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From: JCR Gray
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Jim Drummond, Esq
OD Secretariat
Cabinet Office

Dear Jim

PAPERS FOR THE AHGI

1. As discussed on the telephone I enclose the latest drafts of our papers on:
 - the possible shape of an international administration for Iraq; and on
 - security sector reform in Iraq

Yours ever

Chris Gray

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IRAQ: SECURITY SECTOR REFORM

(Draft as at 17 October)

Introduction

1. This paper sets out what security sector reform (SSR) is; describes briefly what we know of the organisations working in Iraq's security sector; and lists the issues that SSR in Iraq will have to address. It does not set a blueprint for SSR in Iraq.

What is SSR?

2. The security sector of a state typically comprises those bodies, civil and military, responsible for protecting the state and communities within it eg the armed forces, the police, the intelligence agencies and the courts. Security sector reform (SSR) addresses how the security sector is structured, managed and resourced and the obstacles governments face in bringing security institutions to account. Accountability, affordability and appropriateness are often the SSR watchwords.

Recent experience of SSR

3. Most recent SSR experience has been in Africa. The task there is usually to bring under control ill-disciplined armies whose corrupt and anti-social practices are holding back development. That is not quite the same in Iraq where the military, police and agencies are used to severe discipline from the centre. The main SSR problem in Afghanistan was how to bolster a weak centre against regional warlords. In Iraq, the problem of nation building will also be to the fore. But there will be other different issues.

Good government and SSR in Iraq

4. In Iraq, a first task of a new, post-SH administration will be to achieve stability. Once stability has been achieved, SSR should take place within the broader policy framework of promoting good government. Indeed SSR in Iraq should be a subset of good government. Whether we decide that certain activities, eg reform of the judicial system, are categorised as SSR or general good government reform may be arbitrary. (In the real world, of course, it won't matter what we call it so long as a satisfactory criminal justice system emerges. In fact, this paper does not address judicial reform.)

5. The shape of SSR will also depend on the outcome of other big constitutional questions. Will Iraq become a federation with a relatively weak centre and strong regional government? That would require rather different security structures to an Iraq where power was concentrated in Baghdad.

Description of the security structures

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6. Iraq's security apparatus is the most important instrument of state control in Saddam's regime. It has been fundamental to the preservation of his rule. As well as protecting the president, the security agencies are responsible for maintaining internal security; preventing external threats to the regime; and conducting foreign operations. Additionally, these agencies play a role in procuring and concealing Iraq's WMD program. Specialised agencies provide signals intelligence and limited imagery intelligence.

7. The security apparatus consists of a network of security and intelligence agencies. The number and size of these agencies has grown over time. Their individual responsibilities often overlap, deliberately (it is claimed) to promote competition between them and to ensure none becomes too powerful. The security organisations are dominated by Sunni Arabs who make up less than 15% of the population of Iraq. Their top ranks and key positions are held by 'Tikriti' Sunnis – a minority of Sunnis from tribes living around SH's home town, Tikrit. The very top men are members of SH's family. The higher up the security organisation one goes, therefore, the more the incumbents resemble SH.

8. One way to visualise how Iraq's security organisations relate to one another is to think of a series of concentric circles. At the centre sits SH and his family. The outer circle is the Iraqi people. The next circle in from the Iraqi people is the regular army one of whose jobs is to protect all the organisations closer to SH than it from the Iraqi people. Then comes the Republican Guard, which protects the circles close to SH from the regular army. Next, the Special Republican guard protects SH from the Republican guard and so on and so on.

9. There are a number of different bodies in Iraq's security apparatus and it is to some extent a matter of taste how they are listed. But the main ones are:

