and security or be used to commit or facilitate a serious violation of international humanitarian or human rights law, or acts constituting terrorism or transnational organized crimes.

8.5 Present situation

As outlined above, on 14 August, Downing Street sources were quoted in the press as saying that the UK would “favourably consider” any request for arms from the Kurdish Regional Government for arms.

On 24 August the Government confirmed that work was underway “to supply non-lethal equipment to Kurdish forces in the coming days, including night vision equipment and body armour”.⁸⁶

Following a Statement to the House on 8 September 2014 the Prime Minister suggested that the UK would move from delivering arms to Kurdish forces, to arming them directly and would offer to train a battalion of Peshmerga forces, if so requested.⁸⁷ In a [Written Statement](#) on 9 September the MOD confirmed that military equipment would be gifted to the Government of Iraq, including the Kurdish Regional Government. The initial gift will consist of heavy machine guns and ammunition, at an estimated cost of £1.6m.

9 Situation on the ground in Syria

ISIS has established firm control over large areas of Syria, establishing a comprehensive system of government, particularly in Raqqa, which is the centre of ISIS administration. ISIS has established justice and education systems and has humanitarian programmes and infrastructure projects.⁸⁸

Nevertheless, the conflict seems to be getting increasingly confused and ISIS faces attacks from various quarters. The Syrian government has frequently been accused of turning a blind eye to ISIS, while attacking more moderate rebel groups. Recently, however, the government has been carrying out air strikes against ISIS in the Raqqa province.⁸⁹ Islamist groups including Jabhat al-Nusra and the Islamic Front, have clashed with ISIS in Aleppo province. At the same time, Islamic Front and other rebel groups are attempting to capture Hama military airport from the government. Elsewhere, Jabhat al-Nusra teamed up with the secularist Free Syria Army to attack government positions around Quneitra in the south west.

There has been growing concern about the situation on Syria’s border with Israel. At the end of August, Israel shot down an Iranian drone near the border at the Golan Heights and declared the border by the town of Quneitra, Syria, a ‘closed military zone’. Mortar fire has also crossed the border into Israel from Syria, drawing a military response from Israel against Syrian government armed forces base in Quneitra. Fijian soldiers working for the United Nations peacekeeping force on the Golan Heights were taken hostage at the end of August. Jabhat al-Nusra set out three conditions for their release: that Jabhat al-Nusra should be de-listed as a terrorist group, that compensation should be paid to those killed in a shoot-out with UN forces, and that humanitarian aid should reach the Syrian capital, Damascus.⁹⁰

10 US decision to arm Syrian rebels

In June 2014 the US Administration requested \$500 million from Congress for an overt training and equipment programme for selected Syrian opposition groups. According to the President’s request, the proposed assistance had the following aims:

⁸⁶ [Downing Street Press Release](#), 24 August 2014

⁸⁷ HC Deb 8 September 2014, c663

⁸⁸ Charles C. Caris & Samuel Reynolds, *ISIS governance in Syria*, Institute for the Study of War, July 2014

⁸⁹ Institute for the Study of War, [Syria Update: August 30-September 4, 2014](#)

⁹⁰ ‘[Syrian rebels issue demands for hostages’ release](#)’, *Guardian*, 2 September 2014

- Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant and the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;
- Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria;
- Promoting the conditions for a negotiated settlement to end the conflict in Syria.⁹¹

The proposal was approved on 17 September by the House of Representatives by 273 to 156 votes and by the Senate and on 18 September by the Senate by 78 to 22. While it was controversial, it was supported by senior members from both parties. Rand Paul, Kentucky Senator, was one of the prominent opponents.⁹²

11 International legal implications of military action

Whilst the Government has made it clear that it is only considering air strikes in Iraq at present, it has been argued in some quarters that it would be impossible to defeat ISIS in Iraq without also taking action against them in Syria. There is currently much discussion about the international legal implications of the UK conducting air strikes against ISIS in either country without a UN Security Council resolution.

Article 51 of the [United Nations Charter](#) states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

This implies that action against ISIS, either in Iraq or in Syria, could be legal in the following circumstances:

- Individual self-defence – i.e. if there were deemed to be a genuine threat to the UK from IS.
- Collective self-defence – i.e. if action (whether in Iraq or in Syria) were deemed to be an attempt to defend the UK's ally, namely the Government of Iraq. The US Ambassador to the United Nations has justified the ongoing US air strikes in Syria on precisely this basis. As reported by Reuters:

"States must be able to defend themselves ... when, as is the case here, the government of the state where the threat is located is unwilling or unable to prevent the use of its territory for such attacks," Power [the US Ambassador to the UN] wrote in the letter obtained by Reuters.

