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CDI 2/25

7 Mar 03

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External:  
JIC Chair  
DUS D&I  
Hd of Iraq Planning Unit FCO

**IRAQ RED TEAM - OBTAINING AND RETAINING THE SUPPORT OF THE  
IRAQI PEOPLE IN THE AFTERMATH OF CONFLICT**

Reference:

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

1. As described at Reference A, please find enclosed the second bullet brief from the DIS Iraq Red Team on the above subject. The brief has drawn on a variety of sources inside the Allied intelligence community, the Iraq Policy Unit in the FCO and from 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. Any comments or questions are welcome and should be directed to  
on MB or BRENT (CHOTs: JDCC STUDIES 2).

*[signed on CHOTS]*

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**OBTAINING AND RETAINING THE SUPPORT OF THE IRAQI PEOPLE IN  
THE AFTERMATH OF CONFLICT**

A Bullet Brief by DIS Red Team - 7 March 2003

This brief has been grounded on information derived from sources inside<sup>1</sup> the Allied intelligence community, but has deliberately looked wider to a variety of outside sources<sup>2</sup> to seek fresh insights. It is intended to provoke thought rather than to provide authoritative assessment.

1. **Aim.** To identify the optimum structure of the Immediate and Interim Administrations in Iraq and other measures most likely to obtain and retain the support of the Iraqi people.

**Key Judgements:**

- Internal Iraqi support is likely to be the single most important factor to the success of the whole operation. After a "honeymoon period", Iraqi support is likely to become fragile and will depend on the way the early phases of the military campaign were conducted and the effectiveness of the immediate post conflict administration.
- The Immediate Administration will be established as a "belligerent occupation", which will require coalition forces to provide a wide range of administrative support, as well as maintaining law and order.
- The form of the Interim Administration is not yet clear, but in descending order of acceptability, is likely to be:
  - UN Assistance Mission with strong US/UK civilian and military contributions<sup>3</sup>.
  - US-led civilian administration.
  - 'Full blown' UN administration - on the lines of UNMIK or UNTAET.
- The critical success factor from the outset will be the engagement of local representatives in advisory bodies at national, regional and local level. Iraqi representation must not be restricted to exile bodies.
- Opportunities must be taken to hand over administrative responsibility to local authorities as they become competent and are approved by advisory bodies.
- Law and order, including the judicial process, will require special handling and the retention of executive authority by the Interim Administration.

2. **Assumptions.**

- There will be a post-war US military-led Immediate Administration that will be in place for at least two months.

<sup>1</sup> Including JIC, DIS

papers and open sources.

<sup>2</sup> Views were sought from a panel of regional experts assembled by the Centre for Defence Studies (CDS) at Kings College, London. Panel members are listed at Annex A.

<sup>3</sup> It will be even more effective if a non-military symbolic role can be found for Arab League members.

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- This will be followed by an Interim Administration. Depending on the outcome of the debate being conducted in Washington, it will follow one of three models (all of which will be advised by an Iraqi Consultative Council (ICC) with significant representation from each of the major ethnic, social and religious groups):
  - A US-led "civil" administration (headed by a retired USMC General).
  - A UN Assistance Mission with a UNSCR mandate, headed by a Special Representative of the Secretary General (SRSG), with administration and security provided by coalition forces and contributing nations.
  - A 'full blown' UN administration with SRSG and UN-assigned civil support organisations and military forces – perhaps along the lines of the UN Mission in Kosovo (UNMIK) or the UN Transitional Authority in East Timor (UNTAET).
- None of these would be particularly welcome within Iraq, but the UN Assistance Mission is likely to be the most acceptable. Participation by nations should be dictated by their ability to deliver, rather than just to increase international representation, but the Iraqis would probably welcome a symbolic non-military role for Arab League members.
- In the longer term (probably in not less than two years) there will be a political process intended to lead to an Iraqi pluralist, and representative, administration.