- **The National Security Council.** Chaired by SH or his son QH, it oversees the work of all other security agencies. In practice, the links between the other agencies and SH and QH are more informal and direct, often bypassing the NSC.
- **The Special Security Organisation (*Al Amn al-Kas*).** 2,000 people. The most powerful, loyal and most feared agency, headed by QH. It is responsible for (a) the security of the president and of presidential facilities; (b) supervising and checking the loyalty of other security services; (c) monitoring government ministries; (d) supervising operations against Iraqi Kurds and Shias; (e) purchasing foreign arms and technology; and (f) securing Iraq's most important military industries, including concealing its WMD. The SSO is nebulous and highly secretive and operates on a functional, rather than a geographical basis. The members of SSO are primarily drawn from Saddam's own tribe, the Abu Nasr, or from his home district of Tikrit. The SSO and SH's regime depend on each other for their survival.
- **The Directorate of General Security (*Al-Amn al-Amma*).** 8,000 people. The oldest security agency in the country, created during the British mandate. It is essentially a political security police force, tackling political dissent and economic and political criminal behaviour. In addition, the DGS supports the domestic counter-intelligence work of other agencies. In 1991, SH provided it with a paramilitary wing, *Quwat al-Tawari*, to reinforce law and order, although these units are ultimately under SSO

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control. According to Scott Ritter, these units were found to have hidden Iraqi ballistic missile components.

- **The Directorate of General Intelligence** (*Al-Mukhabarat*). 4,000 people. Created out of the Baath party, it is responsible for internal and international operations. Its internal activities include monitoring the Baath party, other grass roots organisations, suppressing Shia and Kurdish opposition, counter-espionage, monitoring foreign embassies and foreigners in Iraq. Its external activities cover monitoring Iraqi embassies abroad, collecting intelligence, aiding opposition groups to hostile regimes, conducting sabotage, subversion and terrorist operations, murdering opposition elements outside Iraq, and maintaining an international network of informants.
- **The Directorate of Military Intelligence** (*Al-Istikhbarat al-Askariyya*). 6,000 people. Its main functions are ensuring the loyalty of the army's officer corps and gathering military intelligence from abroad. But it is also involved in foreign operations, including assassinations.
- **Military Security Service** (*Al-Amn al-Askari*). 6,000 people. Established as an independent entity in 1992, its function is to detect disturbances in the military.
- **The Special Republican Guard** (*Al-Haris al-Jamhuri al-Khas*). Headed by QH, it serves as a Praetorian Guard, protecting presidential sites and escorting SH on travels within Iraq. It is fiercely loyal. The SRG are the only troops normally stationed in Baghdad. It consists of four brigades, three infantry and one armoured. The SRG also has its own artillery battalions, air defence and aviation assets. Units consist mainly of individuals from tribes loyal to SH. The SRG has played a role in securing WMD warheads and maintains control of a few launchers.
- **Ba'ath Party** The Ba'ath party is the only legal political party in Iraq. It pervades all aspects of Iraqi life. It has branches in every Iraqi institution and membership of the party is essential for promotion. Within each party cell there are elements from the police and security services. The party pursues deserters, investigates the homes and families of deserters and coup plotters, maintains checkpoints to control streets and traffic, collects information on anti-regime activities and mobilises the population for military training. It is used by the regime as a means of social control.
- **Project 858** (*Al Hadi project*). 800 people.
- **Saddam's Martyrs** (*Fedayeen Saddam*). 40,000 people.
- **The regular army**. The officer class of the regular army are mainly Sunni arabs. The soldiers are conscripts, mainly Shias.
- **The police**. We know relatively little about the ordinary Iraqi police. A lot of police work is carried out by the Ba'ath party.

Issues raised by SSR in Iraq

10. This paper does not offer a blueprint for SSR in Iraq. But here are some of the issues which SSR raises.

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- What security structures would be appropriate for a post-SH Iraqi government? How do we arrive at an answer? What are the threats – internal and external? Should we undertake a comprehensive review of the armed forces?
- To what extent do the size, tasks and organisation of the new security structures depend on whether Iraq develops into a federation?
- What say should Iraq's neighbours have in the new arrangements?
- To what extent should the Kurds be integrated into the national structures? How might that be achieved?
- How do we replace an excessively large security apparatus with something 'right-sized'? Reform or abolition? Which parts of the security apparatus might be loyal to a new government and which not?
- To what extent should we punish those members of the security apparatus who have committed crimes against the Iraqi people (eg torture)?
- Are we obliged to work with the new Iraqi government on SSR or can it be imposed?
- How do we reform the working culture of the security sector so that it operates on the basis of humanitarian values in support of a legitimate government?
- How can we resettle or rehabilitate those pro-Saddam individuals removed from the security sector so that they do not work clandestinely for the re-establishment of a SH-type regime?
- How can we break the link between certain security organisations and WMD? Can SSR help us discover WMD caches or identify those people most closely involved in Saddam's WMD programme?