"Accordingly, the United States has initiated necessary and proportionate military actions in Syria in order to eliminate the ongoing (Islamic State) threat to Iraq," she

⁹¹ [Armed Conflict in Syria: Overview and U.S. Response](#), US Congressional Research Service, 17 September 2014

⁹² [Senate approves Obama's plan to arm and train Syrian rebels](#), *Guardian*, 19 September 2014

wrote, adding that action was taken also against al Qaeda elements in Syria known as Khorasan "to address terrorist threats that they pose to the United States and our partners and allies."⁹³

It is important to note that the Government of Iraq has specifically requested UK air strikes, whilst the Government of Syria – unsurprisingly given its adversarial relationship with the West – has not. Speaking on 4 September, the Prime Minister was asked he would consider it legal for the UK to take action in Syria without the permission of the Syrian president, Bashar al-Assad. In his response the Prime Minister drew a contrast between the “legitimate” Iraqi government on the one hand, and President Assad on the other hand, who has “committed war crimes on his own people and is therefore illegitimate.”⁹⁴

It is also important to note that any intervention would have to be conducted in accordance with the [Geneva Conventions](#). Article 51 of [Protocol 1 of the Geneva Conventions](#) includes the following:

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

(a) those which are not directed at a specific military objective;

(b) those which employ a method or means of combat which cannot be directed at a specific military objective; or

(c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

(a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

The following is an extract from a [blog](#) by Ryan Goodman, Professor of Law at New York University School of Law, written before the recent launch of US airstrikes in Syria (but after the launch of US airstrikes in Iraq). Goodman discusses the potential legal implications of US airstrikes in Syria:

There are potentially two additional complications for airstrikes in Syria.

First, a strong case could be made that the US prerogative to strike in Syria would be conditioned on Iraq’s request for assistance including Iraq’s determination with respect to Syria. That is, if the United States were to conduct operations against ISIS in Syria on the basis of collective self-defense of Iraq, the government of Iraq would presumably [need to request the US take the fight to Syria](#). Iraq may thus also need to accept the doctrine of unwilling or unable and determine that Syria fails the test.

⁹³ ["Exclusive: United States defends Syria airstrikes in letter to U.N. chief"](#), *Reuters*, 23 September 2014

⁹⁴ ["UK could launch strikes against Isis in Syria without Assad's support, says PM"](#), *Guardian*, 4 September 2014

Second, does Syria present a case of a state that is “willing and able”? Assad has demonstrated that he is utterly unwilling or unable to deal with the ISIS threat effectively. But, the Syria government has now essentially stated that it is willing and able to cooperate with the United States in carrying out strikes against ISIS. And the Syrian government has [said](#), “Any strike which is not coordinated with the government will be considered as aggression.”

In a statement that is a bit stunning when viewed in light of international law, the State Department spokesperson [said](#) earlier this week, “We’re not looking for the approval of the Syrian regime.”

Therein lies the complication: What is the international law when a host state (Syria) is willing and able to deal with a nonstate group (ISIS) through military cooperation with the threatened state (the United States) but the latter (the United States) doesn’t want to associate itself with the host state for other potentially unrelated reasons?

The “unwilling or unable” test is already a (controversial) exception to international law’s cardinal prohibition on the use of force in another state’s territory. It would be hard, to say the least, to suggest there is an additional “exception to the exception.” Given the importance of the use of force prohibition in international law and politics, it is also difficult to read the exception broadly.

I suppose the US government will have to argue that Assad is not truly willing or able even in these circumstances. First, the United States could argue that Assad is not acting in good faith. Indeed, many close observers believe Assad is playing a double game in which he has deliberately failed to quell ISIS in order to try rally parts of the international community to his side. Second, the United States might argue (like [here](#)) that the involvement of Syrian military and intelligence would compromise the effectiveness of the operations to the point that the operations would not be able to deal effectively with the ISIS threat. On that front, some close observers [think the opposite is true](#) (that the US needs Syrian support for more effective operations).