### 3. Key Considerations.

- **Fragility of Popular Support:** internal Iraqi support for the Immediate and Interim Administrations will be critical to their success. There is likely to be widespread support for coalition forces in the immediate aftermath, but it will be extremely fragile. Retaining this support will depend on:
  - The conduct of the early phases of the campaign, specifically minimising civilian and unnecessary military casualties, minimal infrastructure damage and the correct handling of Iraqi prisoners of war.
  - Providing food, water, medical assistance and shelter promptly, efficiently and fairly.
  - Prompt action to mark and clear unexploded ordnance (UXO) and, if necessary, CBW contamination.
  - Preventing interference in internal Iraqi affairs by outside states (principally Turkey and Iran).
  - Providing a credible promise of increasing Iraqi involvement in administration with a road map to an Iraqi-led government, whilst ensuring no particular group feels unduly disadvantaged.

If any of these conditions are not met, we must expect support rapidly to evaporate in all or part of the country.

- **Clarity of the Information Campaign message:** the Information Campaign will also be crucial to the maintenance of Iraqi support. At present the Iraqi people

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are receiving mixed messages; in particular, it has not been made clear that the removal of Saddam Hussein's regime is a coalition objective.

To obtain the support of the Iraqi people, the Information Campaign needs to:

- Emphasise that our quarrel is with Saddam Hussein's Government, not the Iraqi people (whom we wish to support).
- Confirm that regime change is implicit in the establishment of a military-led immediate post-war administration.
- Confirm the continuing territorial integrity of Iraq.
- Confirm the immediate lifting of existing UN sanctions.
- Emphasise that any post war administration will respect the rights of all ethnic, religious and social groups and will lead rapidly to an Iraqi-led government.
- **Legal Position:** in the post war period, irrespective of the status of UNSCRs, the US/UK forces in Iraq will be in "belligerent occupation"<sup>4</sup>. This obliges them to:
  - Restore and maintain public order and safety by "*respecting the laws in force...in the occupied state*"<sup>5</sup>.
  - Assume responsibility for administering the occupied area.
  - Take responsibility for the medical care of inhabitants<sup>6</sup>.
  - Supply the civil population with food, medical supplies, clothing, bedding and shelter.
  - Facilitate relief schemes, if required.
  - Facilitate the operation of postal facilities, religious observance and schools.
  - Issue a proclamation making the existence, extent and special regulations of the occupied territory clear to the inhabitants<sup>7</sup>.
- UK Forces are also obliged to apply the standards of the European Convention on Human Rights, whereas US Forces are not. This could present complications with respect to the removal of detainees from Iraq, for example.
- These responsibilities remain in force until the occupation ceases<sup>8</sup>.
- Expectations that the coalition forces will be able to deliver these responsibilities are high; so if there is doubt over our ability to meet them in an "exemplary" fashion we should take steps to lower expectations as early as possible.

<sup>4</sup> The status of the post war US/UK forces in Iraq: para 11.1.1, The Joint Service Manual on the Law of Armed Conflict (JSP 383) - 6<sup>th</sup> draft.

<sup>5</sup> Para 11.9 *ibid*, need to clarify which Iraqi legal code applies - the 1925 or 1970 constitution.

<sup>6</sup> Existing hospitals, medical, public health and hygiene services are to be continued.

<sup>7</sup> Not strictly mandatory, but highly desirable.

<sup>8</sup> This will only occur when an appropriate UN mandate takes effect, or the occupying forces leave.

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4. Post War Structures.

- It will be important to remember that Iraq is not a "failed state", nor is it recovering from a bloody civil war. It is a relatively sophisticated state that has been mismanaged by Saddam Hussein's incompetent and brutal regime for several decades. The people are proud and will respond badly to condescension or perceived insults. They will expect to play a major part in the administration of their country from a very early stage.
- To gain legitimacy and to be effective, any post war administration will require significant Iraqi involvement, at least in an advisory capacity; but without raising expectations that the individuals involved will necessarily be part of any final constitutional settlement.
- It is likely that in the immediate aftermath of any conflict retribution will be carried out against any particularly brutal or corrupt officials, resulting in their arrest, execution or flight. It is probable, therefore, that any remaining officials, even if they are Ba'ath Party members, will not be associated with the worst excesses of the previous regime and could be employed in any new administration<sup>9</sup>.
- It is imperative that advisory bodies are not constructed exclusively around Iraqi exiles
- Space must be left for local participation, not least because exiles will need time to become widely known and trusted, particularly as many will be perceived as having abandoned Iraq.
- Regional variations will need to be taken into account. For example, the existing autonomy of the areas administered by the KDP and PUK will be important factors.
- NGOs will require representation on advisory bodies at many levels, if these key stakeholders are to be engaged.
- **The Immediate Administration:** as an overriding principle, the administration should retain executive authority but make use of, and be increasingly guided by, advisory bodies. This should allay fears created by the current regime and supported by the propaganda of Islamic fundamentalist and nationalist groups that the US has a neo-colonial agenda.
- At the national level three elements are recommended:
  - Legitimacy of the administration will be enhanced if an experienced figure who is respected inside Iraq can be established as a 'principal adviser' to the

