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INTERIM ADMINISTRATIONS IN IRAQ

Introduction

1. At the UK-US talks on 'day after' issues, held in Washington in November, one area of difference of approach which emerged concerned the nature of an interim administration in Iraq.
2. The US side argued for their keeping control of an interim administration, though they were not opposed to working with other countries or with international organisations where these had particular qualities to bring to individual tasks. They posited a US-led international coalition. When the time was ripe, the US-led coalition would hand back power to a new Iraqi government. Meanwhile, they, ie the US, would be in charge.
3. The UK side agreed that on the day that coalition forces toppled Saddam's regime, a US general would effectively be in charge of governing Iraq, ensuring stability and a minimum level of public services etc. But the UK thought it highly desirable that that state of affairs would not last for more than a few months. As soon as possible, the military governorate should give way to an international, civilian administration, under some kind of UN auspices, responsible for overseeing the political, economic and security sector reforms which would, in turn, allow the return of power to the Iraqis.
4. This paper, which is 'work in progress', looks at the pros and cons of the two approaches described in paragraphs two and three above, which we shall call the national-led and the UN models for an interim administration (or NIA or UNIA for short).

Objectives of an International Administration (IA)

5. Whoever takes on the job of running Iraq will need a clear sense of their objectives. The overall goal of any IA will presumably be to provide for a smooth transition to the establishment of a representative and sustainable Iraqi government, which enjoys international support and is a force for stability in the region. To achieve this broad goal, the IA will need to have:
 - a capacity to deliver change on the ground
 - the ability to work in Arabic and some experience of operating in the conditions to be found in a post-SH Iraq
 - legitimacy, internationally and within Iraq
 - the confidence of ordinary Iraqi people
 - regional and international political and practical support.
6. Key elements of the IA's activity, short and longer term, would include:
 - Short term
 - Security: internal and external security would need to be provided by the IA or the coalition forces.
 - Ensure (through UNMOVIC/IAEA?) an end to Iraq's WMD programmes
 - Oversee the safe destruction of existing WMD stockpiles.

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- Ensure respect for Iraq's territorial integrity – equal treatment for different religious and ethnic groups.
- Humanitarian relief, including care of internally displaced and (non-Iraqi) refugees.
- Full respect for human rights (no torture, arbitrary detention etc.)
- Restoration of essential public services.
- Initiating security sector reform, especially the reform of the police.
- Effective supervision/running of the civilian administration.
- Continuation of the OFF programme.
- Priorities for environmental clean-up.

Medium term

- Accountability for those accused of past abuses (method would depend on the circumstances: a local court might work, or an international tribunal could be established – see separate FCO paper)
- Economic recovery and reconstruction programmes – management and reconstruction of the oil sector will be the key.
- Planning and supporting a political process leading to the emergence of a new governance structure. This may mean the creation of a new Assembly, including with rights for the representation of Kurds, Shias, Turcomen etc. It might emerge from the Iraqi opposition, or from within the country
- Continuation of UN administered OFF programme (as providing the best means of ensuring that the Iraqi people benefit from the oil revenues – although the US may have plans to replace OFF with something that distorts the market less).
- 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 and an exit strategy from reparations obligations.
- Repatriation and reintegration of Iraqi refugees in safety and dignity (including tripartite agreements with countries of asylum).
- A realistic exit strategy, with benchmarks for the transition to effective Iraqi government.

Scale of the problem

7. We cannot be sure of the scale of the problem before we encounter it (although we believe the US has done a lot of work in this area, particularly with the Iraqi exile community). Iraq had a reputation for being one of the better-run Arab countries with a well-educated civil service. But we have little first hand evidence of how things work nowadays. We need more information, and are working with academics, the Iraqi exile community and our posts on this, in order to tackle the following questions.
 - To what extent are ministries infiltrated by Ba'athist elements? How central are the Ba'athists to the functioning of the ministries? Can the ministries work without them?
 - How far do the Ba'athists have to be removed to ensure loyalty to an interim administration?
 - What has been the effect on good government of coping with sanctions? How much activity has moved to the 'black market'? How do we move black market activity back into the legitimate sector?

