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مجلة فصلية محكمة تعنى بنشر الأبحاث والدراسات السياسية العراقية والعربية والدولية
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قواعد النشر

- لغة المجلة هي اللغة العربية والانكليزية على أن يراعى الوضوح وسلامة النص.
- ترحب المجلة بنشر البحوث والدراسات السياسية النظرية والتطبيقية ولا سيما التي تجعل من قضايا المنطقة والعالم محط اهتمامها، ماضياً وحاضراً ومستقبلاً، وعلى وفق الآتي:
 1. أن لا يزيد عدد صفحات البحث أو الدراسة عن (15) صفحة مطبوعة بحجم خط (14) والتباعد (1,15) ونوع الخط Simplified Arabic
تقدم عبر المنصة الالكترونية للمجلة على الرابط :
<https://pissue.iq/index.php/pissue/about/submissions>
 2. أن تتصف البحوث والدراسات بالموضوعية والدقة العلمية.
 3. أن تعتمد الترتيب العشري للعناوين الأساسية والفرعية أو التصنيف المعياري العام.
 4. يرفق مع كل بحث أو دراسة ملخصين (احدهما باللغة العربية والآخر باللغة الانكليزية/ يتضمن اهداف البحث ، المنهج والمعالجة ، ابرز النتائج واهم الاستنتاجات والمقترحات) مع ضرورة مراعاة ان الملخص مختلف اختلافا جذريا عن المقدمة وليس تكرارا لها .
 5. تخضع جميع البحوث المقبولة للنشر الى نظام الاستلال الالكتروني في كلية العلوم السياسية -جامعة النهرين.
 6. يرفق مع كل بحث ودراسة سيرة ذاتية مختصرة للباحث وتعهد .
- تقوم المجلة بإخطار الباحثين بإجازة بحوثهم أو دراساتهم من عدمها بعد عرضها على محكمين تختارهم على نحو سري من بين أصحاب الاختصاص.

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- يجوز للمجلة أن تطلب إجراء تعديلات شكلية أو شاملة على البحث أو الدراسة قبل إجازتها للنشر بما يتماشى مع أهدافها.
- البحوث المنشورة تعبر عن آراء أصحابها ، ولا تعبر عن رأي المجلة .
- ترحب المجلة بالمناقشات الموضوعية لما ينشر فيها أو في غيرها من الدوريات وبأية ردود فكرية أو تصويب، وكذلك ترحب بنشر التقارير عن المؤتمرات والندوات ذات العلاقة ومراجعات الكتب وملخصات الرسائل الجامعية التي تتم إجازتها على أن تكون من إعداد أصحابها.

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The political role of American ambassadors in Iraq post 2003

Phd.professor. Dina Hatif Maki *

Abstract

Ambassadors usually are expected to represent their states in other countries and defend their interests, the representation of the American ambassadors in Iraq shouldn't be different ,but most of the ambassadors who were in charge post 2003 raised controversy in the policies followed by them ,and considered as intervention in the internal affairs of the country, surpassing the usual tasks of the ambassadors .They have immunities and privileges that help them in their mission but at the same time there are cautions and restrictions that they should not override. So the research is trying to discover whether the American ambassadors in Iraq have worked according to the same pattern or differed in their behavior according to the persons themselves, the time of their tenure and their relationships all of this in historic and comparative approach.

Keywords: cautions and restrictions; Immunities and privileges; roles of ambassadors

Introduction

Countries are concerned with preserving their interests in other countries, and this task is carried out by diplomatic missions, headed by the ambassadors, who are responsible for representing their countries and safeguarding their interests. For this reason ,the ambassador is granted immunities and privileges to facilitate his work, but this freedom is not absolute; there are limits to it that cannot be exceeded, otherwise the person and his country would be put in a difficult position. Diplomatic relations between Iraq and the United States were not good. Over time, they were severed more than once, the last of which was in 1991, and were not restored until a long time later. John Negroponte was the first American ambassador after the regime change, followed by others, who differed in their personalities and work methods. Some aroused more controversy than others, while others were professional diplomats, still others served during a critical phase of Iraq's political life and pursued policies that their country aimed to achieve in Iraq, which aroused the resentment of some Iraqis who saw such behavior as an encroachment on the ambassador's usual duties.

The importance of the research: The importance of the research stems from the fact that the American ambassadors after 2003 worked in Iraq at a time when the country was going through a phase of rebuilding its political system and faced many obstacles, the most important of which was terrorism. It is therefore important to know the roles of the American ambassadors at this stage in the history of the country.

Research objective: The research aims to find out whether American ambassadors in Iraq, at the various stages in which they worked after 2003, have exceeded the roles they were supposed to perform.

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Research Problem: Did American ambassadors in Iraq play roles that went beyond what they were supposed to? And did the ambassador's personality, his closeness to officials in his country, and the fact that he represents the most powerful country in the world, the breadth of his relationships have an impact on increasing his role? And did the nature of the Iraqi political situation have an effect in increasing the role of American ambassadors in the country?

Research hypothesis: The research assumes that there are immunities and privileges enjoyed by the ambassador and limits that he is not supposed to exceed in general, and that American ambassadors in Iraq have exceeded the limits and tasks assumed for them.

The research methodological framework: The research uses the historical approach in tracing the roles of ambassadors over time, and then the comparative approach by presenting the duties of the ambassador, his immunities and privileges, as well as the limits that must not be exceeded, then comparing them with what the ambassadors did, as follows:

First: Diplomatic Relations between Iraq and the United States of America

Second: Duties of the Diplomatic Envoy

Third: Immunities and Privileges Enjoyed by the Ambassador

Fourth: Prohibitions and Restrictions Imposed on Diplomats

Fifth: American Ambassadors and Their Political Roles in Iraq

1: The Duties of the American Ambassador in Iraq

2: The Differences in the Roles of American Ambassadors

First: Diplomatic Relations between Iraq and the United States

Consular relations between Iraq and the United States began in the late nineteenth century, when John Henry Hines was appointed in August 1888 as the first American consul in Baghdad. At the time, Iraq was part of the Ottoman Empire. Initially, Hines served as consul to Baghdad from Constantinople, Turkey, where he resided. However, he later moved to Baghdad and presented his credentials there in January 1889 ¹.

The United States recognized Iraq as a state on January 9, 1930, when the then-US Ambassador to the United Kingdom, Charles G. Dawes, signed the Anglo-American-Iraqi Agreement in London. The preamble to the agreement recognized Iraq as an independent state and acknowledged the existence of "special relations" between the United Kingdom and Iraq, given that the latter was then under British mandate. In March 1931, diplomatic relations and the US commission were established in Iraq. Alexander K. Sloan, then consul in Iraq, was appointed chargé d'affaires of the US commission in Baghdad. The representation was then upgraded from a mission to an embassy in late 1946. ²

When the Arab Union was established between the Kingdom of Iraq and the Hashemite Kingdom of Jordan in May 1958, the United States recognized the Arab Union, but diplomatic relations remained separate through its embassy in each country. After July 14 of the same year and the change of the regime in Iraq, the Union was dissolved and each country separated from the other. Later, in 1967, Iraq severed its diplomatic relations with the United States after the

¹ A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Iraq, Office of the Historian, Foreign Service Institute, United States Department Of State, <https://history.state.gov/countries/iraq>

² Ibid

Six-Day War. After a period of time, a section was established to protect American interests in the Belgian embassy in Baghdad in October 1972.¹

Diplomatic relations between the two countries were resumed in 1984, and the Interests protection Section was elevated to the level of an embassy in November 1984 following an agreement between then-US President Ronald Reagan and Iraqi Deputy Prime Minister and Foreign Minister Tariq Aziz. Relations between the two countries deteriorated again in 1990 following the invasion of Kuwait by Iraqi forces in August 1990. The embassy was closed on January 12, 1991, following the initiation of international sanctions against Iraq and the subsequent US-led war on Iraq January 16, 1991. Iraq severed diplomatic relations with the United States on February 9, 1991. Each country subsequently maintained a modest Interests protection Section in the other's capital. In March 2003, the United States launched a war to overthrow the Iraqi regime, which was eventually toppled on April 9, 2003. The Coalition Provisional Authority (CPA) was established as an interim civilian authority in Iraq under the leadership of US diplomat Paul Bremer, who emphasized that his goals were reconstruction and the restoration of Iraqi sovereignty. Then, sovereignty was transferred to the Iraqi Interim Government headed by Iyad Allawi on June 28, 2004. Bremer declared that the Coalition Provisional Authority no longer existed and left the country on the same day. Diplomatic relations were re-established and the US Embassy – in the Green Zone – opened on the same day of the transfer of sovereignty. Ambassador John Negroponte presented his credentials to the Iraqi Interim Government on June 29, 2004. Since that day, US ambassadors have continued to assume their duties from their country's embassy in Baghdad. The following is a list of the names of ambassadors accredited to Iraq up to the time of writing this research.²

Paul Knapinshaw 1933-1942

Thomas Wilson 1942-1943

Louis Henderson 1943-1945

George Wadsworth 1946-1948

Edward Savage Crocker 1948-1952

Burton Perry 1952-1954

Waldemar Kallman 1954-1958

John Dunford Gernikahn 1958-1962

Robert Strong 1963-1967

David Newton 1985-1988

April Glaspie 1988-1990

John Tegroponte 2004-2005

Zalmay Khalilzad 2005-2007

Ryan Crocker 2007-2009

Christopher Hill 2009-2010 James Jeffrey 2010-2012

Robert Stephen Beecroft 2012-2014

Stuart Jones 2014-2016

Douglas Selmon 2016-2019

Matthew Toller 2019-2022

¹Ibid

² Former Ambassadors - U.S. Embassy & Consulate in Iraq , <https://iq.usembassy.gov/ar/former-ambassadors/>

Alina Romanowski 2022 – at the time of writing the research.