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<sup>9</sup> Less those on the "black list".

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Military Commander and subsequently the Head of the Administration/SRSG<sup>10</sup>. The principal adviser would be a member of:

- A small advisory board (perhaps seven individuals with two Arab Shia, two Arab Sunni, two Kurds, and one Turkoman). This would be drawn from:
- A Consultative Council representing as wide as possible a spread of internal and exile groups, each invited to nominate their representatives.
- At regional and local levels the structure should be mirrored by advisory committees reflecting the community in the local area. Regional and local coalition military commanders must be empowered to make immediate contact with local bodies and to identify suitable individuals for advisory roles.
- Wherever possible, it is recommended that day-to-day responsibility for running facilities is delegated to in-place officials. The advisory committee will be in a position to offer advice on the suitability of individuals. Such responsibilities might initially include:
  - Maintaining the existing and effective tertiary distribution of aid machinery<sup>11</sup> established under the Oil for Food programme.
  - Maintaining civil administration and utilities.
- Initially, the Immediate Administration will be unable to delegate any responsibility for:
  - External security.
  - Law and Order – although once an assessment has been made of the effectiveness of local police forces it should be increasingly possible to include them in military-led law and order operations.
  - The judicial system is largely dysfunctional and will require external help to run the process and re-train the local judiciary. Some form of interim judicial system may be necessary<sup>12</sup>.
  - The prison system is likely to require a complete overhaul and supervisory regime, although the infrastructure may be useable.
- Coalition military commanders in the immediate military administration will need:
  - A Statement of Principles to guide their relations with the legacy administration.

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Talabani of the PUK is an internationally respected and politically sophisticated figure. has the merit of representing a minority, but is not a Sunni Arab. His engagement would also allay fears of a Kurdish breakaway state. That said, other figures will almost certainly appear.

<sup>11</sup> Mosques play a large role in this - retention of their support would send a valuable signal that the constructive role of clerical organisations is respected.

<sup>12</sup> The Ba'ath regime makes use of discredited 'security' and 'tribal' courts and has sidelined the 'middle layer'. These could be re-activated to replace the courts tainted by association with the regime but would require assistance from external lawyers.

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- An indication of the identity and qualifications of known key officials in their Area of Responsibility - including access to the list of those not suitable to be included in the administration.
- **The Interim Administration:** will build on the success of the Immediate Administration. During this period efforts must be made increasingly to devolve executive authority to Iraqi administrative bodies as they demonstrate competence. Particular care will be needed with:
  - Law and Order. Devolution should be a four-phase process – coalition military only; coalition military with local police support; local police with coalition military support; local police only. The speed of progress will be asymmetric and will depend on proven competence. International training of police forces will be crucial to rapid progress.
  - Judiciary and Prison Service. Both will need extensive restructuring, training and international supervision.
  - External Security. Once unacceptable officers have been removed, the Iraqi Army should then become increasingly responsible for external security.

## 5. Conclusions

- Iraqis look forward to improved circumstances post-conflict and their expectations that they will be engaged by the coalition in achieving this need to be accommodated.
- The way the military campaign is run, and the early stages of post-war operations, will determine the degree of support the coalition receives from the Iraqi people; if it is not well handled, we risk compromising overall success.

## Annex:

- A. Centre for Defence Studies, Kings College, Iraq Expert Panel Members.

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ANNEX A  
TO CDI 2/25  
DATED 7 MAR 03

CENTRE FOR DEFENCE STUDIES, KINGS COLLEGE, IRAQ EXPERT  
PANEL MEMBERS

1. Panel members were:
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