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Foreign &
Commonwealth
Office

London SW1A 2AH

4 April 2003

Dear Matthew

Post-Conflict Iraq: UK/US

As requested in your letter to me of 3 April, I enclose six papers which cover:

- a) the timing of the post-conflict phases;
- b) a summary of the different tribes, regions and governorates;
- c) a summary of the various Iraqi opposition groups;
- d) our vision of how the UN Special Co-ordinator might work with the coalition forces;
- e) ORHA / IIA relationship with Iraqi Ministries; and
- f) the state of Iraqi civil service and bureaucracy.

I am copying this to Peter Watkins (MOD) and Anna Bewes (DfID).

Kara Owen

(Kara Owen)
Private Secretary

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IRAQ: POST CONFLICT PHASES: TIMING

The timing of the post-conflict phases (military, ORHA, IIA, Iraqi government) will depend on the following linked factors:

- The permissiveness of the security environment.
- The speed with which credible Iraqi leaders emerge within post-Saddam Iraq.
- The attitude of Iraqi officials and of the Iraqi population more widely towards the coalition.
- The extent of the physical damage caused to the infrastructure during Phase III.

Experience to date in southern Iraq suggests that many Iraqi public officials will not work with the coalition until they are sure it is safe to do so. A swift and relatively clean collapse of the Saddam regime could produce a scenario in which Iraqi public officials and the Iraqi public more widely were co-operative. A messy outcome (protracted fighting in Baghdad or other cities, use of WMD, a humanitarian disaster, lack of clarity about the status of Saddam or his henchmen) could produce a scenario in which Iraqis were much less likely to co-operate with the coalition.

Military - ORHA

On cessation of hostilities, the role of the military changes to one of securing and maintaining a secure environment. Responsibility for civil administration (i.e. ensuring basic needs) will transfer rapidly from military commanders to ORHA – **probably within days**. ORHA will however continue to work formally within the military chain of command.

ORHA

Jay Garner's working assumption is that **ORHA will fulfil this role for 30-90 days**. During this time it is likely that a number of Iraqis would act alongside ORHA in an advisory role. The transition point from ORHA would be when a Baghdad Conference appointed an Iraqi Interim Authority and set out its powers.

ORHA will have a limited shelf life. Over time its legitimacy in the eyes of Iraqis will decline. There will also be increasing pressure for it to get involved in reconstruction and reform that goes beyond what is legal for an occupying power. So we shall want a fairly rapid transition to an Iraqi Interim Authority – while allowing some time for credible leaders to emerge from within Iraq.

Iraqi Interim Authority – Government of Iraq

The IIA would take over – perhaps on a phased basis – executive functions. It would then take forward the agenda set by the Baghdad Conference: a programme of constitutional, political and economic reform. We envisage this leading in due course to elections, **within 1-2 years** depending on the circumstances. An international security presence will be needed in the early stages but force levels might draw down during this period as the security situation improves.

Iraq Planning Unit, 4 April 2003

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TRIBES, REGIONS AND GOVERNORATES OF IRAQ