12 Foreign fighters in Iraq and Syria

Estimates for the total number of foreign fighters with Sunni extremist groups are around 11,000, with 3,000 to 5,000 with Jabhat al-Nusra and 7,000 to 10,000 with the ISIS. About 8,000 of the foreign fighters in the two insurgent organizations originated in neighbouring Arab countries like Jordan, Saudi Arabia, Egypt, Libya, Morocco and Tunisia, while perhaps 3,000 come from Western countries, including France, the UK, the US, Canada and Australia.⁹⁵

The EU has estimated that the number could ‘up to’ 2,000 for EU citizens.⁹⁶ It is widely estimated that there are about 500 UK nationals fighting with extremist groups in Iraq and Syria, while the French Interior ministry says that around 900 French nationals are fighting in the region.⁹⁷

Controversy continues in the UK over how to handle British fighters. On 1 September, the Prime Minister said that the normal criminal law should be used where possible, but mentioned plans to allow the seizure of passports of British nationals who had been fighting in Syria or Iraq, or to prevent their return to the UK:

⁹⁵ ‘Assessing The Threat Of Westerners Who Become Fighters On Behalf Of Al Qaeda Insurgents In Syria’, *Journal of Counterterrorism and Homeland Security International*, Fall 2014

⁹⁶ ‘European Ministers Adopt a New Action Plan to Conquer Syria-bound EU National Fighters’, *International Enforcement Law Reporter*, October 2014

⁹⁷ ‘[Europe Struggles to Control a Rising Tide of Homegrown Jihadists](#)’, *Bloomberg*, 2 September 2014

We already have important powers to block return: we can deprive dual nationals of their citizenship to stop them returning; we can bar foreign nationals on the basis of the threat they pose; and we legislated, in the Immigration Act 2014, to allow stronger powers to strip citizenship from naturalised Britons. But, of course, these powers do not apply to those who are solely British nationals, who could be rendered stateless if deprived of citizenship.

Some have said that we should deal with this gap by criminalising travel to certain individual countries or fundamentally changing our criminal burden of proof. The Government are clear that it would be wrong to deal with the gap by fundamentally changing core principles of our criminal justice system. But it is abhorrent that people who declare their allegiance elsewhere can return to the United Kingdom and pose a threat to our national security. We are clear in principle that what we need is a targeted, discretionary power to allow us to exclude British nationals from the UK. We will work up proposals on this basis with our agencies, in line with our international obligations, and discuss the details on a cross-party basis.⁹⁸

Mayor of London Boris Johnson has supported the calls of those who have called for *jihadis* to be stripped of their citizenship and has also suggested that legislation should be introduced to overturn the presumption of innocence without proof of guilt.⁹⁹

On Richard Barrett, former head of the external intelligence service MI6, said on 6 September that British *jihadis* disillusioned with the fighting should be allowed to return to the UK. He argued that disillusioned radicals, many of whom have found that they are engaged with fighting rival radical Islamic groups rather than the Assad government, could make themselves useful to the fight against radicalisation at home:

These are the people who can expose the true nature of the Islamic State and its leadership. Their stories of brutality and the motives behind it will be far more credible and persuasive than the rhetoric of men in suits.

These repentant fighters need a way out, and although the law must take its course, they need to know there is a place for them back at home if they are committed to a non-violent future.¹⁰⁰

Sir Menzies Campbell, former leader of the Liberal Democrats, offered some support for this view: "I don't think we could give them a total amnesty, but we could treat them leniently in return for completing a de-radicalisation programme."¹⁰¹

13 ISIS funding

13.1 Funding

According to Jane's, a security consultancy, the main source of funding for ISIS predecessor organisation al-Qaeda in Iraq at the beginning of its existence was likely to have been wealthy Gulf individuals.¹⁰² Nouri al-Maliki, Iraqi Prime Minister, has said that Saudi Arabia and Qatar 'announced war on Iraq',¹⁰³ although most sources suggest that the Gulf governments have been assisting groups they perceive as more moderate than ISIS. Many

⁹⁸ [HC Deb 1 September 2014, c26](#)

⁹⁹ 'Boris Johnson calls for 'guilty until proven innocent' for suspected terrorists', *Guardian*, 25 August 2015

¹⁰⁰ 'Isis fighters must be allowed back into UK, says ex-MI6 chief', *Observer*, 7 September 2014

¹⁰¹ *Ibid.*

¹⁰² Jane's World Insurgency and Terrorism, Al-Qaeda in Iraq (AQI)

¹⁰³ 'Maliki: Saudi and Qatar at war against Iraq', *al-Jazeera*, 9 March 2014

have argued that, at least, Gulf governments, including particularly Kuwait,¹⁰⁴ have not done enough to prevent funds reaching groups such as ISIS. Kuwait is singled out as a staging post for the funds, a situation that has arisen not only because of its location but also because of a relatively permissive political and financial environment. The amount of money reaching militants in Syria and Iraq from Gulf individuals has been estimated to be in the hundreds of millions of dollars.¹⁰⁵

Iranian officials have criticised the West for allowing funds to flow from its allies in the Gulf to extremists.

