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MODELS FOR ADMINISTERING A POST SADDAM IRAQ

Introduction

- 1 This paper (1) considers what would need to be done to run a post Saddam Iraq and to facilitate the subsequent transmission of power to an Iraqi Government and (2) discusses who would take this on and the various models which could be used. It argues for a UN-led Transitional Authority with a clear mandate, but for security to remain a coalition responsibility.
- 2 Much would depend on what happened during the military campaign. For the purposes of this paper we are assuming:-
 - a) the US-led coalition takes control of Iraq following a short campaign which does not exacerbate the humanitarian problems in Iraq or cause extensive damage to Iraq's critical infrastructure;
 - b) there has been no significant WMD usage; and
 - c) Saddam's regime has been removed almost entirely, no alternative regime has replaced him (eg a military junta) and there have been no uprisings by the Kurds or Shi'a.

(These assumptions are optimistic. The reality is likely to be more complicated, making the transition to a civilian administration harder.)
- 3 Much would depend on the legal basis of the campaign. If Saddam was ousted without a UN mandate, it would be more difficult to get UN support for a post Saddam administration. The US-led coalition would have weakened its international legitimacy and its ability to draw on the support of others in the aftermath. But whatever the international criticism, non-coalition countries would be likely to prefer a UN role to continued outright coalition control. Negotiating this would be complex, but probably not impossible.
- 4 Any UK role in a post Saddam Iraq would need to be in accordance with our international obligations under the Geneva Conventions, relevant human rights treaties and UN Security Council resolutions.

What would need to be done to run a post Saddam Iraq?

- 5 Immediately after successful military action, someone would need to assume responsibility and govern Iraq. There would be three main challenges - administering the country; providing security; and starting preparations to hand over to a successor regime.

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Administering Iraq

- 6 In the immediate aftermath of any conflict, this would involve:-
- a) Humanitarian relief: including importing and distributing food rations; providing medical supplies and treating water; medical treatment of the injured and sick; support for refugees and internally displaced people.
 - b) Recovery/Rehabilitation: There would be an urgent need to demonstrate the benefits of any change in the regime. This would mean normalisation of trade and financial relations through an early end to sanctions and the reopening of land borders. Enabling Iraqi oil to flow more freely again and regulating it effectively would be a high priority. It would also mean the quick restoration of critical infrastructure.
 - c) Public information: Winning hearts and minds, primarily inside Iraq, but elsewhere too.
- 7 In slower time, it would be necessary, inter alia, to:-
- a) agree new oil quotas with OPEC;
 - b) determine whether existing oil contracts were still valid;
 - c) help Iraq move towards a more open, market economy and tackle the problem of reparations;
 - d) start reconstructing Iraq's industrial, agricultural and other infrastructure;
 - e) decide how to deal with war crimes and human rights abuses.
- 8 Other programmes (eg education and healthcare reform; promotion of human rights) could be longer-term considerations.

Providing Security

- 9 A strong security presence in Iraq would be needed to do the following:-
- a) Ensure the effective destruction of Iraq's WMD programme and/or protect any international inspection team admitted to do this;
 - b) Provide internal and external security, deterring those who might want to exploit the situation, including international terrorists, and preventing the outbreak of factional or regional hostilities. This would be important for maintaining Iraq's territorial integrity, which we have

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identified in an earlier paper as a high priority;

- c) Protect any transitional administration and those working for it;
- d) Manage Prisoners of War and those who committed crimes under the previous regime and we would want to see brought to justice; and
- e) Carry out a comprehensive defence and security review to better understand the shape of existing structures. This would facilitate a security sector reform programme involving the reshaping of Iraq's military and security apparatus and the resettlement of former military personnel. There could be particular problems with reintegrating Kurdish forces and the Badr brigade.

Preparing to hand over to a successor regime

- 10 **Any transitional authority should go in with a clear idea of how it would get out again.** The objective should be to help establish a new Iraqi Government and to transfer power to it. Our basic approach is that the Iraqis should determine their own government, but that we would want this to be representative of Iraq's diversity and to deliver effective government.
- 11 It would be politically necessary to start preparing the ground for handing over power to a successor regime at once. Even if it had no blueprint for a future Iraqi Government, any transitional authority should hold out a clear political vision for Iraq, based on effective representation of the different ethnic, religious and regional groups and, to the extent possible, democratic principles. It should also aim to start a process which would lead as rapidly as possible to the creation of an Iraqi government. This could involve eg setting up a council or convening a conference.
- 12 The previous DSI/RA paper on post Saddam scenarios highlighted many of the difficulties this presents. The main options are:-
 - a) Democracy: Iraq's ethnic/religious mix makes stable democracy difficult. 55-60% of Iraqis are Shi'a; 15-20% Sunni Arabs; 20-25% Kurds; 3-5% others. This would almost certainly mean any Iraqi Government elected by a free vote on universal suffrage would be dominated by the Shi'a. The Sunni Arab elite in Baghdad would not accept this, nor would many others in the region. The Kurds already have a significant degree of autonomy in the north and would not want to lose this as part of any post-war settlement. In addition to these complications, after long years of rule by Saddam there is no real political party infrastructure in Iraq today.
 - b) Representative: It may be possible to develop a representative structure with many of the key posts shared between Sunnis, Shi'a

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and Kurds and some degree of regionalism. There are risks with such an approach eg policy paralysis and factionalism, as in Lebanon. The division of resources in Iraq – especially oil – is also uneven between the regions. But the various parties might accept some sort of compromise which would be workable.