Tribes

1. Tribal structures are found in all parts of Iraq, Sunni and Shia, Kurdish and Arab. They form an important part of the social fabric, but their political role has waxed and waned several times over the past century. Tribes are not necessarily cohesive - some parts may be pro Saddam, some anti; often this reflects internal tensions. It is also important to note that some tribes, like the Shammar, have both Sunni and Shia sections.
2. It is important to note that the tribes of Iraq are virtually entirely settled; most will have a lower stratum of farmers and labourers (and conscripts in the lower ranks of the army), but with quite sizeable higher strata of people with secondary or university educations, and some with advanced qualifications. Equally importantly there are many, particularly in the towns, who feel no particular tribal affiliation.
3. At various times in the past 100 years Iraq's rulers (Ottomans, British, Iraqis) have encouraged tribal power and autonomy. At other times they have been discouraged. For many years the Baath worked to eliminate the tribes as a social and political force, but latterly Saddam has sought to co-opt and control them through threats and handouts, increasing their local autonomy on the one hand, but also implicating them in the system of control that Saddam has imposed on the state.
4. Key pro-regime tribes (Sunni Arab) are the Dulaym, Jibbur, Ubayd and Duri confederations, but members of the first three of these groups have, at different times, been involved in high-profile attempts to bring it down in the period since 1991. The southern (mainly Shia) tribes have traditionally been less cohesive and remain so. Providing numbers of tribes or tribal confederations gives little idea of their relative strength as supporters or opponents of the regime. While they may mobilise on one side or the other, the size of such mobilisation will be affected by the extent to which they are subsidised by the regime or competing countries; by the extent to which internal rivalries are played upon or resolved; and to a large extent by their desire to ensure that they end up on the winning side.
5. A question for the future has to be the extent to which (and manner in which) the role of the tribes is acknowledged. If, in the interests of establishing order quickly in post Saddam Iraq, they are given too much autonomy, and allowed, for instance, to maintain militias for local policing, they could become a rival to the state and prone to external manipulation (as in Yemen). If ignored, a potentially useful counterweight to religious leaderships with political ambitions could be lost in the period during which the new state will be forming.

Regions

6. There is no formal intermediate structure between the state and the individual governorates (below), but Iraq nevertheless has some distinct regions. In the north and north east there is the mountainous region largely populated by Sunni Kurds. The foothills below (including the town of Kirkuk) are claimed by the Iraqi Turcomans as

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their home territory, though in reality the majority of the traditional population is Kurdish. The main populated areas of Iraq are in the fertile plains between the Euphrates and the Tigris rivers in the eastern half of the country. The west and south west is largely desert. While the population is predominantly Sunni in the north and Shia in the south, there is considerable intermixing. Baghdad itself has a Shia majority (and Shia Kurds at one time formed the nucleus of the market trading community).

7. Iraqis make the point that, as much of the country is relatively flat, it is quite distinct from a state like Afghanistan, in that it is relatively easy for control to be exercised over the whole country (the Kurdish mountains being the main exception)

Governorates

8. The modern state of Iraq is composed of the former Ottoman *vilayets* of Basra, Baghdad and Mosul. In 1925 Iraq was subdivided into 14 provinces (superseding the somewhat larger *sanjaqs* into which the *vilayets* had been divided in Ottoman times).

9. The boundaries of the 14 provinces were drawn up during the Mandate period (1918-1932) on principally tribal and ethnographic lines, although the northern provinces of Mosul, Irbil, Kirkuk and Sulaymaniya equally corresponded to geographical features¹. In the south, tribal factors influenced the provincial boundaries.

10. The present day division of Iraq into 18 governorates is not so different from the 14 provinces that existed previously. To account for the extra four, Dohuk has been carved out of Mosul (essentially dividing the mountainous Kurdish area from the Arab-occupied plain); al-Najaf and al-Muthanna in the central south cover the desert area that was not formally administered at an earlier time; and Salah al-Din has been separated from the town of Baghdad to form a separate governorate.

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¹ The most northerly province, Dohuk, was carved more recently out of Mosul (now Nineveh) province.

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Iraqi opposition groups

1. There is a need to distinguish between those Iraqi opposition groups which have credibility and support within Iraq itself and those that have principally courted support within the US administration and media. The two main Kurdish groups - whose leaders the Prime Minister met in December - straddle this divide.
2. Efforts by the Iraqis themselves - and then in the late 90s and beyond by the US - to bring together Iraqis in an umbrella group have largely failed. Obsession with proportionate representation of ethnic and communal groups; the lack of credibility of oppositionists who have spent little time in Iraq; mistrust of high-profile defectors with blood on their hands and suspicion of US motives hampered these efforts. With no robust umbrella group in place, external oppositionists are nervous that the US is trying to sideline them and to pick technocrats and advisers individually.
3. We need to balance the views of external oppositionists who have experience of working in free democratic structures with the need to involve immediately the people still living in Iraq. Iraqis must choose any representative structure themselves from throughout the country and from those oppositionists in exile. This is vital to avoid accusations of being coalition appointees.
4. The following are some of the more important groups and trends:

Iraqi National Accord

5. Led by Dr Ayad Allawi who is based in the UK. In general the party follows a line of moderate Arab Nationalist without Saddam's excesses and as such contains many diplomats and junior Ministers from the 70s. Though Dr Allawi himself is Shi'a, much of the Iraqi National Accord is Sunni and it has an appeal for ex-members of the establishment from across the two communities. Many of its technocratic members worked with the US State Department's Future of Iraq project though they are scathing of ORHA's plans.