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- To what extent have government practices become corrupted by non-transparent control over oil revenues?
- 8. According to one theory, we need dismantle, in toto, only the worst security agencies and the Special Republican Guard. In the mainstream central government and provincial structures, only the most senior people need to be removed. The others below will be eager to work for the new Iraq, free of the fear of Saddam's secret police. But can we be sure of that admittedly attractive judgement? And even if we adopt that as our working model, the UN's experience in other parts of the world, eg Cambodia (see below), suggests the numbers of outsiders required remains significant.
- 9. Our main diplomatic Iraqi watcher, based in Amman, does not believe that there are very many good Iraqis, ready to embrace change. Her view is that there is a group of people who (with heavy outside support) could be used and trusted, in an interim period, to take things forward in the public administration. But this group is small. The majority of civil servants will have been corrupted or will have lost the ability to cope with change. Encouraging Iraqis to return from abroad - the middle class professionals (many of whom were educated in the UK or who worked with British companies in Iraq in the past) - will be a very important element in bolstering Iraq's own capacity to change. Such professionals were responsible for the efficient way in which Iraqi ministries used to be run in the 1970s and 1980s. Whilst some may be wary of what will happen in Iraq at first, others remain keen to return. Decent salaries and firm international commitment to peace in Iraq would also encourage them. (I attach at annex A a report from Amman on the state of Iraqi public administration.)
- 10. A recent FCO paper suggested that the interim administration would need to control the following departments: Defence, Interior and Police, Finance, Central Bank, Oil, Trade and Transport, Communications, Foreign affairs, Justice, and Education. The interim administration would also have to appoint regional officers to the 18 regional governorates, plus the local government in Baghdad. Other departments - Agriculture, Culture, Health, Higher Education, Irrigation, Labour and Social affairs, Planning, Public Works and Housing and Religious Trusts - could be left largely to the Iraqis.
- 11. Some institutions - election machinery, parliament, a regional affairs ministry and a human rights commission - would need complete replacement or setting up from scratch, no doubt with a lot of outside help. In addition, as mentioned above, the Iraqi security organisations would need to be dismantled and the armed forces and police largely reformed. (Security sector reform is the subject of another paper.)

International Legitimacy

- 12. The legal base for post-conflict actions will depend, in the initial stages, on the legal base for military action. That could be Security Council authorisation to enforce Iraqi compliance with its WMD obligations, though for now this is a matter for speculation (NB: another advantage of having a second resolution). However, this would not provide a basis for longer term international intervention. The post WWII practice of taking over a defeated government would not provide

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a model for the different factual circumstances, and would not be legally justifiable nowadays. It would be inconsistent with the UN Charter: it would not, for example, benefit from the specific exemptions in the Charter for allied action against Germany. All this points to going back to the UN for further authorisation (a third Security Council resolution) as soon as possible after the end of the fighting. The need for Security Council authorisation applies just as much to both national and UN IAs.

Acceptance within Iraq

13. Although it is hard to be certain about the private views of ordinary Iraqis, it seems reasonable to assume that the Iraqi people will be suspicious of any international presence in Iraq that lingers after hostilities end. A multinational IA would have more chance of acceptance than an NIA, but even the UN's reputation in Iraq is not high. Much will depend too on the scope of activities controlled by the IA – the wider and more intrusive the IA, the more hostile the reaction is likely to be. The view from our mission in Amman is that the Iraqis would react badly to any IA activity ranging beyond security and humanitarian issues. The Iraqis would want to run the IA themselves, even though, for the reasons given in paragraph 9 above, they are ill equipped so to do.

Advantages of the NIA model

14. There are advantages in the NIA model: maximum coherence and control and a clear chain of command. It should bring clarity about responsibilities. US forces would not have to operate under the supervision of an international body. There would be much less need for protracted and uncongenial negotiations with other countries and organisations. And there would be fewer intermediaries between the coalition and the Iraqis selected to take over the administration.

Disadvantages of the NIA model

15. But even assuming that military action is carried out with the support of a second Security Council resolution, the disadvantages of the national model for an interim administration (NIA) should not be underestimated.

(a) International legitimacy.

