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USLO (via DIALL)

IRAQ RED TEAM – THE FUTURE GOVERNANCE OF IRAQ

Reference:

A. CDI 2/25 dated 25 Feb 03 (Iraq - Red Teaming in the DIS).

1. Please find enclosed a bullet brief from the DIS Iraq Red Team. The brief has drawn on a variety of sources, including a panel of regional experts assembled on our behalf by Kings College, London; this has enabled the Team to take as wide a view as possible and obtain fresh insights.

2. This paper assesses likely prospects for the governance of Iraq during the period of military occupation following the end of hostilities, the Interim Administration and once an Iraqi Government has been restored.

3.

*[signed on CHOTS]*

PS/CDI

## IRAQ RED TEAM: THE FUTURE GOVERNANCE OF IRAQ

A Bullet Brief by the DIS Red Team

This brief has been grounded on information derived from sources inside the Allied intelligence community, but has deliberately looked wider to a variety of outside sources to seek fresh insights. It is intended to provoke thought rather than to provide authoritative assessment.

1. **Aim.** To assess the future prospects for the governance of Iraq in the short, medium and long term.

### **Key Judgements:**

- There are five key steps in the successful establishment of a representative Iraqi Government in the long term:
  - Establishing a peaceful and secure environment.
  - Answering immediate humanitarian needs.
  - Establishing an effective Interim Administration.
  - Re-establishing the rule of law, including an effective Iraqi-led judicial process and infrastructure.
  - A constitutional process leading to elections and the withdrawal of coalition forces.
- Of these five, the first three are the most immediate and will attract most early effort. They will set the conditions for the last and most important step - a constitutional process. If the Iraq Interim Administration fails to achieve these steps the result is likely to be a patronage-based and possibly unstable civilian government living under a threat of military intervention.
- Regional views will be important in determining Iraqi opinions and these are being shaped by the current operational endgame. Current events will set the tone for relations between Iraqis and coalition forces once the fighting stops and will determine the ability of the coalition to play an 'honest broker' role in emerging Iraqi political structures.
- Whilst it is possible to argue that it is not necessary for the Iraq Interim Administration to be mandated by the UN, any resulting administration would lack moral legitimacy in the eyes of most Iraqis and the region and may not last long.
- Coalition forces will have to make use of indigenous Iraqi security forces to establish and maintain law and order. The police will require extensive reform in the long-term, but in the short term may be able to play a role in maintaining law and order, if supervised. The Iraqi Army was a respected national institution and elements may be able to assist in many parts of the country.
- In the medium term we must expect a significant threat to coalition forces from AQ-linked or sympathetic terrorists, from other Iraqi terrorists pursuing their own political agendas and criminal violence, intimidation and corruption directed at administration officials and NGOs.

2. **Current Situation.** The current situation is setting the conditions for the immediate post-war<sup>1</sup> administration and beyond, it is characterised by:

- Lawlessness in the 'liberated' areas. This is exacerbated by the disappearance of the civil police and administration in some towns, residual fear of the 'shadow' regime and the possible emergence of new militias in the face of apparent coalition compliance<sup>2</sup>.
- Overstretched Iraqi civilian medical services, where there has been heavy fighting, and a shortage of water and medical supplies in the 'liberated' areas (although infrastructure remains largely intact).
- Uncertainty over US intentions in the region, fuelled by generally negative regional perceptions of coalition activity and public disagreements within the Administration in Washington.
- An internal US administration and coalition debate on the extent of the UN's role, in particular the need for a UN mandate to enable the Iraq Interim Administration (IIA) to execute its functions. There is a legal view that without a mandate a state of 'belligerent occupation' would continue, notwithstanding the establishment of an IIA, and that the IIA would have no power to make legitimate constitutional change<sup>3</sup>. Even more importantly, without the legitimacy conferred by a mandate, the IIA will be regarded within Iraq and the region as military occupation under another name.
- Uncertainty over the status of Iraqis in the IIA - are they to be given executive authority, act as figureheads of ministries with coalition 'technical advisors', or are they to be relegated to a purely advisory role?
- The emergence of some Shia clerics in southern Iraq as figures of moral authority, together with the appearance of foreign fighters, Hizballah activity and Iranian influence<sup>4</sup>.

3. **Short Term.** In the current power vacuum in 'liberated' areas the most pressing need will be for coalition forces to satisfy their legal obligations<sup>5</sup> by restoring a peaceful and secure environment - to enable aid agencies to function and the reconstruction of essential services. It is imperative that this period is as short as possible consistent with stabilising the situation, to avoid offending national pride and encouraging recruits for extremist groups<sup>6</sup>. In the immediate short term, coalition forces will have to fulfil this role as best they can. When

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<sup>1</sup> For the purposes of this brief the war will be judged to have ended when a daily Air Tasking Order (ATO) is no longer being executed.