However, since ISIS has controlled more territory both in Syria and Iraq it has increasingly been able to fund itself from the proceeds of organised crime, including protection rackets and bank robberies, and by selling natural resources. The looting of millions of dollars from Mosul banks was a recent example of this, but it had already been going on with the Syrian territory held by the group: a cache of intelligence captured by the Iraqi authorities showed that in late 2012 ISIS/AQI had taken control of oilfields in eastern Syria which had given it a healthy cash flow. The Assad government in Syria has been accused by Western intelligence of buying oil from ISIS.¹⁰⁶ While the oil fields controlled by ISIS in Iraq and Syria are not large by the standards of the region, together with the control of smuggling routes, they are providing the group with revenues of about \$2 million per day, according to the estimate of one expert.¹⁰⁷

The territory controlled in Syria had already given ISIS cash and assets of £515 million, before the takeover of Mosul. After Mosul, an Iraqi intelligence official estimated that 'they could add another \$1.5 billion to that'.¹⁰⁸

13.2 Sanctions

On 14 August 2014, the UN passed [Security Council resolution 2170](#) on ISIS and Iraq. It warned that countries had a duty to prevent funds being sent by their nationals to the group and that individuals or entities that did that risked being put on the UN [al-Qaeda sanctions list](#). At the same time, it added six individuals to that list and underlined that member states should impose asset freezes and the other sanctions set out in [Security Council Resolution 2161 2161 \(2014\)](#). The relevant parts of resolution 2170 are as follows:

Terrorist Financing

11. *Reaffirms* its resolution [1373 \(2001\)](#) and in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

12. *Recalls* its decision in resolution [2161 \(2014\)](#) that all States shall ensure that no funds, financial assets or economic resources are made available, directly or indirectly for the benefit of ISIL [an alternative name for ISIS], ANF, or any other individuals, groups, undertakings and entities associated with Al-Qaida, by their nationals or by persons within their territory, and *reaffirms* its decision in resolution

¹⁰⁴ 'Kuwaiti minister accused by U.S. over terrorism funding quits', *Reuters*, 12 May 2014

¹⁰⁵ Elizabeth Dickinson, *Playing with Fire: Why Private Gulf Financing for Syria's Extremist Rebels Risks Igniting Sectarian Conflict at Home*, Brookings Institution, 6 December 2013

¹⁰⁶ 'Syria's Assad accused of boosting al-Qaeda with secret oil deals', *Daily Telegraph*, 20 January 2014

¹⁰⁷ Luay al-Khatteeb, 'How Iraq's black market in oil funds ISIS', *CNN*, 22 August 2014

¹⁰⁸ 'Iraq arrest that exposed wealth and power of Isis jihadists', *Guardian*, 15 June 2014

1373 (2001) that all States shall prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, or for the benefit of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

13. *Notes with concern* that oilfields and related infrastructure controlled by ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, are generating income which support their recruitment efforts and strengthen their operational capability to organise and carry out terrorist attacks;

14. *Condemns* any engagement in direct or indirect trade involving ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, and *reiterates* that such engagement could constitute financial support for entities designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”) and may lead to further listings by the Committee;

15. *Emphasises the importance* of all Member States complying with their obligation to ensure that their nationals and persons within their territory do not make donations to individuals and entities designated by the Committee or those acting on behalf of or at the direction of designated entities;

16. *Expresses its concern* that aircraft or other transport departing from territory controlled by ISIL could be used to transfer gold or other valuable items and economic resources for sale on international markets, or to make other arrangements that could result in violations of the asset freeze;

17. *Confirms* that the requirements in paragraph 1 (a) of resolution 2161 (2014) shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List, regardless of how or by whom the ransom is paid;

Sanctions

18. *Observes* that ISIL is a splinter group of Al-Qaida, *recalls* that ISIL and ANF are included on the Al-Qaida sanctions list and in this regard, *expresses its readiness* to consider listing individuals, groups, undertakings and entities providing support to ISIL or to ANF, including those who are financing, arming, planning or recruiting for ISIL or ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida through information and communications technologies including the internet and social media or through any other means;