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International Administration for Iraq: what, who and how?

After hostilities, Iraq could come de facto under Coalition military control. That might be formalised as a military governorate. But if the decision is to move to a UN-led Transitional Administration (UNTA), as the DSI paper argues we should, how would this work, and how would it be established?

The key questions to be resolved would include: objectives; mandate; scope; strategy; personnel; scale and funding. No one previous UN operation can provide a complete model, but there are four in recent UN experience that seem most relevant. Their key characteristics are set out below (see Annex 1 for basic numerical data)

UN Experience

Afghanistan (UNAMA)

After the overthrow of the Taliban regime, an Interim Administration replaced it under arrangements agreed among the Afghan parties in Bonn. These included annexes inviting the UN to authorise (i.e. not manage) an international security force (ISAF); and monitor and assist the implementation of the Agreement. Resolution 1383 (2001) endorsed the Agreement, and Resolution 1386 authorised ISAF. Resolution 1401 (not adopted under Ch. VII) mandated UNAMA to monitor and assist in the implementation of the Bonn Agreement. Administration, though in very bad shape, stayed in Afghan hands. The UN's role was advice and support with a deliberately light footprint. ISAF was authorised to use all necessary means to fulfil its mandate of maintaining security in Kabul and the surrounding area to allow the Interim Administration and the UN to operate. It was not placed under UN control, and was in any case only deployed in Kabul. Coalition forces continued to operate separately in Afghanistan in pursuit of Al Qaida.

Cambodia (UNTAC)

Following a complex civil war, intervention by neighbouring countries and several years of negotiations, the P5-brokered Paris Agreements set up transitional arrangements leading to free and fair elections. Resolution 718 (1991) expressed full support for the arrangements and Resolution 745 (not adopted under Ch. VII) set up UNTAC, giving it a mandate with seven components: Human Rights; Electoral; Military; Civil Administration; Civilian Police; Repatriation; and Rehabilitation. To implement this, UNTAC was given direct authority over foreign affairs, national defence, finance, public security and information, and could take over other bodies if they could directly influence the outcome of elections. There was also a military component under UN command and control. Basic administration was already in place, and UNTAC only took over senior positions. But its mandate made clear that it had delegated to it "all powers necessary to ensure the implementation of the agreement", and that the last word rested with the Special Representative of the Secretary General.

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East Timor (UNTAET)

In 1999, Portugal (the former colonial power), and Indonesia, under the auspices of the UN, agreed on arrangements for consulting the East Timorese on their future. Following the Timorese decision that they wanted independence, and the failure of UNAMET to control a deteriorating situation, a multinational force was mandated by Resolution 1264, on the basis of a request from the Indonesian Government, to restore peace and security in East Timor. This was followed by the establishment of UNTAET under Resolution 1272 (1999) (adopted under Chapter VII) with "overall responsibility for the administration of East Timor". UNTAET was authorised to "exercise all legislative and executive authority, including the administration of justice". It had three components: military; humanitarian; and governance and public administration. Since all local administration had collapsed, UNTAET had to provide basic administration while preparing for the transition to self-government. As Timorese institutions developed, UNTAET was replaced by UNMISET (Resolution 1410 (2002) with a more limited mandate to support the Timorese Government for a period of twelve months.

Kosovo (UNMIK)

Following military action by NATO forces and the acceptance by the FRY of a set of general principles on a political solution to the Kosovo crisis, Resolution 1244 (1999) (adopted under Ch. VII) authorised the deployment of civilian and security presences in Kosovo under UN auspices. The civil presence, UNMIK, was controlled by a Special Representative of the Secretary-General. Its mandate included promoting autonomy and self-government in Kosovo; performing basic civilian administrative functions; and developing provisional institutions for self-government, including elections. To fulfil this mandate, UNMIK created a structure with four pillars: Police and Justice (UN-led); Civil Administration (UN); Democratisation and Institution Building (OSCE); Reconstruction and Economic Development (EU), and promulgated a comprehensive "Constitutional Framework for Provisional Self-Government" for Kosovo as "an entity under interim international administration". As in East Timor the UN put internationals into senior positions in each of the above areas. The security presence was an international force, not under UN control, but with responsibility to support and co-ordinate closely with the civil presence.