- c) Unifying Leader: Iraqi government since the monarchy has been through a succession of strong, often military, leaders. There is no readily identifiable candidate in the current context: no credible Iraqi monarch or revolutionary figure like Gusmao in East Timor (or even Khomeini!), who could act as a unifying force. This is not surprising given the nature of Saddam's regime. One might emerge.

- 13 Working out the solution to this would not be easy. It is possible to explore ideas with Iraqi exiles, but they have little credibility within Iraq. Any solution would almost certainly have to be sorted out once Saddam had gone. More options might then appear. Only at this stage would it be possible to gauge what sort of compromises the various groups would be prepared to make. We should avoid making promises (eg on the timing of any consultation process and possible governmental structures) which may later prove unworkable.

Who does what and when?

- 14 **The US-led coalition would almost certainly have to retain responsibility for the security function for some time after any conflict.** The composition of the forces would probably change. We would expect the US and a few key allies to continue to deal with the harder end of the security spectrum. But other countries, including those not involved in the fighting, might carry out the softer security tasks necessary, including policing.
- 15 In the immediate aftermath of any war, the coalition military forces would need to take control of Iraq and provide a secure environment in which humanitarian agencies could work. They could also undertake quick impact projects to help the stabilisation process. It is not clear how long this would last. It could be a matter of weeks, but it could become an extended period. We would want it to be as short as possible.
- 16 Once the situation had stabilised, the coalition would look to establish a clearer structure to carry out the full range of administrative functions. When doing so, the ideal would be to make as much use as possible of the existing Iraqi administrative apparatus. There would still need to be central co-ordination, and possibly some new structures (eg where an important function had been carried out by the Ba'ath party).
- 17 **One of the most difficult questions is what form this administration should take.** Two options have been suggested: a US

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military governorate; or a UN administration.

US Military Governorate

- 18 We understand the Americans prefer a military governorate led by a US general. This may be because it would give them greater freedom of action. It also reflects US doubts that the UN is up to the job. The analogy is drawn with the post Second World War period when the US and its allies successfully put Germany and Japan back on their feet.
- 19 There are similarities between the two situations. But there are also significant differences. In many ways the political situation is more complex now. This would not be the end of a global conflict as in 1945 in which the opposition and its ideas had been comprehensively defeated. There would be a great deal of suspicion and nervousness about US intentions in the region and in Iraq.
- 20 It is also worth remembering the scale of what was done in Germany (and Japan). Germany was under military administration for four years after the war, Berlin for 45 years. Allied forces remained in occupation until 1955, in Berlin until 1994. The financial cost was enormous - Marshall Aid cost US\$12.5 billion (in 1940s prices) over 3 years. At that time, there was no alternative. There was no UN with a track record of tackling this type of situation. Equally importantly, there was a tremendous determination amongst Germans and Japanese to rebuild their countries and a willingness to work together with each other and with the Allies to do so.
- 21 A military governorate could have certain advantages from a UK perspective. It could guarantee US political and financial commitment to the reconstruction process. It would help ensure the civil administration and security elements of post-war government remained interconnected.
- 22 But there are major disadvantages. It is doubtful whether a US military governorate would be able to carry out all the tasks outlined above effectively. The US would need to bring in others, including civilian personnel, to carry out key roles. It would be essential that full attention was paid to civilian recovery and rehabilitation tasks. Would a US military governorate be able to negotiate oil quotas with OPEC or decide on the validity of existing oil contracts, largely with non-US companies? Would a military governorate be able to run a banking system?
- 23 It is also not clear what the legal basis for a governorate would be. The Allied military government after the Second World War was based on the unconditional surrender of Germany and the assumption of supreme governmental authority by the Allied powers. This might not happen in Iraq. Any governorate would need to be consistent with the UN Charter - there is a special Article dealing with Allied rights in Germany and Japan.

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This means that a UN mandate would almost certainly be required.

- 24 Presentationally a US-led military governorate would be unattractive. Even with a UN mandate, it would not be seen as impartial in the same way as a UN operation. It would not attract the same support within the region and beyond, provoking charges of neo-colonialism and US greed for Iraqi oil. It could increase tensions across the region and in the wider Muslim world and be destabilising for some countries. It could even be an attractive target for international terrorists. A future Iraqi government established by such a governorate might be tarnished.