<sup>2</sup>

<sup>3</sup> The occupying power has a duty to oversee the territory and to administer it, although it cannot do as much as a sovereign power. It can, however, decide whether to use a military or civilian administration.

<sup>4</sup> The now two-sided power struggle in Najaf (with the assassination of Abdul-Majid al-Khoei) between the SCIRI leader Ayatollah al-Hakim and the resident senior cleric, Grand Ayatollah Sistani, may be a sign of things to come. The security vacuum in towns such as al-Amarah may give SCIRI the opportunity it is looking for to assert its influence.

<sup>5</sup> As "belligerent occupants".

<sup>6</sup> Organisations like the Shia group Da'wa are likely to re-emerge quickly. Although Da'wa is 'fundamentalist' it is not yet extremist in the sense that they are likely to seek recourse to violence. A protracted military occupation (Gen McKiernan followed by a Garner administration without a UN mandate) may well push it towards extremism. AQ is likely to exploit this opportunity to attack coalition targets.

resistance collapses in northern Iraq it is likely that armed Kurds, with or without KDP/PUK approval, will return to re-possess seized property from Arab settlers, leading to ethnic clashes.

- It is likely that, even with the arrival of 4 Infantry Division and other follow-on forces, coalition troops will need to enlist the support of indigenous security forces in establishing a secure environment<sup>7</sup>.
- The most trusted and least corrupt national security institution is the Iraqi Army. It is Iraq's oldest institution and a focus of national pride. Some senior officers and units have remained sufficiently detached from the regime to be of use, whilst retaining respect for performance in past wars, such as that between Iran and Iraq. They could not be used everywhere, for example the Marsh Arabs have cause to hate them, but would be respected in many other places and preferred to coalition forces.
- Use of the Army will, however, carry the risk that the generals will create a political role for themselves due to widespread pan-Arabist sentiment in the officer corps and their own view of the Army as a unifying force within Iraq<sup>8</sup>. This could prejudice the subsequent development of a representative political process.
- The Iraqi civil police are a largely discredited and demoralised force and are viewed as auxiliaries to the Ba'athist security apparatus. In the long term they will require reforming and re-training. In the short term, however, they are present as a formed body and there may be utility in making use of them with appropriate direction and supervision from coalition forces<sup>9</sup>.
- The reappearance of Iraqi uniforms will also have a powerful psychological effect; it will alleviate the humiliation felt by many Iraqis at foreign occupation, separate from their dislike of the Saddam regime.
- Iraqis have a very strong sense of community based on honour/tribe/family and this could be harnessed at local level within communities to allow 'self-policing'. Coalition troops will need to facilitate this process. In the South they can make use of clerics and Shia tribal leaders, although must be careful that coalition 'spin' does not discredit clerics in the eyes of their own people<sup>10</sup>.

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<sup>7</sup> Maintenance of law and order, and the restoration of the rule of law are coterminous. Fulfilling these tasks will be complex and onerous. Troops will require policy guidance on powers of 'stop and search' and 'arrest and detention'. Such policy will need to take into account host nation law and human rights. Detention centres with adequate conditions and manning will be a prerequisite for success of this task. Thereafter, restoration of the administration of justice will be the focus of attention. Judges and prosecutors may need to be appointed, with consideration given to ensuring minorities are represented and protected. The applicable law may also be an issue.

<sup>9</sup> This has already begun in 1 (UK) Arm'd Div Area of Operations.

<sup>10</sup>

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4. **Medium Term.** On present plans the Land Component Commander (Gen Mckiernan) will hand over his responsibilities as commander of the military occupation force to ORHA (Gen Garner) in 2 - 6 months. Provided the ORHA-led administration has a UN mandate and significant Iraqi involvement, most Iraqis will probably regard it as a necessary evil on the road to establishing a representative Iraqi government. If it does not have a mandate<sup>11</sup> it will not be able to prepare the ground for an Iraqi government and will be a de facto continuation of the belligerent military occupation. In these circumstances it is hard to see how an Iraqi government with any degree of legitimacy can be achieved<sup>12</sup>.