Some American ambassadors have raised controversy with their work, to the point that it has been said that they are exceeding their positions as ambassadors and acting as guardians of the country. Therefore, we will try here to talk about the duties of ambassadors in general and then to find out whether the American ambassadors in Iraq have exceeded their duties or not.

Second: The Duties of Diplomatic Envoys

The diplomatic position is one of the public positions representing a country abroad. It is held by individuals who represent their country, possess broad powers, and are expected to be distinguished individuals, as they assume significant responsibilities and perform highly sensitive tasks related to the country's interests. Their duties range from representing the country, negotiating on its behalf, protecting its interests, caring for its citizens abroad, and developing its relations at various official and popular levels. They carry out their work using legitimate and peaceful means. Of course, they are spokespersons for their country in international capitals and forums, embodying the image of their country ¹, particularly the position of the ambassador.

Some people consider the ambassador's duties to be diplomatic, but in reality the duties of the diplomatic envoy are of political nature, that he embodies the state's political interests abroad. He has the powers of most state agencies when he implements its foreign policy.²

The Vienna Convention on Diplomatic Relations (1961) addressed the duties, powers, immunities, privileges of the diplomat, and the duties of the ambassador as the head of the diplomatic mission. The most important functions of the diplomatic mission, headed by the ambassador, according to the first paragraph of Article 3 of the Vienna Convention, are representing the state to which the mission is accredited, and the mission's protection of the interests of its state and the interests of its citizens in the state to which it is accredited in accordance with international law, and that it negotiates on behalf of its state, and investigates the conditions of the state to which it is accredited – of course, using legitimate means – and writing reports about them to its state, and of course, strengthening friendly relations between the two states and developing their relations in various fields.³

Representation is the primary function of a diplomatic envoy, as he represents his country and government, deputies them before the accredited state, and this is the reason behind sending a diplomatic mission. The diplomat communicates information, views, and official positions of his country to the accredited state, as well as defending the interests of his country and conducting official and unofficial contacts with the officials of the government of the country to which he is sent. He also communicates with his diplomatic counterparts from other countries in the same country to which he is accredited, in addition to influential citizens of the accredited state who have official status. The ambassador is responsible for defending the interests of his state and its citizens. He defends the political, economic, military, social, and other interests of it, depending on the nature of the relations between his state and the accredited states. As for the interests of the citizens, they include protecting the interests of the state's citizens, whether

¹ Hael Saleh Al-Zaben, The Legal Basis for Granting Diplomatic Immunities and Privileges, Master's Thesis submitted to the Faculty of Law, Middle East University, 2011, pp. 33, 34.

² Ibid ,p.34

³ Vienna Convention on Diplomatic Relations (1961) in the Official Gazette of the United Arab Republic, Seventh Year, (Issue 271), November 25, 1964, and also Hael Saleh Al-Zaben, op.cit, pp. 34, 35.

of the community living in the accredited state in terms of immigration, residence, work, and social security, or of the citizens who visit the state for tourism and work purposes, concerning their freedom of movement or obtaining a visa. There is also the issue of diplomatic protection for citizens when there is a special individual problem concerning a citizen, after determining the interests to be protected according to the relationship between the two parties, which was previously related to trade and navigation, and developed to include issues that affect the rights and benefits of citizens and the humiliating treatment they are subjected to, which affects the credibility of the mother country and is inconsistent with international customs and treaties.¹

The ambassador has two roles: political and ceremonial. The ambassador, as a representative of his country, participates in political forums in the host country, such as public events, ceremonial celebrations, national holidays, and the celebration of the heads of foreign states during their visits. Here, the ambassador's role is ceremonial, such as participating in official receptions and ceremonies, and his participation is limited to personal attendance. There is also the political role that he performs, in which he has the authority to present his opinions and arguments, for this he needs to possess broad and comprehensive authority, but at the same time, it is limited by the directives given to him and determined by legal rules that he cannot exceed unless he is given absolute authority in a specific area, such as the authority to sign an international treaty. Since the head of the mission, represented by the ambassador, represents his country, everything he issues is attributed to it - that is, to his country - whether it is said or done while performing his official duties.²

Since one of the ambassador's duties is to defend the interests of his country in the country to which he is accredited, so if these interests were threatened, whether by a plot or as a result of a certain action, he must contact the Ministry of Foreign Affairs of the country to which he is accredited to inform them. He may also send official memoranda explaining his country's demands or justifying and clarifying its positions. The ambassador is supposed to ensure the dignity of his country by preserving the dignity of its citizens or their interests, whether individuals or companies, by providing assistance and facilities, protecting their interests, and defending their rights when they encounter a problem or fall into a predicament.

Therefore, he is supposed to establish permanent relations and communicate with them through national celebrations such as the country's National Day, and must concern with providing services to them when they communicate with the embassy. This is part of the daily practice of the diplomatic mission, and this is one of the rights of foreign nationals mentioned in international law. Therefore, the ambassador seeks to defend them and remove any harm that may befall them or their interests, whether intentionally through abuse and infringement of the rights and duties of foreigners that they exercise according to international law, or unintentionally. He also seeks to improve the special conditions of his citizens by demanding the country to which he is accredited to allow them to enjoy the rights that it is recognized by the state's legislation, of course, within the limits of international law and agreements concluded between the two states. The ambassador is supposed to protect the interests of the mission itself and the immunities of its members from violation by the state to which he is accredited or one of its citizens. In this case, he is supposed to approach the Ministry of Foreign

¹ Youssef Kharbush, Excesses of the Duties of a Diplomatic Envoy, Master's Thesis in Law/Public International Law, submitted to the Faculty of Law and Political Science at Yahya Fares University/Medea, Algeria, 2022, pp. 14-17

² Ibid ,pp.15,16

Affairs in the host state to resolve the problem and preserve and protect the interests of the mission and its members.¹

The ambassador works to bring together the views of his country and the country to which he is accredited on common issues and to overcome difficulties. The ambassador usually meets and negotiates with the Minister of Foreign Affairs and informs his government of what is happening so that it can send the necessary directives on the subject. Negotiations may be formal or informal. Formally, the ambassador negotiates through an official assignment or mandate announced by his country. In informal terms, the ambassador negotiates on his own initiative without an official mandate from his government. Previously, the ambassador needed a letter of authorization to negotiate a treaty. However, this has changed in 1969 when the Law of treaties was issued. The ambassador has started to use the mandate when signing an agreement in the name of his country².

One of the ambassador's duties is to survey the conditions and developments in the country to which he is accredited by all legitimate means, as stated in Article 3 of the Vienna Convention of 1961, paragraph 1 (d). Of course, the ambassador submits reports to his country. This task is called informing or giving feeds, meaning conveying information after collecting and preparing reports. It is a broad task that includes various topics that he covers. The ambassador must be familiar with the conditions of the country and all the events and developments taking place in it of various types, political and economic, market and trade conditions, the country's resources and its technical development, its social and military conditions, political parties and pressure groups, and all the information that his country wants to know and submit it in reports. The task of observing everything in the country to which he is accredited and what is going on in it and informing his country of it is one of the basic and continuous tasks of the ambassador, starting from the day of his arrival until the day of his departure.³

However, when an ambassador carries out the mission of gathering information, he must resort to legitimate means and avoid illegitimate ones, such as bribery, espionage, or anything that violates ethical principles. Such practices constitute a breach of his duties⁴, and give the country to which he is accredited the right to consider him *persona non grata* and demand his withdrawal or even directly request him to leave its territory. Sometimes, an overlap occurs between the process of gathering information carried out by the ambassador and intelligence or espionage work, and his work may actually go astray. This has led some to describe the diplomat as a "spy with immunity." Ambassadors are viewed as "a kind of lucky spies, being certain that they are safe from all punishment," as Alain Plante put it. During the Cold War, it was common to combine the mission of diplomacy and espionage, as the diplomatic envoy was required to be an intelligence officer, or to give the intelligence officer diplomatic cover for his espionage work. It should be noted that this matter was prevalent in old diplomatic practices that did not differentiate between the two tasks.⁵

Before assuming his duties, the ambassador is supposed to have studied the country to which he will be accredited, its history and geography, as well as its political, economic and social development. He should study its institutions, laws, sources of wealth, international relations,

¹ Ibid, pp.17,18

² Ibid, p.19

³ Ibid p.21

⁴ Mahmoud Khalaf, *Diplomatic Theory and Practice*, Arab Cultural Center, Casablanca, 1988, p. 135

⁵ Youssef Kharbash, *op,cit*, p. 22

and his country's relations with this country¹. After assuming his position in the country to which he is accredited, he must be ready to answer any information related to his country that is requested from him, and explain his country's policies and aspirations towards the country in question. He should try to give a good image of his country and present it in a proper manner, whether by developing his personal or group communications, and always appearing in a proper manner that befits his country and its image. He has the right to clarify the facts and ambiguities concerning the reputation of his country when false reports appear about it.²

The ambassador's duties also include strengthening friendly relations between his country and the country to which he is accredited, and developing relations between them in various forms, whether economic, cultural, scientific, or otherwise. This is one of his basic duties as a diplomat, and a successful diplomat is one who succeeds in strengthening these relations and succeeds in quickly resolving disputes if they arise, and does not allow relations between the two countries to be disturbed. Economic relations between countries occupy an important position and affect friendly relations and their continuation between them, so strengthening these relations is one of the ambassador's duties³, and in order to perform his duties, the ambassador must have immunities and privileges.