Others

There may also be useful lessons to be learned from UN operations in Namibia, Eastern Slavonia and Haiti.

Conclusion

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There is no standard formula for international administration. But there are two broad approaches:

(i) Direct international control of key (or all) areas of public administration. A pillared structure can help make the task manageable. For the sake of clarity, what follows assumes this model.

(ii) International monitoring/assistance of local administration to ensure that decisions conform to key principles.

Much will depend on the circumstances. If the Iraqi regime fight to the end, or if the destruction of Iraq is extensive (e.g. following WMD use etc), subsequent international administration will have to assume direct control of key (or all) areas.

But if Saddam were to be overthrown early on by an internal coup, whose leaders immediately sued for peace; or if the bulk of the Baath apparatchiks switched sides as the Baath regime fell, a lighter international footprint might be manageable.

Objectives of International Administration (IA)

Whoever takes on the job of running Iraq will need clear objectives. These objectives will apply however intrusive the international administration. Even if the IA was operating alongside a 'friendly' Iraqi regime, they would remain its key objectives. The objectives would need to be enshrined in a detailed mandate provided by the UN Security Council. If the operation were to be run in whole or in part by the UN an SCR outlining the mandate would of course be essential.

The areas covered by the mandate would also be more or less the same regardless of the degree of intrusiveness of the IA. A 'light' IA would monitor and assess local decisions against the principles set out in the mandate. A more intrusive IA would implement them directly.

Key elements of the mandate would include:

- ensuring physical reconstruction of war damage and co-operation with aid agencies to ensure humanitarian relief is delivered.
- security: internal and external security would need to be provided by the IA or the coalition forces
- ensuring (through UNMOVIC/IAEA) an end to Iraq's WMD programmes
- maintaining internal stability
- ensuring respect for Iraq's territorial integrity (particularly important for Iraq's neighbours)
- a plan for a political process leading to the emergence (if necessary) of a new governance structure, including reformed security forces and judiciary. This may mean the creation of a new Assembly, including with rights for the

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- representation of Kurds etc. It might emerge from the Iraqi opposition, or from within the country
- such a political process might include the early establishment if necessary of a new body to enshrine Iraqi sovereignty such as a Supreme National Council with whom the IA would liaise
 - ensuring no discrimination in government decisions against Kurds, Shiites
 - ensuring full respect for human rights (no torture, arbitrary detention etc) in reformed Iraqi structures
 - accountability for those accused of past abuses (method would depend on the circumstances: a local court might work; or an international tribunal could be considered; or there could be a combination of local and international elements; or there could be a Truth and Reconciliation Commission)
 - continuation of UN administered OFF programme (as providing the best means of ensuring that the Iraqi people benefit from the oil revenues)
 - Reintegrating the Iraqi economy into the world economy on the basis of open markets, sustainable development and transparency. This would need to include arrangements for the oil industry; an exit strategy from reparations obligations; and rebuilding relations with the IFIs and regional banks.
 - A realistic exit strategy, with benchmarks for the transition to effective Iraqi government.

Scope

(A) Security

Whoever is responsible for the Administration of Iraq, it would make sense for the Coalition to continue to handle its security. Only they would have the power to mop up any pockets of resistance and to deter further hostilities. And only they would have the access to key intelligence information. The direct involvement of the US would also help deter interventions by others (e.g. Turks, Iranians).

Security would have three parts:

- (i) Internal security: pacification of unrest would fall to the military component (initially this would no doubt be the Coalition). It would also provide protection and freedom of movement for the civil presence, and would carry out e.g. demining
- (ii) External security, especially border controls. This would be important to guard against uncontrolled movement of large numbers of people, as well as the possible infiltration of weapons, guerrillas etc. Iraqi forces involved in this area would probably have to be replaced.
- (iii) Everyday law and order issues might be handled by the local police forces but with strong international monitoring. This would require a civilian police component as well as a military force. It might be shared with other nations who had not taken a direct part in the fighting. The IA might initially need some

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judicial framework of its own while a reformed Iraqi judicial system was established.

Security would be a major task and would need to be autonomous with considerable freedom of action.