19. *Decides* that the individuals specified in Annex I of this resolution shall be subject to the measures imposed in paragraph 1 of resolution 2161 (2014) and added to the Al-Qaida Sanctions List;

20. *Directs* the Committee to make accessible on the Committee’s website the narrative summaries of reasons for listing the individuals specified in Annex I of this resolution as agreed by the Council and *confirms* that the provisions of resolution 2161 (2014) and subsequent relevant resolutions shall apply to the names specified in Annex I for so long as they remain on the Al Qaida Sanctions List;

21. *Encourages* the submission of listing requests to the Committee by Member States of individuals and entities supporting ISIL, ANF, and all other individuals, groups, undertakings and entities associated with Al-Qaida and *further encourages* the

Committee to urgently consider additional designations of individuals and entities supporting ISIL and ANF;

Two Saudis, two Kuwaitis, one Iraqi, and one Algerian were added to the al-Qaeda sanctions list by the UN resolution.

14 ISIS spreading?

There have been reports recently that ISIS is spreading further afield from its base in Syria and Iraq. On 24 September, it was confirmed by the French government that a tourist abducted in Algeria had been murdered by a group claiming allegiance to ISIS.¹⁰⁹ Also in September, it was reported that militants had crossed the border from Afghanistan into Pakistan carrying leaflets and flags, urging locals to join ISIS. Militants from Afghanistan and Pakistan who went to fight in Syria have returned to their home countries to recruit for ISIS.¹¹⁰

There are also reports that ISIS cells are operating in Gulf countries, including Saudi Arabia. Official Saudi news media are supporting the Kingdom's decision to participate in military action against ISIS, but there is a strong undercurrent of support there for the Sunni extremists. One person tweeted anonymously: Why aren't you attacking the Shia – you are enemies of Islam and friends of cursaders'. Another showed a map indicating Tel Aviv and suggested that the Saudi pilots should bomb there.

This sort of development is worrying for Western countries but it presents perhaps a bigger challenge for other Muslim countries; as mentioned above, the majority of foreigners who have joined ISIS to fight in Syria or Iraq come from neighbouring Arab countries rather than the West. Many countries such as Turkey and Saudi Arabia, while they might contribute a lot to efforts to push ISIS out of Syria and Iraq, are also worried about the blowback that might ensue and the threat that that might pose to their own stability.

15 Conclusion

It can be argued that the West should in no way be complacent about developments in Iraq. As Jane Kinninmont of Chatham House pointed out, its history of involvement in that country is not a happy one:

...pinning all the blame on Maliki conveniently absolves the US and UK of responsibility for helping to create a political system where violence and sectarianism are the usual mechanisms for staying in power. Over the past 30 years, the west first supported and armed a genocidal dictator, then crippled the country with sanctions that failed to remove him, then invaded the country and dismantled the state and army. After 2003, the US and UK helped design a system of sectarian "power-sharing" where "power-sharing" means carving up government ministries – made extremely lucrative by raging corruption – between a tiny elite drawn from each ethnicity and sect.¹¹¹

Given that the full-scale invasion and occupation for several years from 2003 onwards struggled to pacify Iraq, air strikes alone are not likely to succeed. ISIS controls large amounts of territory, population and natural resources and is consequently far better funded than the Sunni resistance which so troubled US forces after the 2003 invasion.

¹⁰⁹ 'French hostage Herve Gourdel beheaded in Algeria', *BBC News Online*, 24 September 2014

¹¹⁰ 'Islamic State is spreading into Pakistan', *New Republic*, 23 September 2014

¹¹¹ Jane Kinninmont, 'Isis will not be beaten by a kneejerk reaction from the west', *Observer*, 7 September 2014

What is more, air strikes are likely to result in civilian casualties as ISIS forces hide among the civilian population. This is conceivably their aim – to provoke the West into military action which hurts Muslim civilians, thus supporting their narrative of the West’s ‘war on Islam’.

Supporting the Kurdish Peshmerga seems like a good start to resolving this problem. Peshmerga forces cooperating with official Iraqi armed forces and Shiite militia, supported by US air strikes, have had some notable successes. But the Peshmerga alone would not be strong enough to defeat the ISIS, even with outside help. If Kurdish forces can hold on to Kurdish territory they will be doing well.