Third: Immunities and Privileges Enjoyed by the Ambassador

The ambassador enjoys immunities and privileges that assist him in performing his duties, whether for him personally or for the place of work. The principle of extending privileges and immunities to the diplomatic envoy was established to ensure the effective completion of the tasks entrusted to him. So "the basis of diplomatic immunities lies in the professional interest," and was adopted by the United Nations in 1946 in the Convention on Diplomatic Immunities and Privileges of Officials of the United Nations. In its article 5, paragraph 20, states that privileges and immunities are granted to officials for the benefit of the United Nations, not for their personal benefit. This means that the ambassador's enjoyment of privileges and immunities is linked to the interest of the sending party, not his personal interest. Most international law scholars believe that the concept of immunities and privileges for the envoy, which is based on representing the interests of his country, is the most logical basis, and is relied upon by most legislation, including the 1961 Vienna Convention. The preamble to this Convention states that the purpose of privileges and immunities is the effective performance of the functions of diplomatic missions as representatives for the benefit of states and not individuals⁴, and the matter was mentioned in more than one agreement, such as the Consular Relations Agreement of 1963 and the Special Missions Agreement of 1969.⁵

Among the immunities and privileges enjoyed by the diplomatic envoy are his exemption from some judicial rulings in the host country as well as from some financial obligations therein in order to enable him to perform his duties quickly and correctly. This is because he needs freedom and independence in his actions and of course respect and appreciation because he represents his country. He needs to perform his work freely and confidently and without being exposed to pressures or influences that hinder his work in the country to which he is sent.

¹ Shafiq Abdul Razzaq Al-Samarrai, Diplomacy, The Open University, Tripoli, 2001, p. 180

² Youssef Kharbash, op.cit, p.24

³ Ibid, p.24

⁴ Hael Saleh Al-Zaben, op.cit, pp. 46, 47, and also Shafiq Abdul Razzaq Al-Samarrai, op.cit, pp. 216, 217.

⁵ Hael Saleh Al-Zaben, op.cit, p. 47, and also: Radwan Bin Sari, Diplomatic and Consular Immunities and Privileges, Al-Manar Journal for Legal and Political Research and Studies, Issue No. 1, June 2017, Faculty of Law and Political Science, Yahya Fares University in Medea, p. 269.

However, these privileges and immunities enjoyed by the diplomatic envoy are not absolute. He is obligated to respect the public order and internal law of the country to which he is sent¹. And the most important immunity is the inviolability of the person of the ambassador. According to Article 29 of the Vienna Convention, the inviolability of the person of the diplomatic envoy is protected.

Personal inviolability (personal immunity) means that a diplomat may not be arrested or detained, and that the accredited state is obligated to treat him with respect and take all necessary measures to protect him from any attack on his person, freedom or dignity. The arresting or detaining a diplomat, except in cases of legitimate defense or extreme necessity, is a serious violation of the rules of international law and requires the state concerned to apologize to the diplomat's state and punish the person responsible for the arrest or detention². Article 29 of the Vienna Convention stipulates that the inviolability of a diplomatic envoy is protected, and that a diplomat may not be subjected to arrest or detention and the accredited state must treat him with respect and take all necessary measures to prevent attacks on his person, freedom or dignity³. Furthermore, according to Article 31, a diplomatic envoy enjoys immunity from the criminal, civil and administrative jurisdiction of the host state, except for certain matters related to his personal affairs and not to state affairs.⁴

The sanctity of the ambassador's residence is linked to the sanctity of the mission, which is safeguards and has the right to protection, in addition to the sanctity and immunity of his money and correspondence, which is mentioned in Article 30 of the Vienna Convention. And of course, the sanctity of the mission and its location according to Article 22, and the sanctity of the archives and documents of the mission in Article 24.⁵

A diplomatic envoy needs to enjoy freedom of movement and communication in order to fully carry out his duties. This is guaranteed to him—and all members of the mission—in Article 26 of the Vienna Convention on diplomatic relations(1961) concerning Freedom of Movement⁶. The envoy needs privileges and facilities that grant him freedom of movement and freedom to communicate with those he needs to communicate with, such as the government of the receiving state. Article 27 of the Vienna Convention allows the diplomatic mission freedom of communication for official purposes and the protection of this freedom. The mission has the right to protect its freedom to communicate with the government of its state and its consulates, as well as with other missions, and to use all appropriate means of communication, whether diplomatic couriers, conventional messages, or coded messages⁷. In accordance with international law, a diplomatic envoy enjoys the freedom to communicate with his government in absolute confidentiality, while the receiving state must provide the necessary facilities to exercise this right, protect it, and guarantee the inviolability of the means used by the diplomatic envoy in his communications. He has complete freedom to communicate with those parties with whom his work requires communication. Freedom of communication for official purposes and the maintenance of this freedom is a duty of the receiving state in accordance with Article 27, paragraph 1. The mission may use appropriate means, but it is not permissible to use wireless

¹ Hael Saleh Al-Zaben, op,cit, pp.38,46

² Radwan bin Sari, op,cit, p. 269, and also Shafiq Abdul Razzaq Al-Samarrai, op,cit, pp. 224, 225

³ Article 29 of the Vienna Convention

⁴ Article 31 of the Vienna Convention

⁵ Articles 22, 24, 30 of the Vienna Convention

⁶ Article 26 of the Vienna Convention

⁷ Hael Saleh Al-Zaben, op,cit, pp. 59, 60

communication except with the approval of the receiving state. Immunity extends with technological progress to include fax and the Internet¹, meaning that correspondence via them is protected.

International practice has tended towards the diplomatic envoy enjoying immunity from prosecution. It is not permissible to impose a fine or violation or request his appearance before the judiciary. It is international custom to inform the head of the mission of violations. In the event of a repeated violation, the Ministry of Foreign Affairs addresses the matter with the embassy and takes administrative penalties against the person concerned. If the disregard for the regulations continues, the receiving state may demand his departure within a specific period. Here, immunity means that the diplomatic envoy may not be prosecuted for violating administrative regulations and instructions. According to Article 31, paragraph one, the diplomat enjoys exemption from criminal, civil and administrative justice, except in some cases.²

Article 34 exempts the ambassador from personal, property, national, municipal or regional fees and taxes, with some exceptions³. However, despite these immunities and privileges, there are restrictions and warnings placed on the work of the diplomat that he must not exceed.

Fourth: Warnings and Restrictions Imposed on Diplomats

Although international law provides guarantees to diplomats to help them carry out their work in the best possible manner, this does not give them the right to violate the law of the country to which they are accredited. Rather, they must respect the law of the country, abide by its regulations and laws, and adhere to diplomatic customs and laws, particularly those stipulated in the 1961 Vienna Convention, which regulates their rights and duties. Failure to do so renders them *persona non grata*.⁴

There are matters that a diplomatic envoy must respect in the state to which he is accredited, such as respecting its sovereignty and adhering to the legitimate limits of his mission in accordance with the provisions of diplomatic law, and not interfering in the internal affairs of the state to which he is accredited and respecting its laws. This is what Article 41 of the Vienna Convention⁵, states in its first paragraph that the envoy must respect the laws and regulations of the state to which he is accredited and not violate them or interfere in the internal affairs of the state to which he is accredited⁶. The diplomatic envoy is supposed to respect the constitution of the state and the system of government accredited to it, and not perform any act that would dishonor the government and its system, nor interfere in its private affairs, nor incite or help in inciting unrest or contribute to any revolutionary movement, nor interfere in internal political disputes.⁷

An ambassador is not entitled to engage in any commercial or professional activity for his personal gain, according to Article 42 of the Vienna Convention, a diplomatic envoy is not supposed to engage in any commercial or professional activity in the country to which he is accredited for the purpose of personal gain, as he enjoys privileges and immunities that exempt

¹ Ibid ,p.61, And also :Radwan bin Sari, op,cit, p. 267, and also: Article 27 of the Vienna Convention.

² Hael Saleh Al-Zaben, op,cit, p. 81, as well as Article 31 of the Vienna Convention.

³ Article 34 of the Vienna Convention

⁴ Youssef Kharbash, op,cit, p. 36

⁵ Hael Saleh Al-Zaben, op,cit, p. 35

⁶ Article 41 of the Vienna Convention.