- An IA needs to have the blessing of the international community, through the UN, in order to maximise its chances of success. It seems highly unlikely, although not impossible, that a NIA, set upon working outside UN control and not wishing to be constrained by a detailed UN mandate, would get the Security Council's support. This is clearly an important judgement. Even if a NIA got a UN mandate, it would probably not be perceived as having the same legitimacy and impartiality as a UNIA. So many of the disadvantages set out below could still apply.
- Without the Security Council's backing, hostility to the IA lead nation's activities in the Arab world would increase. This would heighten the risk of terrorism against the US and her allies (assuming one of these countries is the lead nation) and increase the breeding ground for recruitment of terrorists. It would also stoke up opposition to the IA within Iraq, thereby reducing the chances of a long-term, stable, political outcome.

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- The willingness of other countries and organisations to share the burden with the US in running an interim administration will be significantly affected by whether the IA effort enjoys international legitimacy. Without UN political cover, even friends of the US, such as the EU and some of its member states, might be inhibited from giving practical support.
- The chances of a new Iraqi political system enduring, after an interim administration hands over power to it, are increased if the international community supports the new arrangements. Without UN or other international support for a new Iraqi government, it will be harder to deal with accusations that the new Iraqi authorities are merely a US stooge.
- To succeed, economic reform will involve applying free market principles to the management of state assets. The IA may want to dispose of bad stock and seek investment for private ownership in going concerns. But to avoid subsequent litigation will require clarity over whether the IA has the legal right to dispose of Iraq's state assets. That may best be achieved through a UN-led interim administration, rather than a national one. This could be particularly germane to the oil industry.
- A degree of capacity building with Iraqi officials will be necessary in order eventually to hand over power to a competent Iraqi administration. This may be more difficult under a NIA where, if there is a perception of lead nation partiality, individuals may fear for the consequences of being seen as 'collaborators' after the IA withdraws.
- Someone will have to represent Iraq in international meetings - of which the most important could be OPEC. Could a US general, in circumstances where the coalition's presence in Iraq was internationally controversial, do that?

(b) Resources

- People. We do not know how many outsiders will be needed to run an interim administration in Iraq. In Cambodia (about half the size of population of Iraq and a quarter of the land mass), UNTAC had 1149 international civilians, 465 UN volunteers as well as 15,500 troops, 893 military observers and 3,500 civilian police. UNTAC only took over senior positions as a basic administration was already in place. On the face of it, it seems doubtful that the limited number of countries in the coalition would have sufficient Arab speaking volunteers with the right skills to fill all these positions. And these figures assume, perhaps heroically, that the Iraqi administration will function with only light outside supervision.
- Time. To root reform in Iraq will take a lot of time. UNTAC lasted 19 months. If a US-led interim administration were set up in, say, May 2003, it could still be in place with a serious job of work to do for the entire 2004 US Presidential campaign, with all the risks of things going wrong and public pressure to wind it up. Would the US administration and the American people have the patience to carry the burden of leading such a huge effort for so long? The higher the level of ambition in promoting reform, the longer the interim administration will need to govern. And the task would not end with the handover to an Iraqi administration since whoever leads the IA will doubtless need to remain engaged, politically and economically, to help bed down the new arrangements.
- Money. The scope for sharing costs is much less under the NIA model than under a UNIA one. The UN's involvement in Cambodia cost about \$1.6 billion. Iraq will, almost certainly, be a lot more expensive.

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- Humanitarian response. There is some risk that some humanitarian agencies would be reticent to engage with a NIA. This may affect the overall capacity to respond to humanitarian and recovery needs.

Advantages of a UN-led IA

16. These are also considerable and are, in many instances, the obverse of the disadvantages of the NIA model. The benefits of international legitimacy have been mentioned above. So too have the attractions of burden sharing over the long lifetime of an IA with ambitious reform objectives.
17. Even under an NIA, international bodies such as UNDP, the World Bank, the WFP and DPKO may have roles to play. Coordination of these players may be easier using UN machinery.

Disadvantages of a UN-led IA

18. The UN are better at getting it more or less right on the night. Coherence will suffer in any multinational system compared to most national ones. But what a UNIA would lack in coherence, it might make up for in experience. The UN is one of the few international organisations that has direct and current experience of operating within Iraq – in central and southern Iraq as well as in the north. It is also used to dealing with the Kurdish authorities as well as central government. More widely, the UN has experience, expertise and the institutional memory of administering other territories, such as Cambodia (UNTAC), Kosovo (UNMIK), East Timor (UNTAET) and Eastern Slavonia, Baranja and Western Sirmium (UNTAES).

A third way?