Kurdistan Democratic Party and Patriotic Union of Kurdistan

6. Led by Massoud Barzani and Jalal Talabani respectively. Between them in control of the Kurdish Autonomous Zone in northern Iraq. At peace for the last five years in which time they have built up an impressive administrative infrastructure and have been active courting foreign support. Strongly pushing for a federal Iraq in which the Kurds have a large degree of self-governance,
. See a role for themselves in central Baghdadi politics too.

The Supreme Council for Islamic Revolution in Iraq (SCIRI)

7. The Tehran-based Iranian party led by Ayatollah Muhammad Baqir al-Hakim. Suspicious of coalition intentions in Iraq and supportive of Iraqis taking the lead in liberating their country. The most organised of the Islamist groups with a large Iranian-trained paramilitary (the Badr brigade). Distrusted by many as being an

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Iranian proxy, it officially believes in a Western-style democracy with Islamic values at its core. It will attempt to carve out a role for itself post-Saddam.

Ahmed Chalabi

8. The former head of the Iraqi National Congress which was founded in June 1992 as an umbrella organisation, he now mainly represents himself. A Shi'a former banker whose family fled Iraq after the revolution in 1958. Distrusted by many within the Iraqi opposition for his personal ambition, he is a lucid campaigner in the US and was instrumental in having the Iraq Liberation Act passed by Congress in 1998. Unclear what support - if any - he has within Iraq. Not highly regarded by regional governments either (accused by the Jordanians of a major banking fraud). Continues to be favoured by DoD hardliners but opposed by State Department.

Adnan Pachachi

9. A former Iraqi Foreign Minister and Permanent Representative to the UN in the 1960s, an 80 year old Sunni with a nationalist background. Liberal, secular, strongly supporting the role of the UN in helping set up an interim administration in Iraq, he has so far spurned US efforts for him to join wider structures. Well-respected as an elder statesman within the opposition. But his political movement - the Democratic Centrist Tendency - has little mass support, though attractive to apolitical technocrats.

Sherif Ali bin Hussein

10. One of the claimants to the Iraqi throne, mainly due to his mother's blood ties to the last King of Iraq, King Faisal who was killed in the revolution of 1958. Sunni married to a Shi'a from Karbala'. Has lived in exile since the age of 2. Closely tied to US efforts to bring the opposition together, the idea of him (or Prince Hassan of Jordan) uniting the country under a Monarchy came to the fore last year after the role of Zahir Shah in Afghanistan. Again his support base within Iraq is unclear: the Sunni Monarchy from the 1920s to the 1950s was unpopular amongst much of the Shi'a majority and derided as a British imposition.

Other Islamist groups

11. Other Islamist groups have risen out of the 'quietist' tradition of Shi'a clerics who have shunned direct involvement in politics. Many are campaigning merely for full communal and religious rites in which the Shi'a - because they form the majority of the Iraqi population - will naturally have a large role. Religious leaders within Iraq such as Najaf's Ayatollahs Ali al-Sistani, Said al-Hakim and Ishaq al-Fayyad will have an important role in shaping Shi'a public opinion.

Other Kurdish groups

12. Relative political freedom over the past twelve years has seen Kurdish political parties proliferating in northern Iraq. Most important of these are Kurdish (Sunni) Islamist groups ranging from moderate groups who pride themselves on having no armed wing to extremist groups such as Ansar al-Islam.