⁷ Hael Saleh Al-Zaben, op,cit, p. 36, and also Shafiq Abdul Razzaq Alsamarrai, op,cit, p. 180.

him from the application of the laws of the country to which he is accredited. He must not commit any act that would violate his duties, especially if it would affect the security of the receiving country, as he would become persona non grata, and the receiving country has the right to demand his departure. The ambassador is not supposed to use the mission premises in any way that is inconsistent with the functions of the mission, according to Article 41/Paragraph 3 of the Vienna Convention. In addition, he is committed to handling the matters assigned to him with the Ministry of Foreign Affairs of the accredited country or through it. There are limits on the use of the mission's premises, and this is in accordance with the Vienna Convention, the general rules of international law, or the agreements signed between the country of the mission and the country to which he is accredited.¹

A diplomat is supposed to avoid anything that could harm the reputation of the job, to keep its secrets even after he leaves it, and to respect the traditions and religions followed in the host country, meaning that he should not hurt the feelings or beliefs of the people of the country. He is supposed to participate in pleasantries, contributing to happy events and offering consolation in sad ones.²

The diplomatic function has been a means for some countries to violate the diplomatic system. Since any violation of the diplomatic function reflects on diplomatic relations between countries, violations that affect the principles of the diplomatic system have multiplied and increased. Some diplomatic envoys have used the diplomatic function to obtain information and secrets about the military, economic and political affairs of the countries to which they are accredited, which provokes countries and arouses their hostility. When an ambassador commits serious crimes that affect the security and sovereignty of the state, such as espionage, political sabotage, kidnapping, drug trafficking, or the assassination of his own citizens who oppose his country, or contacting the opposition in the country to which he is accredited or supporting it in any way, then the ambassador is considered to have harmed the national security of the state and violated its sovereignty and laws.³

There are restrictions on the movement of the ambassador. With the mention in Article 26 of the Vienna Convention of the state's duty to guarantee freedom of movement and travel on its territory for all members of the diplomatic mission, the preservation of the security of states was guaranteed when the issue of not violating the laws and regulations of the state related to areas to which entry is prohibited or those to which entry is regulated was mentioned. The freedom of the diplomatic envoy to move and travel can be limited in some cases, such as applying the principle of reciprocity, or in implementation of a decision of an international organization.⁴

The diplomatic envoy must respect the rules and regulations in order to maintain the extension of immunity and privileges and to preserve his personal privacy. However, the extension of immunity does not exempt the diplomat from implementing the rules and regulations, nor does it give him the right to violate the public order in the country to which he is sent. He does not have the right to breach the restrictions imposed by the country to which he is sent except with

¹ Hael Saleh Al-Zaben, op,cit, pp. 36,37

² Ibid,p.36

³Youssef Kharbash, op,cit, p. 36

⁴ Hael Saleh Al-Zaben, op,cit, p. 60

special permission. If the diplomat violates the laws, rules or administrative instructions, he must bear the consequences.¹

Since the mission of the diplomatic function is to strengthen relations between countries, any disruption to it negatively impacts these relations and limits their effectiveness. If the ambassador is supposed to gather information from various sources, it is his duty not to exceed the permissible limits so that it becomes a danger or threat to the security of the state. Here, an overlap may occur between legitimate and illegitimate means of gathering information, or what is permissible and what is prohibited for him.²

If the ambassador commits acts that constitute a conspiracy against the state, the state may expel him, or if he acts in a manner that affects the internal security or causes it to destabilize, he may be arrested and detained until his deportation. It is true that he has diplomatic and judicial immunity, but he is subject to the law if he commits a felony in the state to which he is accredited. The diplomat must not interfere in the internal affairs of states and must not provoke the wrath of their governments by any action. The ambassador must preserve the sovereignty and prestige of the state and not disturb the relationship between his state and the state to which he is accredited. He must not attempt to interfere in its political affairs, such as the selection of the head of state or members of the government, or interference in the selection of the form of government, or favor and support a particular party or support military coups.³

There are theories that assume that a diplomat is allowed a degree of freedom that enables him to perform his job and its purpose, but he is confronted by the security of the state to which he is sent, meaning that there are limits to his privileges and immunities that he cannot invoke to participate in actions that affect the security of the state to which he is sent. States adopt this theory to protect their national security when there is a necessary need to exercise an extraordinary measure against a diplomatic envoy, because when there is conflict of interests, the security of the state to which he is sent is more deserving of protection. It is true that the ambassador enjoys diplomatic privileges and immunities as requirements of the work, but at the same time he is obligated to respect the security of the state to which he is accredited. This theory balances between privileges and immunities and the security of states.⁴

Of course, there is the dispute between countries that has an impact on the diplomatic envoy. In the event of a dispute between the envoy's country and the one to which he is entrusted, the diplomat is supposed to respect the presidency of the country to which he is sent, not change his personal behavior, and continue to follow the rules of courtesy imposed on him by his profession. As for dealing with official matters, they are done by the Ministry of Foreign Affairs or any other ministry agreed upon in accordance with Article 42 of the Vienna Convention⁵. From here we begin to apply the matter to American ambassadors in Iraq after 2003.

Fifth - American Ambassadors and Their Political Roles in Iraq

According to the previously mentioned immunities, privileges, and restrictions, American ambassadors enjoyed broader privileges than ambassadors normally enjoy, whether ambassadors of other countries or ambassadors of the United States itself in other countries.

¹ Ibid, p.80

² Youssef Kharbash, op,cit, p. 37, and also Mahmoud Khalaf, op,cit, p. 138

³ ibid, pp. 44, 47, 55, and also Shafiq Abdul Razzaq Alsamarrai , op,cit, p. 181.

⁴ Hael Saleh Al-Zaben, op,cit p. 49

⁵ Ibid, p.37

From 2004, ten ambassadors representing the United States have held their positions, starting with John Negroponte and ending with Elena Romanowski, the ambassador at the time of writing. They are supposed to carry out the usual duties of an ambassador, but there are so many factors that effected the role they played in Iraq starting with the change of the Iraqi regime by the international coalition, the establishment of a coalition authority headed by the American civilian administrator, Paul Bremer, and its continuation until the transfer of power to an interim Iraqi government. Then the country passed through different stages starting with restructuring its political system, confronting terrorism, and the state of instability that inflicted the country. There is also the American withdrawal(2011), in accordance with the strategic agreement, and the return of American forces after the terrorist organization ISIS occupied vast areas of Iraqi territory and the subsequent attempt to restore stability. Also the ongoing disputes between the parties to the political process in Iraq, in addition to the change of American administrations and their orientations, and the relationship between the American governing institutions themselves and the personalities of the ambassadors themselves. All of these have their impact on them but we will begin with the tasks of the American ambassadors in Iraq.

1- Duties of the US Ambassador to Iraq:

An ambassador is expected to work in accordance with the objectives set for him by his country and in the light of international laws and norms. He works to direct others to perform their duties and achieve the interests and objectives of the United States. His duties focus on protecting and supporting Americans, advancing U.S. political and economic interests and objectives, supporting human rights and democracy, promoting trade, military and economic assistance, monitoring narcotics, science and technology, and the environment, as well as visas, refugees, and immigration. He also works on achieving regional stability, cooperation, multilateral affairs, intelligence, and administrative matters related to personnel, budgets, and security for the U.S. mission. Under law and presidential directives, the ambassador is obligated to direct and coordinate the activities of every U.S. agency in the country in which he serves. The ambassador's work is broad and diverse, requiring extensive experience to supervise and support all agencies to carry out their work expeditiously, effectively, and efficiently. He also requires a solid knowledge of the processes by which U.S. foreign policy is formulated and a detailed understanding of the goals and mandates of U.S. agencies.¹

At the beginning of its mandate, the U.S. mission in Iraq was the largest in the world, representing 11 governmental agency at the embassy and regional offices in Iraq. These agencies include the Departments of State, Defense, Agriculture, Commerce, Homeland Security, Health and Human Services, Justice, Labor, Transportation, the Treasury, and USAID. Experts from various agencies worked in Iraq as teams to identify needs such as security, skills, spending, contracting, logistics, communications, information technology, and stocks. There were advisors from the agencies worked on an ongoing basis with various Iraqi ministries, such as the Ministries of Health, Education, Foreign Affairs, and Oil, among others, to assist Iraq in building administrative and democratic skills.²

After the construction of the new embassy, the US diplomatic mission in Iraq remained the largest in the world. The State Department was supposed to be responsible for it, and thus its

¹ Edward L.Peck,The case against Political ambassadors,The Foreign Service Journal,June2021,
<https://afsa.org/case-against-political-ambassadors>

² Susan B.Epstein, U.S. Embassy in Iraq,CRS Report for Congress ,order code RS21867,Updated April11 2005 ,P.CRS-2

senior envoy – the ambassador – was the highest official in Iraq. He received support from multiple locations, including air bases, three consulates, two branch offices of the embassy, and locations of the Office of Security Cooperation. It was supposed that 17,000 people would work under the authority of the chief of mission – the ambassador. The US diplomats in Iraq were estimated to be 650, working under his authority , along with staff from other US agencies, such as the US Agency for International Development, the Department of the Treasury, the Department of Justice, and the Department of Agriculture¹.