(B) Civilian Administration

In order to address the task of administration and reconstruction, the IA would need to focus on:

The Defence Ministry
The Interior Ministry and Police
The Finance Ministry
The Central Bank
The Oil Ministry
The Trade and Transport Ministry
The Communications Ministry
The Foreign Ministry
The Justice Ministry
The Regional Administration – a set of 18 governorates, plus Baghdad, divided into districts and smaller units, responsible to the President. Given the importance of this system, the IA would need to appoint regional officers in charge of each governorate.

Some institutions would need complete replacement or setting up from scratch:

Election machinery
Parliament
A Regional affairs Ministry
A Human Rights commission

Some Iraqi institutions would need to be dismantled: the Revolutionary Command Council (RCC); intelligence and internal security services; the Baath Party; the Presidential apparatus (Diwan),

Other institutions might require substantial help and be obliged to take IA advice, not least to ensure equitable allocation of resources. But there is no reason of principle why they could not be left essentially in Iraqi hands:

Agriculture
Culture and Arts
Education
Health
Higher Education
Irrigation

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Labour and Social Affairs
Planning
Public Works and Housing
Religious Trusts

OFF would probably continue, as the best means of guiding the use of Iraq's oil revenues, although this might be difficult if there were early pressure to lift sanctions.

Other International Agencies would want to perform their standard roles. Key players would be the ICRC as well as a host of UN agencies (including UNDP, WHO, UNICEF, WFP and UNHCR). International NGOs would also have a part to play. Their operations would need to be subject to careful co-ordination, e.g. through a lead agency (UNHCR did this in Kosovo).

Strategy

The above analysis would be valid regardless of whether the IA was a US military Administration or a UN Administration. In any event there would be certain (security) functions, which initially only the Coalition could carry out. But the UN has experience of working with non-UN security arrangements from Kosovo and Afghanistan. And there are strong political arguments for UN involvement.

The civilian Administration could be divided into 'pillars' on the UNMIK model with some being run by the US (coalition) and some by the UN and/or other bodies with the relevant expertise and the will to do it: possibilities might include the EU; the OIC (if it could find the technical capacity); the World Bank/IMF (the G7 could have a role here, too). On this model the US (Coalition) might take on responsibility as a minimum for Defence and Interior. Other pillars could be established (as in UNMIK). These might include civil administration; reconstruction; reintegration into world economy; institution building; JHA. There would need to be robust co-ordination mechanisms, both between the IA and the security component, and between the different pillars. There would be a need for a tight contact group of key players to steer the IA, e.g. on the lines of the Quint. There would also be a case for a contact group to help keep regional players on board.

Whoever took over the Administration would want to move away from direct control to monitoring and eventually handing control back to the Iraqis, once a viable administration had been established.

How would the UN do it?

The strategy should be enshrined in a Chapter VII Resolution setting out the general principles of the mandate on which the IA would act, and endorsing a more detailed plan. In other circumstances, this has emerged from negotiations on the overall political settlement, and been proposed to the Security Council by the Secretary General. This is unlikely to be possible. The initial plan will have to be generated elsewhere – by the Secretary General, the P5, the Coalition? After the initial phase, Iraqis with whom we

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could engage might emerge. A deal could then be negotiated with them, providing greater political legitimacy. An important question would be whether to draw the original mandate so broadly that the Special Representative could change detailed arrangements within the same structure as the situation developed (CF UNMIK), or to proceed by way of a series of mandates (UNAMIC → UNTAC; UNAMET → UNTAET → UNMISSET) to mark the different stages. A mandate that did not need periodic renewal would increase freedom of action, but there would need to be regular reviews.

Figurehead

We would need a heavyweight Special Representative, ideally a Moslem, who would be prepared to spend time in Iraq leading the IA, backed up by high-calibre senior staff.

Other Personnel

The number of people needed for civil administration would be large - both non-Iraqis and Iraqis untainted by the regime.

The UN system is unlikely to be able to produce all the people needed on time. We should look at a range of other sources:

- other international institutions, e.g. IMF and World Bank
- Coalition players
- Regional players and structures such as the EU and OIC. NATO?

Scale and Funding

Previous interim administrations have cost up to US\$500m per year. The civil components have ranged in size from 200 to 6,000. Military components have ranged from 40 to 15,000. Where civilian police have been necessary, contingents have been from 1-4,000.