19. The reality may not be black and white as between the NIA and UNIA models. There is a potential middle ground in which security requirements could be provided by coalition forces, answerable only to US leadership, and all other functions of administration provided through the UN. Or the tasks of an IA could be divided up so that US-led coalition forces retained the lead on some – eg defence, WMD, security sector reform – working alongside a UN-led civil interim administration.
20. To achieve this sort of structure would require some innovative work in the UN Security Council. Would it be politically acceptable to have coalition forces, working outside a UN mandate, alongside a UNIA? That is hard to imagine. But it might be possible for a UN mandate to set out the division of responsibilities as between the coalition and the UNIA, which would give the coalition's activities UN blessing and international legitimacy. For this to be attractive, it would have to be clear that coalition forces did not come under UN command, even if they operated under the political cover of a UN Security Council resolution. It has to be said, however, that this variant of the third way looks very like the UNIA option mentioned above.

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Conclusions

21. International legitimacy is crucial to many aspects of the IA's mission, not least maximising the chances of reforms taking root and enduring. It would be very difficult to achieve international legitimacy in circumstances where the US took upon itself the task of running the interim administration, albeit inviting others to join the IA under US leadership.
22. Since the IA could be in existence for many years, burden sharing would seem essential. Does the US think it can do everything itself? Or does it believe it can attract other countries and organisations in sufficient numbers, without getting a UN label?
23. In the short term, the NIA model, particularly if under US leadership, looks more likely to succeed – especially in the security sector and WMD tasks. But the wider political and economic reforms appear more likely to endure in the long term if the IA works under UN auspices and maximises the contribution of the Iraqi people to it.

Middle East Department
Foreign and Commonwealth Office

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Annex A

Email report from British Embassy, Amman, on the Iraqi public administration

Dear...

1. Many thanks for asking for comments on your paper. You asked specifically about the nature of the current public administration.

The Internal picture

2. There seems to be 3 layers of personnel in the Iraqi Ministries. At the top, a level of "yes-men" - often skilled (ie most speak English fluently, have PhDs, have traveled, been educated abroad (Minister of oil is an ex-UK graduate)) but deeply corrupted. They tend to run ministries with an iron fist, controlling almost all of the decisions from the top. (These men are beyond reform - if not because of their character, then because of their very close link with the regime and Saddam.)

3. Beneath the level of Ministers is a layer of technocrats (Directors General and Department Heads). Again, these men are often skilled and well educated with good English. But they have been deprived of opportunities for decision making or initiative. Whilst they have the intellectual skills, they may no longer have up-to-date expertise in their subject. (This is particularly true in the oil Ministry.) Amongst this level of civil servants, there are still professionals who genuinely want to see things improve - they want training / scholarships / exchange with the West / higher standards. Some are quietly patriotic, wanting to see Iraq become great again. (NGOs point out that some in the Ministry of Health and Education are frustrated by their inability to make things change. Whilst they work quietly to help aid projects along where they can, they are unwilling to stick their necks out any further.)

4. At the bottom of these layers is a mass of often downtrodden and poorly educated employees. Many of the new recruits (in the last 5-10 years) have only sought work in the civil service because they think that the only ways to make money in Iraq nowadays are smuggling or getting a share of the spoils through Government work. Many are therefore not interested in what they do; are given no initiative or responsibility; and are often badly treated by those higher up. Few speak good English at this level.

5. The hierarchy that exists between these levels is absolute and unchallenged, meaning policy can be erratic and unpredictable - changing at the whim of the senior men or man. An example of this is the workings of the Ministry of Information, which does not have any real or consistent system for working.

6. A hierarchy also exists amongst the Ministries themselves. Skills are noticeably more concentrated in the Ministries that count - MFA, Trade, Oil, Information and, of course, the security services. The Ministries of Health and Education, however, often seem genuinely inefficient (as well as inefficient for

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the sake of Iraqi propaganda). Routine decisions on the internal front, such as permits and licenses, can also be painfully slow (but I guess that's fairly normal world over!!)

7. But where necessary, the system can be impressively organised - eg dealing with trade VIPs, organising the rations system.