The first U.S. Ambassador to Iraq was John Negroponte, who served from May 2004 to March 2005 in the temporary building in the Green Zone. The appointment of an ambassador requires Senate confirmation after the president's nomination. Congress oversees how the embassy represents U.S. policy and cultural and commercial interests, and the effectiveness of the embassy in Iraq is a top priority for many members of Congress. Congress can give the State Department authority and direction to implement new programs or reaffirm existing ones and set requirements for the disbursement or conduct of such activities. In other words, oversight of the ambassador's work falls to the U.S. Congress. The success of this embassy affects the success of Iraqi-American relations and the achievement of its objectives ²,Therefore, the U.S. ambassador to Iraq needs to be a professional who is familiar with the country and the region. If a person is not professional, it means his failure in the work, because the one at the bottom of the work pyramid needs months of training and preparation to be able to work efficiently, so what about the one at the top of the pyramid. The ambassador needs a long time to do so, and a stranger to the Foreign Ministry cannot perform the work efficiently, even if he is highly intelligent. The professional ambassador in the Foreign Ministry may not be smarter than beginners, but he has the advantage of experience, as he knows the players and work mechanisms, in addition to the procedures, cultures and history, meaning he knows the work well. Sometimes there is a political ambassador but he cannot perform official work and does not understand it and finds the obligations burdensome, because he has not practiced it before and is not accustomed to it.³

An unprofessional ambassador may not be able to handle all the restrictions and obligations that a career ambassador is accustomed to. The spoils system in the United States may enable a political ambassador to assume the position, but the suggestion that amateurs can perform senior positions as efficiently as professionals is controversial. This is because it suggests that the president has the right to appoint anyone, of course after Senate approval, which is handled by the Senate Foreign Relations Committee. It usually reviews the qualifications of candidates and takes the national interest into account, but in reality, the committee has bypassed the restrictions imposed by the Foreign Service Act of 1980 and approved most candidates, with the exception of a few. There is a suggestion that countries welcome political ambassadors, but it is a misconception. Countries do not want a novice diplomat, especially from a superpower, so governments publicly criticize the candidate even though they know he or she will be selected. The idea is that a political diplomat can raise issues directly with the president, but not everyone can do so. Not all political ambassadors are close enough to the president to raise

¹ Iraq: The Transition From A Military Mission To A Civilian-Led Effort, A Report To The Members Of The Committee On Foreign Relations United States Senate ,One Hundred Twelfth Congress,First Session,January 31, 2011, U.S. Government Printing Office,Washington 2011p.8

² Susan B.Epstein, op,cit,p.CRS-4

³ Edward L.Peck,op,cit,

issues with him or can be relied upon to achieve the administration's goals, and they may raise issues that do not concern the administration.¹

The normal purpose of diplomatic representation is to maintain mutual understanding through diplomatic representatives who seek to strengthen relations between the countries they represent. This can only be achieved if the representative is a person accepted by the accredited state. As part of diplomatic norms, a state verifies the approval of the other state before appointing the head of mission. The state to which the representative is sent has the right to object to him and refuse his accreditation, even without providing reasons for that, as he is the delegate and official representative of his state to the other state and the link between them. His role is not limited to representation on official occasions, but he also has the right to submit inquiries to the host government, submit protests to it, and explain the policy of his country.²

The ambassador is responsible to his ministry and refers to it in all his affairs. The Congress monitors his work through its Foreign Relations Committee. And in light of the tasks assigned to him and in light of the political and security conditions that Iraq has experienced in terms of the presence of American military forces as part of the coalition forces or to protect the American mission, and the state of security instability that the country has witnessed, he was forced to perform tasks different from the usual work of a diplomat.

At the beginning, the US ambassador to Iraq had complete authority over the US presence in the country, with two exceptions: 1) security and military matters, which were under the control of General George Casey, the US commander of the multinational forces in Iraq, and 2) personnel working in international organizations. There were areas where diplomatic and military or security activities overlapped, so the ambassador and the US military commander cooperated with equal (parallel – shared) authority regarding what was best for the United States and its interests in Iraq.³

Civil-military cooperation varied depending on the personality of the ambassadors. Matters in Iraq were decided in partnership between the American civilian and military authorities, but this did not prevent disagreements from occurring. First the civilian governor was Paul Bremer, with Ricardo Sanchez as commander of the Joint Task Force, followed by John Casey as military commander, and he partnered with Ambassador Negroponte, then Zalmay Khalilzad. After that, David Petraeus replaced Casey and accompanied Ryan Crocker. With the arrival of Ambassador Christopher Hill, there was General Raymond Odierno in military command and so on.⁴

There was civil-military cooperation between Zalmay Zadeh, who was in frequent contact with General George Casey, the commander of US forces in Iraq. They had a strong relationship, to the point that their offices were adjacent to each other in the embassy and they spoke frequently, and he oversaw the events in Fallujah with Casey⁵. There was also cooperation between Ambassador Ryan Crocker and Commander David Petraeus, between James Jeffrey and Commander Lloyd Austin, and between Ambassador Jones and Commander Sean. They saw

¹ Ibid

² Youssef Kharbash, op,cit, p. 7, p. 14

³ Susan B.Epstein, op,cit,P.CRS-2

⁴ Steven Metz ,Decision making In Operation Iraqi Freedom:: Removing Saddam Hussein By Force,Strategic Studies Institute, Us Army War College (2010),p.x
<http://www.jstor.com/stable/resrep11560> downloaded on Tue, 11 Jun 2024

⁵Jon Lee Anderson, American viceroy ,11dec2005,The New Yorker,
<https://www.newyorker.com/contributors/jon-lee-anderson>

this as the appropriate way to work together and even participate in each other meetings. Ambassador Jones spoke about his relationship with Commander Sean and saw his presence as an advantage. The two exchanged views positively, and their staffs worked together and tried to resolve disagreements so that they did not affect the workflow. General MacFarland said that he worked with Ambassador Jones and that they faced issues together. He said that the ambassador helped him in his work and that his good relationship with him helped him. His attendance at meetings was due to the ambassador's good offices, who provided him with the resources needed to assist him in his work¹.

Sometimes the lack of cooperation between the US Departments of State and Defense was reflected in the cooperation between their representatives in Iraq. However, this did not prevent the US ambassador and military commander in Iraq from finding ways to communicate and cooperate outside the bureaucratic integration between the US Departments of State and Defense. For example, Ambassador James Jeffrey and General Lloyd Austin worked on cooperation in Iraq and many followed them suit². The bureaucratic relationship between the two departments is described as difficult. For example, it is possible to transfer military equipment to a third country more easily than to the State Department. There were tensions in the State department between the bodies responsible for implementing the country's diplomacy and those responsible for supporting and securing it. Embassy staff need the ability to move freely and safely to perform their duty in the face of risks, while they face the financial and moral calculations in Washington that limit their freedom of action. The issue of the US withdrawal in 2011 and who and how the diplomatic mission will be protected was raised. It is assumed that the State Department will assume the largest part of the responsibility for its security, and Congress is expected to provide the necessary funding³.

After the withdrawal, the Iraqi file was transferred from the Department of Defense to the Department of State. Here, the State Department will manage any further tasks assigned to the ambassador which meant more responsibilities, and this needed coordination with the Department of Defense. Ambassador Christopher Hull was not very successful in his work, as he was not originally specialized in the region, so he faced many problems there. He was succeeded by James Jeffrey, who had more experience in the Middle East and took charge of 50,000 troops, down from 150,000 before the withdrawal⁴, we would try to explain more the roles of American ambassadors in Iraq and the difference among them.

2- The difference in the roles of American ambassadors

American ambassadors differed in their personalities and the roles they played, but in all their work they aimed to achieve the interests of their country. However, they sometimes provoked

¹Gen. Sean Macfarland...Amb. Stuart Jones, Episode 25. Iraq: The Diplomatic And Military Fight Against ISIS With General Sean Macfarland And Ambassador Stuart Jones Part I,

² Iraq: The Transition From A Military Mission To A Civilian-Led Effort, A Report To The Members Of The Committee On Foreign Relations United States Senate ,One Hundred Twelfth Congress, First Session, January 31, 2011, U.S. Government Printing Office, Washington ,2011,p.4

³ Ibid ,p.4

⁴ James Jeffrey: A New Mission in Iraq, Al-Ittihad News Center, August 29, 2010, <https://www.aletihead.ae/wejhatarticle/54509/%D8%AC%D9%8A%D9%85%D8%B3-%D8%AC%D9%8A%D9%81%D8%B1%D9%8A-%D9%85%D9%87%D9%85%D8%A9-%D8%AC%D8%AF%D9%8A%D8%AF%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82>

%D8%AC%D8%AF%D9%8A%D8%AF%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82

the rejection and resentment of some Iraqi politicians or Iraqi society, and the first to assume the position after 2003 was John Negroponte.