Iraq has an area of 437,000 Sq.Km and a population of 23 m - comparable to the 647,500 Sq. Km and 27.755m people of Afghanistan (Cambodia has 181,040 Sq. Km and 12.775 m people. Kosovo and East Timor are much smaller). But Iraq is a much more developed country than Afghanistan, and the scale of intervention in its affairs will be much greater and more intrusive. Costs and numbers of personnel are likely therefore to be much greater than previous missions. Who paid would be a key question.

Uncertainties

There is little to be gained from detailed consideration of other hypothetical circumstances. But it is worth thinking about the most likely possible variations:

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- Iraq surrenders/sues for peace following the deposition of Saddam. The terms for a UN administration could be agreed with whoever was in charge, and it might be possible to move more quickly to the UN-supported model
- WMD have been used. It would be far more difficult to operate in the affected areas; civilian personnel would be very reluctant to go to Iraq. But the job would still have to be done.
- Defeat is not clear-cut – fighting continues either because elements of Saddam's forces hold out, or because of Kurdish or Shia revolt. This might slow the timetable or alter the shape of the arrangements – but the rest of the country would still have to be governed.
- Initial military action takes place without explicit authorisation by the Security Council. Such action would probably have been widely condemned, including on the grounds of illegality. The political price of subsequent Security Council endorsement would be higher, but the job would still need to be done.

Conclusion

Administering Iraq and guiding it back to a sustainable place in the world community will be a major task. A UN Transitional Administration could do it, in parallel with an International Force to provide security and cover for the eradication of WMD. A model that could work would be an extensive Interim Authority, divided into pillars under the control of a variety of international players. The pace of eventual handover to Iraqi control could be different for each pillar, with issues moving from direct control to guided autonomy. The International Community would be able to ensure that key issues remained under firm control, while less sensitive ones passed to the Iraqis. But to be successful, planning needs to start as soon as possible.

Annex 1

UN INTERIM ADMINISTRATION IN KOSOVO (UNMIK)

DURATION: 1999 to date

STRENGTH: (April 2001) 39 military, 4359 civilian police, 1321 international civilians and 3311 local civilians

COST: 07/02- 06/03 US\$345m

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MANDATE: RESOLUTION 1244 of 10 June 1999, which does not require renewal

UN ASSISTANCE MISSION IN AFGHANISTAN (UNAMA)

DURATION: March 2002 to date

STRENGTH: about 100 international staff, and about 100 local support staff, split between Kabul and 7 Regional offices.

COST: N/A so far

MANDATE: RESOLUTION 1401 of 28 March 2002, renewable after 12 months

UN TRANSITIONAL ADMINISTRATION IN CAMBODIA (UNTAC)

STRENGTH: authorised: up to 15,547 troops, 893 military observers, 3500 civilian police, 1149 international civilians, 465 UN Volunteers, 4830 local civilians. During the elections, 50,000 Cambodians served as electoral staff and there were 900 international polling station officers.

FATALITIES: 78 (45 military)

COST: over lifetime: US\$ 1.6bn (including precursor UNAMIC)

MANDATE: RESOLUTION 745 of 28 February 1992, for an initial period of 18 months. UNTAC concluded on 24 September 1993.

UN TRANSITIONAL ADMINISTRATION IN EAST TIMOR (UNTAET)

DURATION: 25 October 1999 to present

STRENGTH: authorised: military 9150, civilian police 1640

Actual (31 March 2002): troops 6281, military observers 118, civilian police 1288, international civilians 737, local civilians 1745

FATALITIES: 17 (1 civilian)

COST: 1 July 2001 – 30 June 2002 US\$ 476.8m

MANDATE: RESOLUTION 1272 of 25 October 1999, for an initial period until 31 January 2001, then renewable every 12 months until replaced by UNMISSET

UN MISSION OF SUPPORT IN EAST TIMOR (UNMISSET)

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DURATION: 20 May 2002 to present

STRENGTH: Authorised: 5000 troops, including 120 military observers, 1250 military police, 455 international civilians, 100 experts for Civilian Support Group, 977 local staff and 241 UN Volunteers

Actual (June 2002) 4789 troops, 119 military observers, 939 civilian police, 631 international staff and 660 local staff.

MANDATE: RESOLUTION 1410 of 17 May 2002, renewable after 12 months

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