- There is a real danger that where there is no coalition presence anarchy will result; we should expect groups to undermine actively the authority of the IIA (even before it is established) in pursuit of their political self interest by building their own power bases, running their own militias and corrupting officials.
- Specific threats to the security of coalition military and IIA personnel are likely to come from AQ-linked or sympathetic terrorists, who will attack soft targets using VBIED, ambushes, assassination. Meanwhile criminal elements will target NGOs, IIA and government officials using protection rackets, extortion and corruption. There is likely to be significant overlap between terrorist and criminal activity.
- The most important task in this period will be the framing of a future constitution; the IIA should stay in power long enough to get the job done and no longer. In the eyes of many Iraqis the authority and legitimacy of any constitution will be weakened if it is not written by Iraqis nominated by an independent (not coalition) 'honest broker'. This suggests that any constitutional commission should include a representative selection of Iraqis. This raises questions of who selects them and the role, if any, of the UN.
- Although a UN mandate will confer legal legitimacy and transparency, it will be important to secure international and regional acceptance of the IIA. Within Iraq the UN has been significantly discredited due to its involvement in the corrupt exploitation of the OFF programme and the perceived manipulation of UNMOVIC by the old regime. That said, there seems to be no alternative<sup>13</sup> if 'occupation' is not to extend indefinitely.
- Iraq, and Baghdad in particular, has an educated and relatively sophisticated population which will shortly be swelled by the ranks of returning exiles, many of whom have been exposed to Western political processes. It may be, therefore, that serious political debate will commence more quickly than expected. We must certainly expect a rapid growth of

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<sup>11</sup> Although President Bush says he sees a "vital" need for UN involvement this could be interpreted as applying only to the provision of humanitarian assistance - with no role in constitutional development.

<sup>12</sup>

<sup>13</sup> An organisation such as OSCE or the Arab League could help facilitate the constitutional process but will not be able to confer legal legitimacy.

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political debate in the newly-freed media. Much of the debate will centre on the role of returning exiles vis-a-vis emerging indigenous politicians.

- There is a danger that significant elements of this rapidly emerging civil society will, after a brief honeymoon period, become anti-'occupation' (regardless of the legal position of the IIA, the continued presence of Western troops will still offend many). In this case some returning exiles whom the coalition place in positions of authority/influence may have very short political lives in post-war Iraq<sup>14</sup>. Other returnees may avoid co-operation with coalition forces, lest it reduce their future political prospects on the grounds that they are 'tainted' by association with an unpopular foreign occupation.

5. **Long Term.** Whatever political framework takes shape, we should not under-estimate the economic distortions and corruption that will be produced by the combination of a deeply embedded patronage system and oil wealth<sup>15</sup>. On the other hand, Iraqis are watching closely developments in the Palestinian Authority, where there are some encouraging signs that a real democratic process is emerging. The odds are probably even for the emergence of a genuinely democratic society or one nominally so, but dominated by the power of patronage and the military. There will be three broad categories of people in post-IIA Iraq:

- Those who will relish the opportunities provided by the new political environment and will play a full part in developing a civil society. The structures and personalities that emerge will reflect the diversity of Iraqi society:
  - In the South, Shia clerics who have not been associated with the Saddam regime will attempt to assert their moral authority, although not necessarily in the political arena as Iranian clerics<sup>16</sup>.
  - In Sunni Arab areas where traditional tribal links are strong, such as Tikrit and Mosul, the traditional tribal leadership is likely to assert itself. They will wish to maintain the status quo and avoid ethnic unrest.
  - In Kurdish areas new leaders and political parties may emerge at the expense of the KDP and, less likely, the PUK<sup>17</sup>.
- Those who will feel exposed by the unaccustomed choices and demands of the new environment, and may be resistant to change.
- Unscrupulous individuals, accustomed to the exercise of corruption and intimidation, who will seek to exploit the uncertainties and lack of controls in post-war Iraq to enrich themselves and accrue power.

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<sup>14</sup> Such as Ahmed Chalabi.

<sup>15</sup>

<sup>16</sup> Iraqi Shia have traditionally been much less active politically than their Iranian co-religionists.

<sup>17</sup> In the Mosul area Kurds have long been 'Arabised', they speak Arabic and have more in common with neighbouring Arab tribes than the mountain Kurds in the KAZ.

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6. **Conclusion.** The prospects for a representative and stable Government of Iraq run by and for the people of Iraq are not certain. To succeed law and order must be established under the immediate military occupation, an even-handed IIA needs to be empowered by the UN to draw up a constitutional arrangement, and to put it into effect using a constitutional commission followed by an electoral process. If the process falters at any point there is a real danger that Iraqis will revert to the sort of patronage-based governments that characterise large parts of the Arab world.

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