Negroponte is known for his ability to get things done for the US administration. As ambassador to Baghdad, he headed the largest US diplomatic mission in the world, comprising more than 3,000 employees. In addition to the presence of more than 140,000 US troops in Iraq, Negroponte was expected to assist the interim Iraqi government in its democratic transition and the formation of a democratically elected government. He expected the United Nations to assist in facilitating the political and electoral process and in preparations for the elections. Negroponte made it clear that he would continue to call on the international community to assist the Iraqi people. Negroponte was selected as ambassador to Iraq at the recommendation of Secretary of State Colin Powell, with whom he had a close relationship. Both had served under Ronald Reagan, with Powell serving as National Security Advisor and Negroponte as his deputy¹. His relationship with the Secretary of State was strong, and he could move with greater confidence in implementing his policy in Iraq. He had the support of the State Department in his work, and Negroponte's strong personality and leadership skills could not be overlooked.

After Negroponte, Zalmay Khalilzad took over as US Ambassador to Iraq. Brzezinski told him that he must take responsibility for policy and not just implement it. He must be an active and influential policy maker, not just an implementer. Brzezinski described him as knowing better than his predecessors and putting himself in a difficult position, but he was up to the responsibility because he was a practical person with a broad horizon and a penetrating strategic vision. Therefore, he was more suitable for the position than anyone else at this time and capable of dealing with it.²

Zalmay Khalilzad spoke about his years as ambassador to Iraq and how President Bush was concerned, especially during the sectarian violence in Iraq following the Samarra events. He wanted to know on a daily basis, so Khalilzad spoke with key players in the US administration daily, especially with the National Security Advisor, and participated from Baghdad in the weekly National Security Council meetings chaired by the US President. Bush told Khalilzad that he wanted the Iraqi Prime Minister to know that the relationship between him and Khalilzad was strong, so he would understand that Khalilzad represented the President's views and that he would take his words seriously.³

Iraqi Vice President Adel Abdul Mahdi, based on his experience with both Negroponte and Zalmay, described Negroponte as a diplomat and Zalmay as an Easterner. Zalmay presented himself as someone from the region - based on his Afghan origins - and behaved in a more friendly manner. He understood how to deal with people because he knew their culture and could talk to them, discuss with them, and be part of their discussions. Zalmay had the ability to make others listen to him by making them believe that his proposals were in their interest and in the interest of Iraq. Therefore, the main players in Iraq liked him and he knew how to use his tools, one of which was his card as a Muslim.⁴

Zalmay worked in Iraq during a critical time and a transitional period – 2005-2007 – which is not an easy task as things can get out of control. Therefore, he was chosen at this stage because he had the ability to influence the course of events more than others. He was expected to save

¹ John Negroponte to Become US Ambassador to Iraq - 2004-06-22, October 30, 2009 ,

² Jon Lee Anderson, op,cit,

³ Sarah Childress, Zalmay Khalilzad: Maliki and the "Unmaking of Iraq,frontline,July29,2014

⁴ Jon Lee Anderson, op,cit,

situations in the event of a political miscalculation by American officials and to deal with the consequences of the war. Peter Galbraith, who wrote about Iraq, described him as part of the neoconservatives who brought the war to Iraq, but at the same time he was the most realistic in working in it. Zadeh had previously come to Iraq in 2003 but did not stay and withdrew from there. He returned as ambassador in 2005 amid deteriorating security conditions in Iraq. Four months after assuming the position, there was a campaign in the US Congress to withdraw American troops. Zadeh said, "...our strength, our prestige, and our future security have become inextricably linked to this," meaning that the war in Iraq had become unwinnable. Zadeh described himself as, "I see myself as a soldier or a diplomatic soldier who returns to service when I had to come to Iraq..."¹

Khalilzad was tasked also with mediating a settlement on the Iraqi constitution, which had a deadline. There were significant internal divisions, with the Sunnis boycotting the elections for the Constituent Assembly responsible for drafting the constitution. The deadline was extended after Khalilzad's intervention, whom attempted to mediate between them. Zalmay managed to convince some, such as Tariq al-Hashemi of the Islamic Party, to support the constitution draft. Hajim al-Hassani, who served as chairman of the Transitional National Assembly, also stated that Zalmay helped engaging Sunnis in the political process by acting as a mediator. His closeness to the Bush administration enabled him to successfully carry out this role², as closeness to the administration gives a diplomatic envoy the power to effect and accomplish. However, some Iraqis, such as Abdul Aziz al-Hakim, who was then the leader of the Supreme Council of the Islamic Revolution in Iraq (SCIRI), had reservations about Zalmay's role. He felt that he was not entirely neutral. This is only natural, as he was defending his country's interests and strategy. Even President Bush intervened in the process, giving impetus to Zalmay's efforts. Peter Galbraith, an advisor to Kurdish leaders Barzani and Talabani at the time and who attended the negotiations and meetings with Zalmay, described him as having done a fine job.³

Zalmay was more of a policy maker than an implementer. Peter Galbraith has said that there is a common misconception that American ambassadors go for tea, and carrying messages formulated in Washington, but the ambassador is actually responsible for the policy in that country. You have the experience, the knowledge, and you know the people. Ultimately, it is your position that qualifies you to implement this policy. You have an advantage over the people in Washington. Zalmay understood this, he formulated his own instructions, not Washington's. When he acted and reached compromises, he was the one who did it, not the American administration⁴. That is, the administration gave him instructions on what to achieve, but how to achieve it was his responsibility. He used the tools available to him to achieve his country's goals. Here, the ambassador is a policy maker and influencer.

The time Zalmay was appointed as ambassador was a critical time in Iraq's history and a transitional phase that required preparation for the parliamentary elections, scheduled for December 15. He worked to deliver important messages to the various parties diplomatically, but with some deliberate ambiguity, even if it was understood by his interlocutors. Kurdish politician Barham Salih said that Zalmay cannot be fooled. He is has control on the matters, a

¹ Ibid .

² Jon Lee Anderson, op,cit,

³ Ibid .

⁴ Ibid.

strategic and tactician person at the same time, and has a keen eye. What impresses Iraqis is that Zalmay is Afghan, but he has managed to reach the highest decision-making positions in the United States.¹

Zalmay Khalilzad's role was not limited to influencing Iraqi politicians, but rather his political role extended to convincing the United States' partners in the international coalition to continue remaining in the coalition and participate in reconstruction. He met with the Polish Minister of Defense - Poland's forces were the fifth largest in the coalition - the Polish ambassador to Iraq, and General Casey. He spoke about his plan to establish reconstruction teams in Iraq and expressed his desire for Poland's participation in them and to work towards handing over power to the Iraqis. The Polish Minister of Defense had informed Khalilzad that the Polish presence might not continue in Iraq in light of fears of Al Qaeda attacks after a report was published that mentioned the existence of secret US prisons in Eastern Europe, including Poland. Zadeh showed his understanding of Poland's concerns.²

Since assuming his post, Khalilzad has worked behind the scenes to push Iraq's three major political factions—Sunnis, Shiites, and Kurds—to form a comprehensive coalition government. However, the process took longer due to the re-nomination of Ibrahim al-Jaafari as prime minister, the United States was reluctant to see him re-elected, given that Sunni, Kurdish, and secular Shiite factions in Iraq didn't want his return. The Americans even reached out to Grand Ayatollah Ali al-Sistani for help resolving the issue. Some have accused the United States of interfering in Iraqi affairs, while others have argued that such involvement is necessary to form a national unity government. American officials, however, said that they had no preference for a particular candidate.³

Khalilzad was concerned about the growing role of militias in the escalating sectarian violence, viewing them as the greatest long-term threat to Iraq. The Americans pressured so that a relatively neutral figure to assume the Iraqi Interior Ministry, threatening to withhold US aid. Some felt this American pressure would backfire. Criticism from Shiite religious leaders grew of US statements regarding their inability to form a national unity government. For example, the Badr Organization called for Ambassador Khalilzad's dismissal, and some accused him of supporting the Sunni insurgency. Some viewed US policy as a "second betrayal," following the first with the Gulf war 1991.⁴

Ryan Crocker succeeded Zalmay Zadeh for the period 2007-2009. Ryan Crocker faced the problem of the division and fragmentation of the Iraqi leadership in the years 2007-2008, but he was able to succeed in mediating between its members and achieving reconciliation between them, so the political process would continue.⁵

The US mission, headed by Ambassador Crocker, worked to resolve the problems between the government in Baghdad and the Kurds(KRG), as their continuation threatened the country's

¹ Ibid.

² Ibid.