Administration by the UN

- 25 The alternative to a military governorate is a UN administration. Our view is this would be more appropriate. The UN has developed considerable expertise in running missions in Cambodia, Kosovo, East Timor and Afghanistan.
- 26 The UN is already actively involved in Iraq. Its humanitarian agencies have staff on the ground, eg implementing the Oil For Food Programme. This means it has some of the necessary structures and networks in place, and staff with experience of working with Iraqi officials. It makes sense to build on this and establish a UN administration. This would help draw together the various strands of UN activity, including weapons inspections via UNMOVIC.
- 27 Each of the UN's missions to date has been tailored to the individual circumstances. All have differed significant in scale, context, time frame and intrusiveness. But there are broadly two different models for a UN administration: a UN-led Transitional Authority (as in Cambodia, East Timor and Kosovo); or a UN-supported Transitional Authority (as in Afghanistan).
- 28 Both models would need a UN Security Council mandate. Ideally, they would also be endorsed by some sort of Iraqi political process (cf Afghan Shura). This would not be possible at the outset, but could be done at a later stage.
- 29 Under the UN-led model, international personnel would take over the main governmental and military/security structures, replacing the senior officials and running the organisations themselves. More junior staff would remain in place. In the UN-supported model, the governmental structures would be left under local control. The UN would play more of a monitoring role, assessing whether decisions taken were consistent with certain key principles it had set down (eg full respect for human rights, non discrimination).

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- 30 We consider the UN-led model likely to be more appropriate for post Saddam Iraq. Many senior figures in Iraq's bureaucracy and military are compromised by their connections with Saddam's regime, and also lower down. Rather than deciding immediately after any conflict who to retain and who to push out, it would be neater for the UN Transitional Authority to replace the top tier of leadership with international personnel immediately and to create additional structures if necessary.
- 31 Once this system was in place, the UN could then move towards the UN-supported model, by gradually re-installing senior Iraqi officials as appropriate. This would be a step towards greater self-government.
- 32 Kosovo could provide some useful lessons in how to manage the transition from military action (in that case by NATO) to a UN-led civilian administration. But in Kosovo there were few administrative structures for the UN to build on.

Who would be involved in the administration?

- 33 As many Iraqis as possible should be involved in any transitional administration. Working as much as possible through existing Iraqi administrative structures, and possibly some elements of the military, should facilitate this. Where possible we should also look to draw on Iraqi diaspora technocrats for senior positions. There are international entities which could facilitate this.
- 34 Similarly, it would be important to make sure the transitional administration did not look a primarily Western initiative. This could mean involving the Arab League and Organisation of Islamic Countries in some way and having a number of senior Muslims in the administration.

Additional Questions

35 The UN approach throws up various further questions:-

- a) Who would be the domestic figurehead? Sihanouk was the figurehead in Cambodia. Karzai has carried out this function in Afghanistan. There is no absolute need for a figurehead. But it is valuable presentationally. There is no obvious candidate amongst the Iraqi exile/diaspora communities. It is doubtful whether they would have the credibility. But we should remain open to suggestions. It is possible someone would emerge in the aftermath of conflict - Karzai did.
- b) Who would head the Transitional Authority? It would be critical to identify a heavy-weight figure to head the Transitional Authority. He or she would need to be acceptable to the Iraqis, within the region and wider Muslim world and to the US-led coalition members. This

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suggests he or she would be a Muslim, but not from one of Iraq's immediate neighbours. One option would be Brahimi given his success in Afghanistan, but it would be difficult to persuade him to take this on. There may be others.

Recommendations

36 Our conclusions from the above are as follows:-

- **Whatever we do, a UN mandate would be critical in any "Day After" situation. Acting without a mandate would make managing post-Saddam Iraq harder.**
- **The US-led military coalition would need to secure Iraq for a period after the conflict, including during the creation of an interim administration. It is not clear how long this period would last. We would want it to be as short as possible.**
- **Our initial assessment is that a UN-led Transitional Authority would be most appropriate for the interim administration of Iraq. We would envisage any UN operation taking control of and running the government in the first instance and gradually scaling back its involvement.**
- **There are strong arguments against a US military governorate – practical, presentational and legal. We should not rule it out entirely, but need to understand better why the Americans favour this option and how it would work.**
- **We should start exploring a possible UN role in more detail. This would include:-**
 - **Mapping the key tasks and posts that would need to be filled.**
 - **Identifying someone who could head a Transitional Authority.**
 - **Identifying Iraqis who could work in an interim administration.**
 - **Identifying appropriate personnel (particularly Iraqis) to take over key roles.**
- **Irrespective of the administrative arrangements, the US and coalition partners would need to retain overall responsibility for Iraq's security for some time after the conflict. How the different security-related tasks (including security sector**

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reform) should be carried out and by whom needs further consideration.

- We should bear in mind the importance of an effective EU contribution eg to the humanitarian effort and should encourage preliminary thinking within the EU of what it might do.
- We need to consider how to deal with leading members of Saddam's regime.



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