8. I would conclude that there is a group of people who (with heavy outside support) could be used / trusted in an interim period to take things forward/provide continuity - those remaining good eggs of the second group listed above. But that this group is only small. The majority will have been corrupted too, or will have lost the ability / experience to cope with change. Encouraging Iraqis to return from abroad - the middle class professionals (many of whom were educated in the UK or who worked with British companies in Iraq in the past) - will be a very important element in bolstering Iraq's own capacity to change. Such professionals were responsible for the extremely efficient way in which Iraqi ministries used to be run in the 1970s / 1980s. Whilst some may be wary of what will happen in Iraq at first, others remain keen to return. (Decent salaries and firm international commitment to peace in Iraq would also encourage them.)

NB A return of Iraqis does not refer to the return of well known Iraqi oppositionists in the West, who tend to be distrusted in Iraq.

9. But more long term change must focus on intensive training / exchange programmes for the third layer of employees / younger generations. This should mean a large role for the British Council (whose activities seem missed by those I spoke to in Iraq), as well as other British Institutions - the British Museum, British School of Archaeology - and British companies. (Shell already runs a small scholarship scheme for Iraqi graduates.)

What do the people really want from change?

10. From what I hear, people in Iraq just seem to want a bit of normality, calm, release from the grip of the intelligence services, and an improvement in the standard of living. But what cannot be forgotten is that Iraq was a developed country only 15 or so years ago. And is still a country with enormous natural and human capabilities & potential. Iraqis therefore want respect and control of their own destiny. People are likely to judge any IA by how well it meets these wishes....

...A US/UN led Interim Administration?

11. The crucial issue here is timing. If the US or the UN were to control the initial period of post-conflict transition, their presence is likely to be accepted (if it brings peace and not a worse situation). This stage should not be long enough for the US or the UN to start expanding their duties beyond simply

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keeping the peace and avoiding major humanitarian problems. (The reforms needed in the departments you mention in para 6 need to be long term.)

12. Beyond the initial phases, international (but not US) presence could be acceptable, again if contained to maintaining peace (like ISAF in Afghanistan) and aid projects (with focus on health, water and education (though not if accompanied by a heavy dose of Western propaganda!))

13. But the longer the time frame, the less acceptable international interference.

14. I fear there would be a very strong reaction to any attempt by the US to lead an "interim authority" which was beyond the very early days post-conflict (weeks, not months) and with a remit beyond security and avoiding humanitarian disaster. (Journalists and Western diplomats travelling to Baghdad are repeatedly given the messages by Iraqis they meet that they do not want "US occupation".) If the US really were to try to get involved in running the departments you list in para 6, I suspect the following would be said...

- Depts of financial affairs / oil / trade: Just reconfirms the belief that this is all about the US controlling Iraq's wealth for America's benefit.

- Depts of Communications and foreign affairs: Reconfirms fears of US colonialism. Would arouse feelings of pride, patriotism and hatred for the US as an interfering superpower.

- Depts of Justice / education: Reconfirms fears of US as patronising and as a power that will try to impose its system on everyone else. There would be particularly strong fears about who the US might consider guilty if they were running the Iraqi judicial system!

15. The extent of fervour that could be whipped up by the above beliefs could be enough to endanger the international community's ability to affect the process of change at all. And even if by some miracle a US-led administration were accepted in Iraq, you are right to point out that other Arab countries, and probably the wider Muslim world, would not be able to support it (cf their support for the international efforts in Afghanistan).

16. Whilst a UN-led authority would be undoubtedly better than a US-led one, the UN now has such a tainted image in Iraq that a UN led IA would come in for much of the same criticism. (The UN is felt to be under the control of the US anyway.)

Conclusions

* US-led control during the early days is likely to be accepted (tho not necessarily liked!)

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* This control should not expand beyond security and serious humanitarian issues.

* If the US tries to "run" Iraq either during or beyond the very early days, they could jeopardise Iraqis' (and Arabs') willingness to work with the IC altogether.

* A UN-led administration would be better than a US one - for all the reasons that you mention.

* But even a UN-led IA is likely to be unwelcome, if extended beyond security and humanitarian efforts.

* There is a small group of Iraqis inside Iraq who could be trusted / used to bring about change in a transitional phase. They would need to be bolstered by Iraqi professionals willing to return from abroad.

* An Interim Authority would be best run by the Iraqis themselves with long-term technical and financial support from the International community. (The UK is in a particularly strong position to do this - we still maintain the image of being professional and knowledgeable!)

British Embassy, Amman
December 2002

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