³ Lionel Beehner, Us intervention in Iraqi politics, March 30 2006, council on foreign relations , <https://www.cfr.org/backgrounders/us-intervention-iraqi-politics>

⁴ Ibid

⁵ Kenneth M. Pollack, Iraq and a policy proposal for the next administration , Brookings , <https://www.brookings.edu/articles/iraq-a-policy-proposal-for-the-next-administration/> also see: Kenneth M. Pollack , US Policy Toward Iraq, American Enterprise Institute (2017), <http://www.jstor.com/stable/resrep03296> , p.11, downloaded Tue, 11 Jun 2024 .

stability. Tensions were managed at one stage by establishing joint security mechanisms between the two sides, starting in 2009. They established joint checkpoints between them and the Americans, as well as joint patrols along the shared areas between Arabs and Kurds in the provinces of Nineveh, Salah al-Din, Kirkuk, and Diyala. Through this mechanism, tensions and the breakdown of communication were reduced. At the time, the embassy had 16 reconstruction teams, which were reduced to four locations in the consulates in Basra and Erbil, and branch offices in Kirkuk and Mosul. The reconstruction teams grew to 31 in 2008, spread across various governorates. They met with political leaders and were able to implement diplomatic initiatives such as reaching out to the (Sons of Iraq) and resolving Arab-Kurdish tensions in the disputed areas.¹

During his tenure, the bilateral agreement between the United States and Iraq was signed—in November 2008, during the Bush Jr. era—which has two aspects: the strategic framework and the security framework. The strategic framework aims to expand the partnership between Iraq and the United States in areas beyond security, as it focuses on normalizing bilateral relations in the areas of economic, cultural, security, and diplomatic cooperation. The security agreement is a legal framework that defines the American military presence in Iraq. It imposes a commitment by American forces to withdraw from population centers by June 30, 2009, and then the withdrawal of all American forces by December 31, 2011. With the bilateral agreement and the American withdrawal, the number of teams and sites will be reduced to four sites, smaller reconstruction teams, fewer staff, a smaller scope of operations, and thus less communication. This will affect diplomatic work, which had been built during the previous years since 2003. Therefore, after the American withdrawal, there will be a new phase, and the remaining military forces will have the mission of providing advice, training, and equipment to the Iraqi army, combating terrorism, and protecting the American diplomatic mission².

After the withdrawal is complete, the U.S. Embassy will retain military personnel stationed there, but in non-combat roles. Under the security agreement, the U.S. military is expected to transfer the remainder of its mission to the Security Cooperation in Iraq Office, under the authority of the embassy, by October 2011. This office in Iraq—which has counterparts in the region, providing support and training, conducting joint exercises, and providing logistical support for arms sales—is the largest U.S.-funded office, meaning it is important to the United States³. The United States officially announced its military withdrawal from Iraq in 2011⁴.

Ambassador Stuart E. Jones assumed his position at a critical time after the terrorist organization ISIS occupied Iraqi territory. Ambassador Jones describes his mission and role in Iraq as arriving in October 2014 at a time when the terrorist organization ISIS was at the gates of Baghdad, so there was a real need for an American presence. He tried to reach out to Iraqi politicians and was welcomed and was able to contact all the senior politicians, and of course the Prime Minister and the Minister of Defense. At the time, Prime Minister Abadi was still new to the position, and the terrorist organization ISIS had seized large areas of the country. There was a need to use American air power, which actually participated later, and the presence of the Popular Mobilization Forces coincided. Therefore, there were many intersecting issues

¹ Iraq: The Transition From A Military Mission To A Civilian-Led Effort, op, cit, pp.6,9

² Ibid, pp.7,9

³ Ibid

⁴ Watheq Alsadoon, Biden's Iraq Policy: Rehabilitating Us-Iraq Relations For The World Of Post-Ukrainian War, Analysis 310, MARCH 2023, Orsam (Center For Middle Eastern Studies, Turkey), P.6

for Ambassador Jones at that stage to deal with. General MacFarland, who was present at the time, describes the focus on building up the Iraqi army to retake Ramadi first, and then move on to Mosul. Cooperation with the Kurds and Peshmerga was essential, so Ambassador Jones was needed to work with them to prepare the ground for the campaign. Ambassador Jones says he faced challenges regarding the presence of the Popular Mobilization Forces (PMF) and whether to engage with them or not. Although they were effectively fighting ISIS, they needed American air power. The United States was in a difficult position. On the one hand, it did not want to provide air cover to what it believed were militias, and on the other hand, it wanted to defeat the terrorist organization ISIS. Therefore, Ambassador Jones and Commander Sean met with the leadership of the PMF and reached an agreement whereby they would not interact militarily or coordinate with them. Military coordination would be with Iraqi forces, with each party coordinating with the Iraqi military forces, which served as a link between the two sides. The Popular Mobilization Forces benefited from the US airstrikes, while at the same time ensuring that no bombs would be dropped on them or that they would be hit, because doing so, i.e. hitting the Popular Mobilization Forces factions, would end the Iraqi consensus on the necessity of US military participation. At the same time, the Popular Mobilization Forces were forced to deal with the Iraqi security forces on a par with them, not superior to them. This was one of the US goals that diplomacy sought to achieve and managed to do.¹

The period during which Ambassador Matthew Tueller assumed his post was perhaps one of the most critical in the careers of American ambassadors in Iraq, as Iraqi-American relations were experiencing a state of tension and strain, during which the majority of the embassy staff were forced to move to Erbil for fear of their lives at the end of 2020, with the increase in rocket attacks on the embassy by groups that viewed the American presence and American interests as a threat to Iraq. This followed the killing of General Qassem Soleimani and the deputy head of the Popular Mobilization Forces, Abu Mahdi al-Muhandis, in a US raid near Baghdad airport in January 2020².

Important events occurred in Iraq during the administration of President Donald Trump that affected relations between the two countries, most notably the aforementioned raid. The conflict between the United States and groups opposed to American behavior increased to the point that the Iraqi parliament passed a resolution forcing the Iraqi government to expel American forces from the country. At the same time, the Ain al-Assad base, where Americans are present, was struck by Iranian missiles, as was the Harir base in Erbil in January 2020. Tensions continued between the two sides, as some Iraqi groups bombed the Taji camp, where American forces are present. The United States responded by bombing some of the headquarters of these groups in March 2020, which means that tension is a characteristic of the relationship at this stage. It was expected that the conflict between the United States and some groups in Iraq would increase, and it reached a dangerous level that caused the diplomatic mission to fear being present in Baghdad, so it moved to the consulate in Erbil to carry out its work from there. There was another event at the end of the Trump administration, perhaps a result of the escalation that preceded it. American forces began withdrawing from the Al-Qaim and Taji bases in March 2020 and handed them over to the Iraqi government. At the same time, they reduced its forces are stationed at Ain al-Asad base and also in northern Iraq. A third event of major importance is the strategic dialogue that began between the two countries in mid-June 2020, with the

¹ Gen. Sean MacFarland...Amb. Stuart Jones, op,cit,

² Watheq Alsadoon, op,cit,pp.5,6

participation of officials from both countries. Security, political, and other issues were discussed to shape future relations and cooperation between them, and the United States made pledges to support Iraq in all areas ¹.

The appointment of Alina Romanowski under President Biden represents a shift in the presidency's approach to its relationship with Iraq. At the beginning of her tenure, Romanowski met several times with the Prime Minister and members of his cabinet, and there was an optimistic atmosphere about the future of Iraqi-American relations², which signified a change in the American relationship with Iraq after it had been marred by tension. Since taking office, Romanowski has viewed US-Iraqi relations positively. After Al-Sudani took office, she confirmed that she looked forward to cooperating with his government and strengthening the strategic agreement between her country and Iraq. At the beginning of her tenure, she made clear that the United States would not withdraw from the region, a statement she made given the fears of many of the United States' partners in the region that it might withdraw from Iraq. She emphasized that the United States has a "long-standing commitment to the Middle East and will continue to cooperate with Iraq on areas of overlapping interests and shared priorities."³

Alina Romanowski assumed the position in June 2022. Previously, she was Ambassador to Kuwait. Ambassador Romanowski was distinguished by her extensive activity in Iraq, meeting with heads of state, ministers, ministry directors, and tribal leaders, and participating in public events such as the opening of museums and power stations, among others. Her activities sparked many reactions in Iraq, as some saw her actions as deviating from the usual activities of ambassadors and as blatant interference in Iraqi internal affairs. Some called for her expulsion, while others attributed her strong behavior to the weakness of the Iraqi state. The Iraqi government cannot keep up with this proactive ambassador at a time when the government is preoccupied with its own problems⁴. In fact, according to the Vienna Convention, an ambassador can carry out cultural and scientific activities and meet with various cultural and political parties, and this does not constitute interference in internal affairs.

