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CDI 2/25

18 Apr 03

APS2/SofS

MA/Min(AF)

PS/PUS

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MA1/CGS

PSO/CAS

PS/Policy Director

MA1/DCDS(C)

MA/CJO

DG JDCC

DTIO

Hd BDILS(NA)

DISLO SHAPE

BDISLO(AP)

DIALL

ADILO

NCC (for Jt Comd

and GOC 1 (UK) Armd Div)

External:

JIC Chair

DUS D&I

Hd of Iraq Planning Unit FCO

USLO (via DIALL)

**IRAQ RED TEAM – THE STRANDS OF THE ROPE**

Reference:

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

1. Please find enclosed the last 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 the various issues – the strands of the rope – facing an Interim Iraqi Administration, upon which an effective government will depend.
3. Following the disbanding of the Red Team and the re-assignment of the team members from 18 April, any comments or questions should be directed to this office.

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## IRAQ RED TEAM: THE STRANDS OF THE ROPE

A Bullet Brief by the DIS Red Team

This brief has been grounded on information derived from [intelligence] 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 steps needed to achieve an effective Iraqi Interim Administration (IIA) and a final hand-over to a representative Iraq government.

### **Key Judgements:**

- There is an immediate requirement to re-institute the rule of law. This will necessitate:
  - The employment of ex-Ba'ath regime personnel accompanied by a well-publicised and effective screening process that will remove the worst offenders.
  - The use of the existing legal code, minus the repressive aspects introduced by the Saddam regime.
- Although major economic policy changes should be left to a representative Iraqi government, the IIA will have to achieve economic stability in the short term.
- The oil industry should not be de-nationalised.
- The emerging political architecture must embrace local mechanisms and representatives.
- The implementation of the conditions necessary for successful government of Iraq by the IIA must be communicated effectively to the Iraqi people as well as their leaders.
- If the IIA can provide a secure environment (including the rule of law), resolve short-term economic problems and address immediate humanitarian needs, future Iraqi-led governmental structures and a process of justice and reconciliation will emerge naturally, given time.

2. **Strands of the Rope.** The IIA, which will assume responsibility for governing Iraq after the end of hostilities, will be required to achieve the conditions necessary to hand over power to an Iraqi governmental entity. They will cover a variety of issues and can be regarded as forming the strands of a rope. These conditions will often depend upon several inter-dependent factors and the failure of one strand could result in the unravelling of the entire rope. A key to the successful achievement of these conditions will be effective communication to the Iraqi people to gain their support and to counter alternative agendas (from outside the IIA) which are less likely to result in a pluralist, representative and pro-Western Iraqi government. In order to achieve this objective, an integrated information and media operations campaign plan should be put in place. We see the key strands of the rope as being:

- A single Iraqi political entity secure within its own borders and at ease with its neighbours.
- Maintenance of the rule of law with a functioning police force, judiciary and penal system.

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- Elimination of the remaining structure of the old regime (including the so-called 'shadow regime' of diehard Saddam supporters).
- An effective governing administration addressing the needs of the whole population.
- An emerging representative political process.
- An effective oil industry.
- In accordance with the stated coalition war aim, the elimination of WMD.

### 3. National Security

- Although coalition forces will be used to provide security for Iraq's borders in the short term, national security will ultimately depend upon the establishment of an effective regular army and police force. The creation of a legitimate security sector will involve a significant international military and police assistance mission to re-build and re-train the Iraqi security forces.
- A process of disarmament and demobilisation of non-state armed elements within Iraq, such as ex-regime security personnel and the Kurdish militias, could then lead to the integration of selected personnel into the new security forces.
- The re-constituted Iraqi Armed Forces should be able to provide effective protection of Iraq's borders, guaranteeing its territorial integrity and political independence, and, without overtly threatening other regional powers,

Re-training along western lines will not only increase the armed forces' military effectiveness but re-education of the officer corps should also develop an understanding of the role of the military in a democratic society. A similar education process on a wider scale within Iraqi society will serve to enhance the transition to democracy.

### 4. Rule of Law

- The initial surge of lawlessness seen since the fall of the major Iraqi cities is likely to be a short-term phenomenon. The re-engagement of most of the former regime police force personnel in the immediate future will, along with the use of coalition troops, re-establish law and order on the streets<sup>1</sup>. However, there is likely to be resistance from some elements of Iraqi society to the use of former regime policemen. As an immediate IIA priority, the Iraqi people should be reassured that after the immediate danger to law and order has passed, there will be a screening process to remove the more notorious figures within the force. Re-training and supervision by an International Police Task Force will lead to an accountable and representative Iraqi national police force<sup>2</sup>.