Many commentators argue convincingly that the effort to dislodge the ISIS must be based on a political solution in Iraq, undercutting the widespread loathing of anti-Sunni policies pursued by the Baghdad government of Nouri al-Maliki. Changing opinions in Sunni areas of Iraq would, however, take time. The replacement of al Maliki by Iraqi Prime Minister Haider al-Abadi suggests some progress in this direction, but the process of installing a new government, let alone pursuing new and inclusive policies that heal the deep divisions in Iraqi society, is fraught with difficulty. The fact that Sunni politicians boycotted the formation of the new government at the end of August in protest at the killings of Sunnis by Shiites militias illustrates the difficulties.

The violence in Iraq tends to deepen the rift between Sunnis and Shias. And that brings up another problem: if the roots of the ISIS insurgency are fed by the Sunni/Shia split, a realignment bringing Shia Iran, the US and the majority Shia government with its supporting Shia militias together against ISIS could tend to boost ISIS even further, especially given some of the reported atrocities that have taken place at the hands of the militias. Add to that the possibility that the West could soon be perceived by Sunni *jihadis* to be on the same side as the Alawite-dominated government in Syria, and the narrative of a Sunni war against the West and heretics would be complete. Peter Harling of the International Crisis Group described Sunni rage at recent setbacks in relation to the Shia:

Simply put, the Sunni world has trouble coming to terms with its past and imagining its future. A fragmented 20th-century history, following a long period of Ottoman occupation which was seen as a period of decline, ended with a succession of failures: anti-imperialism, pan-Arabism, nationalist movements, socialism, various forms of Islamism, capitalism — all led only to bitter or ambiguous experiences. Thus far, with the exception of Tunisia, the hopes born of the 2011 uprisings have turned to ashes. So where can Sunnis turn to find inspiration, self-confidence and pride? The reactionaries in the Gulf and Egypt? The Muslim Brothers, who are on the ropes? Palestinian Hamas, locked in a perpetual impasse in its resistance to Israel?

During the same period, the Shia world has scored notable, if qualified, successes: Iran has established itself as a country the West cannot avoid dealing with and has ambitions to play an ever greater role in the Arab world; Hizbullah is calling the shots in Lebanon and there is an ever-stronger Shia axis linking Beirut, Damascus, Baghdad and Tehran. This has created a new and troubling phenomenon: a Sunni majority with a minority complex — a powerful though confused feeling of marginalisation, dispossession and humiliation. More and more Sunnis throughout the region experience and express the feeling that they have been deprived of their fundamental rights and are suffering persecution.¹¹²

For these reasons, it is not only the fight against the advocates of violence against the West but also efforts to ease Sunni/Shia hostilities which are crucial. The West may not be in a good

¹¹² Peter Harling, ‘[IS Back in Business](#)’, *Le Monde Diplomatique*, 1 September 2014

position to help with this. A stronger commitment to the fight against ISIS from regional Sunni powers such as Saudi Arabia and Turkey, as well as Shiite Iran, would perhaps be more helpful in this regard. They also have far more to lose from the spread of ISIS than Western states do. Some argue that it is indeed better for the US and NATO to stand back, forcing regional powers to assume more responsibility for maintaining order in the region.¹¹³

That might show that holding territory is a liability as well as an asset; ISIS is surrounded by enemies who have an interest in defeating it. It could be argued that ISIS is less of a threat than al-Qaeda precisely because it has defined territory which it must concentrate on defending.

As for Syria, it remains to be seen how much the Assad's strategy of turning the rebellion into an extremist *jihadi* movement pays off. It will be difficult for the West to back down from their previous demands for Bashar al-Assad to relinquish power. But any action against ISIS in Iraq will be inadequate without action against them in Syria and the rhetoric against the Assads may be toned down. Action against ISIS and other Islamist militant groups in Syria might help the Assad government to survive.

Action in Syria will in any case be difficult to justify legally without a request for assistance from the Assad government, and it is unlikely that the West could be seen to be responding to such a request. An alternative legal justification might be that the collective self-defence of Iraq requires military action in Syria, but this argument has not been universally accepted. The British government has said that any action in Syria will comply with international law, and the most likely way to achieve this might be to claim that military action is for humanitarian purposes, using the Responsibility to Protect doctrine. This remains controversial, however, without a United Nations Security Council resolution to authorise it.

¹¹³ See for example, George Friedman, 'The Virtue of Subtlety: A US Strategy Against the Islamic State', Stratfor, 9 September 2014