Romanowski was criticized, but the criticism was intense and commensurate with her strong presence, even on social media. There was a view that the ambassador should be expelled and that she should be prevented from acting freely. ⁵

There was a position against Romanowski even before her appointment, and opposition to it emerged through the Telegram channels of some groups. After her appointment, criticism of her role, activities, and initiatives, such as her support for Iraqi businesswomen and civil society organizations, continued. She was described as seeking to plunder Iraq's resources and attempt

¹ Watheq Alsadoon, op,cit, pp.5,6

² Ibid,pp.3,4

³ Iraq's Multi-Layered Crises: The International Partners' Priorities and Perspectives, Alina Romanowski, US Ambassador to Iraq, Maurizio Greganti, Italian Ambassador to Iraq, Ville Varjola, the Head of European Union, Tanya Gilli-Khaylani, Former Member of Parliament, Iraq (Moderator), MERI middle East Research Institute, January 29th 2023, <https://www.meri-k.org/publication/iraqs-multi-layered-crises-the-international-partners-priorities-and-perspectives/> , also see :

Timour Azhari, Exclusive: Islamic State still a threat in Iraq, US ambassador says, March 24 2024, Reuters, <https://www.reuters.com/world/islamic-state-still-threat-iraq-us-ambassador-says-2024-03-24/>

⁴ U.S. Ambassador In Iraq Sparks Mixed Reactions, From Calls To Expel Her To Awe At Her Ability And Influence, May 30, 2023 Iraq , Special Dispatch No. 10632, MEMRI(The Middle East Media Research Institute)

⁵ Ibid

to divide the country's people. Criticism increased with the United States' measures against the Central Bank of Iraq, restricting the freedom of money transfers, which further devalued the Iraqi dinar and impacted the country's economy. Six months after Romanowski assumed the position - a relatively short period - calls began to demand her replacement for overstepping the boundaries of her position and violating diplomatic norms. The campaign against her escalated to the point of demanding "silence the American devil in Baghdad." There are those who oppose the American presence represented by Ambassador Romanowski, who is called the "ambassador of evil" by some who see her as violating diplomatic norms and describe the American embassy as a military base in the heart of Baghdad, not a diplomatic mission.¹

Iraqi parliamentarians have protested the US ambassador's actions. In March 2023, members of the Sadiqoun bloc—which is part of the ruling Coordination Framework—demanded her removal and summoned Iraqi Foreign Minister Fuad Hussein to a hearing to discuss Romanowski's interference in Iraq's internal affairs. The Sadiqoun bloc wants her removal because of her activities, which they see as "suspicious" and "inconsistent with diplomatic norms." They see her as acting as if she were the "High Commissioner" and the "godmother of Iraq." Some Iraqis believe Romanowski is acting as if she were the new civilian administrator of Iraq—similar to Paul Bremer, who served as Iraq's civilian administrator for a period of time—and as if the country lacks sovereignty. It is not necessary for these people to belong to the ruling coalition, as there are those who do not belong to it and believe that she, the US ambassador, is acting as if she were the High Commissioner for Iraq. Political commentator Samir Daoud Hanoush previously accused the ambassador of violating all diplomatic norms and acting as if she were the de facto ruler of the country, after the United States tightened its measures against the Central Bank of Iraq. He described her as the Iron Lady and the de facto decision-maker in Iraq, and that Iraqis see her in the media more than their politicians.²

Researcher and commentator Hussein Al-Sabaawi also criticized Romanowski for her duplicity, as she interferes in all matters in Iraq and meets with ministers and others as she pleases, something he believes no ambassador in the world does. He believes that she has a wide scope for maneuver, and acts like the High Commissioner of an occupying country, but her meetings ignore important matters that concern the interests of the Iraqi citizen. She represents only the interests of her country and uses democracy and human rights as a pretext to interfere in the internal affairs of countries.³

Some believe that Romanowski is so powerful that there is no opposition to her, and that she blessed the formation of the Coordination Framework government, and thus the voices calling for her expulsion along with the American occupier have receded, and that she, Romanowski, knows the language in which to address the Iraqis better than their politicians. She, Romanowski, is multi-tasking, as she runs the Iraqi government, opens restaurants, cafes, and shopping centers, and tours the markets without fear, even from the threats issued against her.⁴ There are also those who believe that Romanowski is one of the strongest American ambassadors in confronting the Iraqi leadership. There are other ambassadors who played their role in a classic manner, not as a representative of the most powerful country in the world. From this point of view, some of them were not able to deliver their country's messages in a firm and

¹ Ibid

² Ibid ,also see : Timour Azhari, op,cit,

³ U.S. Ambassador In Iraq Sparks Mixed Reactions,op,cit,

⁴ Ibid .

decisive manner to Iraqi officials, while Romansky followed an approach of insisting on her opinion and opposing Iraqi politicians who do not agree with her or ignore her country's demands, and she holds officials accountable. She has an almost daily presence in the Iraqi arena, meets with all officials in the country, and conveys messages to the Iraqi people as well. In this way, she differs from some of her predecessors who did not influence decision-makers in this way. She was able to find solutions to some problems, such as resolving the crises between Baghdad and Erbil, and she played a role in developing Iraq's relations with Arab countries, including the Gulf states.¹

Ambassador Romanowski's comments on the Iraqi Civil Status Law sparked mixed reactions, with some describing them as a violation of sovereignty and interference in Iraq's internal affairs. The Ishraqat Kanun Movement also considered these statements a violation of sovereignty and an attack on Iraq's value and moral system, and called on the Iraqi government and its Ministry of Foreign Affairs to preserve the country's sovereignty and respect diplomatic procedures. The ambassador expressed her concern about the proposed amendments to the Iraqi Personal Status Law in a tweet on the X platform, saying that they undermine the rights of children and women. She urged Iraqis to engage in a civil dialogue that respects freedom of religion and belief, as well as the rights of women and children². This behavior by the ambassador can be said to be a violation of Article 41 of the Vienna Convention, which stipulates non-interference in the internal affairs of states and respect for the laws and regulations of states. An experienced ambassador like Romanowski should not have exceeded this, but this is typical behavior by American ambassadors who believe they represent a superpower, which gives them the right to act more broadly than they should.

Fahad al-Jubouri, a leader in the Hikma Movement, responded to Romanowski by saying that this is a purely Iraqi affair and that Iraqi culture and beliefs must be respected. Meanwhile, political analyst Imad al-Musafir pointed out that the embassy's failure to obstruct the amendment to the Personal Status Law prompted the ambassador to make these statements. MP Youssef al-Kelabi called for the ambassador's expulsion, saying that her annoyance is an evidence of the correctness of the amendment's approach. Jumaa al-Atwani, a political analyst, also pointed out that the amendment to the Personal Status Law "has the honor of defending Iraqi values in the face of American homosexuality, which adds great value to this amendment."³

Abbas al-Maliki, a member of the State of Law Coalition, believes that foreign diplomats are supposed to act in accordance with international laws and norms and work through the Ministry of Foreign Affairs and other official bodies via diplomatic channels. This includes the US ambassador, who is supposed to respect Iraq's sovereignty and laws and adhere to diplomatic principles. He believes there are ulterior motives behind the US ambassador's behavior, including holding meetings with a variety of figures, including politicians, social figures, and

¹ Ibid .

² Iraq and American Pressure: Domestic Legislation in the Face of Foreign Interference, Al-Masalah, August 21, 2024 ,<https://almasalah.com/archives/99048>

³ Ibid , also see: US Ambassador to Iraq Faces Criticism, Al-Quds Al-Arabi, August 21, 2024, <https://www.alquds.co.uk/%D8%A7%D9%84%D8%B3%D9%81%D9%8A%D8%B1%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D8%B1%D9%8A%D9%83%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D8%AA%D9%88%D8%A7%D8%AC%D9%87-%D8%A7%D9%86%D8%AA/>

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members of civil society organizations, and this constitutes interference in the country's internal affairs and undermines its security.¹

As a result of the statements and the strong reactions to Romanowski, relations between the United States and Iraq could be affected, especially if calls escalated within Iraq to take action against the US ambassador, such as declaring her persona non grata or demanding that the Iraqi government expel her. The US government would not tolerate criticism of its ambassador or demands for her expulsion. However, given the shared economic and security interests between the two countries, each may try to contain the situation and tensions and prevent them from affecting relations. At the same time, if the crisis is not handled wisely, relations could worsen, even temporarily, and other issues on which cooperation between the two countries is supposed to be affected. Therefore, in the event of a crisis like this, it depends on how the two countries handle it. If Iraq takes a strong stance against the ambassador's statements and is influenced by public opinion, then we will witness a deterioration in relations. However, if diplomatic dialogue is resorted to in order to calm the situation, then the crisis could be avoided without significantly impacting relations between the two countries.²

Conclusion

Most American ambassadors played significant roles in Iraq, particularly in the first years after the political change of the regime in 2003. Negroponte and Zalmay Zadeh played an important role, helping shape the political process in Iraq and bring the diverse parties together, and used the means of pressure available to them. They were followed by Ryan Crocker, who played a significant role, even helping resolve internal problems and achieve the strategic agreement between Iraq and the United States. He was followed by Ambassador Hill, who faced difficulties adapting to Iraq, even facing an assassination attempt while he was in Dhi Qar governorate. Several ambassadors followed him suit, including Matthew Tueller, was among them. At his tenure, both Quds Force commander Soleimani and Abu Mahdi al-Muhandis were assassinated in Baghdad, sparking strong reactions that led to some embassy staff moving to the US consulate in Erbil out of fear for their lives. The last of these ambassadors was Alina Romanowski, whose statements sparked widespread negative reactions. She attempted to assume the role of representing the most powerful country in the world, even if she is interfering in Iraq's internal affairs, which, according to international law, she is not supposed to do. In fact, Romanowski is not the only one that acted in this manner, as a representative of the most powerful country in the world, but all other American ambassadors who believe that they have the right to do so, but some had the ability to maneuver so as not to provoke others greatly, in addition to their use of methods of enticement and intimidation to convince others of their actions.

¹ MP: U.S. Ambassador Threatens Iraq's National Security, Kayhan ,Publish Date : 16 November 2022 - 21:35, <https://kayhan.ir/en/news/109057/mp-us-ambassador-threatens-iraq%E2%80%99s-national-security>

² Iraq and American Pressure: Domestic Legislation in the Face of Foreign Interference, op,cit.

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