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Army officers

13. Many former senior figures in the army who have defected - Najib al-Salihi, Nizar al-Khazraji and Wafiq al-Sammarai - amongst others have touted themselves as future leaders of Iraq. As their plans tend to revolve around using themselves to ferment revolt in the army they have not worked well with wider opposition initiatives and are disliked by many because of former crimes. There are a few other broader groupings of ex-military who might play a part in appealing to the armed forces.

Tribal leaders

14. Tribal leaders emphasise the importance that the tribes could have in the future of Iraq. Having been given large powers and in many cases arms to administer large sections of the Iraqi countryside, tribes must be brought on board to help bring security to these areas. However, much of Iraq is urban where tribal ties have either loosened or been artificially revived. There may be disadvantages of the continuing empowerment of the tribes if this gives them the ability to challenge the central state.

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UN SPECIAL CO-ORDINATOR

We envisage a UN Special Co-ordinator performing the following roles:

- Co-ordinating the efforts of the UN agencies, IFIs, multilateral and bilateral donors and NGOs in humanitarian and reconstruction assistance to Iraq.
- Exercising a light degree of supervision over the Iraqi Interim Authority. This would not involve day to day executive powers. But it might include powers of veto over the IIA's actions, under clearly defined circumstances.
- Helping in preparations for the Baghdad Conference and facilitating the emergence of the Iraqi Interim Authority and a new constitutional framework.

The coalition would remain responsible for ensuring and maintaining security. Although this would take place under an overall UN mandate, coalition forces would not be subordinate to the UN Special Co-ordinator nor the Special Co-ordinator subordinate to the coalition chain of command. He would though need to co-operate closely with the coalition by virtue of the latter's responsibility for maintaining security.

Regular consultation would be important to ensure that the coalition and UN operations were complementary. Over time it should be possible to identify areas of co-operation, e.g. disarmament and demobilisation, where some of the work will be done by the security presence and some of it (particularly helping ex-soldiers settle into civilian jobs) will need expertise from the UN, e.g. UNDP and international donors.

We do not envisage an East Timor-style UN interim administration that directly governs Iraq (a red line for the US and, probably, the Iraqis themselves). We envisage a more informal arrangement between coalition forces and the UN, similar to those used in Afghanistan, Kosovo or Bosnia. An essential element, however, is that the respective roles of each body, and their relationship with the Iraqi Interim Authority, need to be clear. The personalities of key players also plays an important part.

Iraq Planning Unit
4 April 2003

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HOW ORHA AND THEN THE IIA WILL ACTUALLY RUN THE IRAQI MINISTRIES

1. Our vision is that Iraq should be transformed from a one party state with a command economy and a public administration in which corruption has been allowed to thrive into a modern, democratic state with a liberal, market economy and a public sector that serves the interests of the people. This is something comparable to the transformations of central European countries after the fall of the Berlin wall.
2. ORHA and the Coalition military are the civil and military faces of the same chain of command, both reporting through CENTCOM to the DOD. Jay Garner wants to take ORHA into Baghdad as soon as it is safe to do so. He will then, together with the Coalition military, establish a "Coalition Provisional Administration". This body will have control over the civil administration of the country. The plan is to put a senior US official with a small group of Iraqi exiles into each of the ministries, after having removed any undesirable elements. The US officials will work as 'advisers' to the Iraqi ministries, which will be headed by Iraqi secretaries-general. They will, in practice, oversee the work of the ministries and, in due course, begin their reform and restructuring programme. The US understand the presentational importance of calling these people 'advisers', rather than 'shadow ministers'.
3. There is a dispute in Washington over lists of names of both the US officials and the Iraqi exiles to be put into the ministries. Both the DOD and State Department want "their people" in place. We have been invited to nominate British officials as advisers. But we have made clear that we need to be sure of the legal basis for their activities.
4. As well as policy and presentational concerns, this approach raises serious legal questions. Before there is specific UNSC authorisation for reform and restructuring of the Iraqi public administration, the Coalition does not have the powers, under international humanitarian law and the laws of armed conflict, to act in any more than a caretaker role of the administration in Iraq. Any steps to reform governmental or administrative structures or to appoint new officials would only be lawful if necessary for security or public order reasons, or in order to further humanitarian objectives. Existing officials may be removed, but the appointment of new officials to the Iraqi ministries would need to be considered against the test of necessity set out above.
5. We expect an Interim Iraqi Authority to be established after a number of weeks of the Coalition's provisional administration. We hope that the process of establishing it will enable it to be seen as a legitimate, provisional government for Iraq. The process must be one conducted by the people of Iraq albeit with international and UN support. Its executive powers and its relations to the Coalition and the UN remain to be defined. But we do not think the IIA would have credibility if it were subordinate or managed in any way by the Coalition. Some light supervision by the UN Special Coordinator will probably be desirable but is not, at present, acceptable to the US.
6. Once the IIA is established, direction of Iraq's ministries will transfer from the Coalition Provisional Administration to the IIA. Not all ministries should transfer immediately. At Camp David, Condi Rice set out 3 categories of ministries – those relatively straightforward ones that could be moved immediately to the IIA control eg