<sup>1</sup> There will also be a tendency for self-policing by the tribal leaders and senior clerics. Declarations by the tribal and religious leaders for an end to lawlessness are likely to be accepted by a large number of people.

<sup>2</sup> Although the police force served the Saddam regime, they were largely marginalised by other security forces. In addition, the experience of the Kurdish political parties in the KAZ since 1991 has shown that many of the former

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- The judiciary, although co-opted by the Saddam regime, will still largely be respected by a majority of the population. Only a small number of judges and investigative prosecutors were used to enforce the more brutal aspects of the Ba'athist security laws (and it may be desirable to remove and prosecute these people), but most were involved only in ordinary civil and criminal cases and will therefore be able to continue to operate under the IIA. The prison system was corrupted by the regime but, as with the police force, re-training and screening of personnel should reassure the Iraqi population.
- A significant challenge to law and order in the new Iraq is likely to come from existing organised criminal networks which have been encouraged by the removal of the Saddam regime, or from ex-regime thugs who see the uncertainty and instability of the interim period as an opportunity for them to find a new role for themselves. Such figures should be targeted by the IIA but it will be difficult to remove them altogether.
- If the current phase of lawlessness snowballs into widespread inter-ethnic or inter-confessional violence, as each community perceives that they are threatened by another, it will pose a significant threat to internal security. There is a real danger that emergent political entities will exploit current insecurities and crime to further their own political agendas. If not managed carefully, this could create long term political problems and promote extremism. Such a situation could also be open to external political manipulation. It will probably be necessary to bring together the leaders of as many groups as possible in a show of unity to pre-empt such inter-communal feuding and provide a breathing space for the establishment of a re-structured police force.

## 5. Governance

- Effective governance of Iraq will depend upon addressing the aspirations and needs of the whole population. Among these aspirations will be:
  - The need for revenge upon those who committed crimes against the Iraq people under the old regime. It is unlikely that a formal South African-style Truth and Reconciliation process will be culturally appropriate in Iraq. The public admission of past misdeeds by former regime figures would bring dishonour not only upon themselves but also upon their families and entire clan. In this case 'truth' will not lead to 'reconciliation'<sup>3</sup>. In order to reassure and appease the victims of the Saddam regime, however, there must be a clear statement by the new senior leadership within Iraq that a mechanism accounting for past crimes will be installed. It would clearly be impractical to prosecute every former Ba'ath Party member, so a local, ad hoc process permitting forgiveness for many lower level regime members and avoiding Truth and Reconciliation-style public admissions of guilt could be put in place. However, the senior Saddam-regime figures, and those who committed significant crimes against the Iraqi people, would face a formal judicial process<sup>4</sup>.

regime policemen will be keen to prove their loyalty to the new government by enthusiastically embracing reforms and new leadership.

<sup>3</sup> Much truth and reconciliation can be left to tribal authorities.

*Fasl* is the solution of disputes by

<sup>4</sup> Although the International Criminal Court is a possible option for some specific crimes, there are a number of legal and procedural difficulties: Iraq has not ratified the Rome Statute, jurisdiction is limited to offences

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- A unified Iraq. Most of the existing Iraqi political entities want to prevent the disintegration of Iraq, and it is in their interest to try to keep communal and religious tensions in check in order to prevent them from being exploited by external powers,
- A functional legal and judicial system based upon extant laws enshrined within a provisional constitution. There is an existing body of law that can be refined as the new constitution is developed. Existing Iraqi laws are based upon the Napoleonic model and are derived from the monarchist era.
- A functioning economy. Although key economic policy initiatives should be left to a representative permanent Iraqi government, the Iraqi economy will require considerable IIA effort in the following areas:
  - The Iraqi banking system, which has completely broken down, will need to be re-built in order to retain the support of the Iraqi professional and middle classes. Many have already been made penniless by the looting of the banks and the collapse of the Iraqi dinar.
  - It will be necessary for the principal international debtors<sup>5</sup> to reschedule or forgive a large proportion of the existing foreign debt, estimated to amount to some 700% of pre-war GDP.
  - Sanctions should be lifted at the earliest opportunity, and the World Bank and IMF approached for advice and funding.
  - The Oil for Food (OFF) programme was instituted in 1996 and administered by the UN. If it continues, it will need to be re-structured and run more efficiently. In its current form, it is widely perceived by many Iraqi people to be corrupt and unworkable. Until now, decisions concerning the expenditure of OFF funds have been made in Baghdad, where the needs and concerns of the regions have been overlooked, and significant sums have been diverted into private bank accounts. As the development of a representative government takes place, the possibility of permitting the regions to decide how OFF money is spent and oversee its investment should be examined.
  - An important result of stimulating the Iraqi economy will be to reduce the reliance of the people on humanitarian aid. As this takes place, OFF funding can be diverted away from providing humanitarian aid and used for investment in Iraq's infrastructure. Eventually, the OFF programme could be dispensed with as a more normal economic climate emerges.