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Agriculture; those that were more complicated and would require a further period of Coalition control before transfer (eg, Oil, Finance); and those which were so sensitive that the Coalition would not transfer them to the IIA until the reform/restructuring programme was sufficiently advanced as to become irreversible (eg MoD, Security and Intelligence Agencies).

7. The US intent has been that, even after transfer, the Coalition Provisional Administration would retain considerable control over the IIA's handling of transferred ministries. We think this is politically unsellable and anyway, without an authorising UNSCR, unlawful.

8. Our model for how the IIA would function is based on the Supreme National Council for Cambodia. In that example, the Supreme National Council met about once a month to take policy decisions. The policy decisions were implemented provided that the UN Special Representative did not object to them. Members of the P5 were represented on the Supreme National Council though they did not have decision-making powers.

9. In Iraq's case, the IIA might need to meet more often than once a month. It will effectively be a cabinet for Iraq. It is barely conceivable that the P5 might have seats at the table, given US determination to keep France and Russia out for the game. All the evidence suggests that the IIA will assert its independence vigorously from the outset. A stately transfer of ministries' powers from the Coalition to it may not be politically possible. But a light supervisory role for a UN Special Co-ordinator may be acceptable as the price the Iraqis have to pay for the international community's support to nation building. This might finally convince the US too.

IRAQ PLANNING UNIT
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The state of the Iraqi civil service and bureaucracy

1. The civil service and bureaucracy present a very mixed picture. On the positive side, they include a large number of able technocrats who have kept the country going - including restoring much of the infrastructure destroyed in 1990/91 - in very difficult circumstances. On the other side, there is little doubt that corruption and nepotism in various forms have been given free rein at different levels, with officials abusing their powers.
2. A key area of concern is the extent to which the bureaucracies are politicised. All senior officials (and indeed many professionals outside the bureaucracy) have to be members of the Baath party. Some will hold senior positions in the party, and put the interests of the party before those of the state. Others will be members in name only and carry out their duties as competently as circumstances allow.
3. We have a fairly clear idea of how big the civil service is (about 1 million employees), how it is structured and how, for instance, its employees are paid. We do not have any deep knowledge about which levels of the administration are so highly politicised as to need immediate reform, nor which individuals might have to be retired or stood down. This in any case cannot realistically be assessed until after liberation.
4. Once Saddam Hussain's regime has been ousted, it will certainly be necessary to remove those who effectively enabled the regime to stay in power. Others, even if members of the Baath or guilty of minor transgressions, should probably be left in place, if possible in order to keep the machinery of the state running. However, our (as yet limited) experience inside Iraq gives the warning that officials may in any case abandon their posts, possibly to seek sanctuary with relatives or their tribes; or that local people will in any case refuse to cooperate with officials whom they see as agents of Saddam's regime.
5. Iraqis have reminded us that many competent people now in exile left the civil service, retired early, or were not promoted because they were not sufficiently Baathist. They may represent a pool of people who can be called upon if this can be done without causing resentments or new accusations of nepotism.

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