committed after 2002, and offences are limited by definition. With the re-establishment of the judicial system, the domestic courts of Iraq could try the worst and/or most senior offenders. In addition, there is a concept of universal jurisdiction which allows any state to prosecute certain serious crimes regardless of the location of the crime or the nationality of the perpetrator or victim.

<sup>5</sup> The main foreign debtors are assessed to be Russia, Kuwait (mainly comprising reparations from the 1990-91 occupation and war) and other Gulf States.

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- A key factor in gaining the support and trust of the Iraqi people in supporting an economic plan will be for the IIA, in conjunction with the international banking system, to be aggressive in pursuing the return of the funds stolen by the leadership of the former regime<sup>6</sup>.

#### 6. Removal of Shadow Regime

- As outlined above, it will be impossible to exclude every former member of the Ba'ath Party from participating in public life in the new Iraq. However, if a strong public statement is made by the IIA (supported by senior political and religious figures) that there will be a reckoning for the senior Saddam loyalists and those who committed war crimes, together with a mechanism for bringing them to justice, the re-integration of the lower level former regime personnel will be easier. To achieve this, effective screening will be necessary.
- In the field of judicial reform, it will be necessary to remove aspects of Ba'athist repressive legislation from the existing Iraqi judicial code. This can be done on an immediate basis by the IIA, but will require the attention in due course of a representative Iraqi parliament.
- Time will assist the removal of the vestiges of the Saddam regime. As ordinary people become increasingly concerned with re-building their country and providing for their families, the need for revenge is likely to fade, while their fear of the former regime and its shadow will be lessened by the establishment of the rule of law and participation in the political process. Any remaining pro-Saddam diehards will be faced with the prospect either re-integration into society or arrest and prosecution.

#### 7. Political Process

- In order to achieve the support and dialogue of a majority of the population, the IIA will have to encourage an inclusive political process, including the creation of conditions necessary for the agreement of a long term, permanent Iraqi national constitution. The emerging political architecture must embrace local and regional mechanisms and customs.
- There is a significant danger that some powerful ex-regime loyalists, who still control some of the tribes, will be able to influence the political process by promising the electoral support of their adherents to the highest bidder amongst the new political elite<sup>7</sup>. In return for their political support, these figures will want immunity from prosecution for any former misdeeds and a share in the spoils of the new government<sup>8</sup>.

<sup>6</sup> Estimated at \$5bn-\$40bn.

<sup>7</sup> In northern Iraq, the KDP in particular has been able to make significant political gains within the KAZ by exploiting the patronage networks of tribal leaders formerly loyal to the Saddam regime.

<sup>8</sup> Awarding immunity from prosecution at a national level may be null and void in the face of prosecution for an international crime. The general view is that immunity cannot be granted for the commission of the most serious human rights abuses.

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8. Oil Industry

- Any attempt by the IIA to de-nationalise the Iraqi oil industry will be strongly opposed. Such a move would be perceived by many senior Iraqi political figures as a significant diminution of sovereignty and would be hugely unpopular on the Iraqi street. In addition, de-nationalisation would be seen as evidence for the widespread suspicions both within Iraq and internationally that the war was fought in order to give the coalition control over Iraqi oil. Although temporary management of contracts to improve oil output will have to be made by the IIA, any decision concerning the future ownership and granting of long term oil concessions should be left until power is in the hands of a permanent Iraqi parliament.

9. Elimination of WMD

- In line with the stated coalition war aim, and in order to reduce the threat Iraq is seen to pose to its neighbours, it will be necessary to unearth and destroy any stocks of WMD or ballistic missiles still existing inside Iraq. The co-operation of former regime officials will probably be necessary to achieve this, perhaps requiring amnesties or assurances of immunity from prosecution.

Annexes:

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

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ANNEX A  
TO CDI 2/25  
DATED 18 APR 03

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

1. Panel members were:

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