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To: NYMIX - eTelegrams; NYMIZ - eTelegrams
From: COMCEN Gateway 1a
Subject: 1:00:REST:IRAQ: GOVERNING COUNCIL: ANALYSIS AND
COMMENT:IRAQR/FCOLN 79:Id=0722114
Sent: 13 July 2003 20:35:13 GMT

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LNNFDN 0556 MVLNAN 6951

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SUBJECT: IRAQ: GOVERNING COUNCIL: ANALYSIS AND COMMENT

SUMMARY

1. The End of the Beginning. Iraq now has a representative Governing Council, with influence and real powers. It is endorsed by the UN Special Representative. There will be criticism, and attempts to damage the Council's credibility - not least from other Arabs who are uncomfortable that the Council is genuinely representative and has a Shia majority. But responsibility for governing Iraq during the transition will henceforth be shared with Iraqi leaders. A calendar leading to elections for a sovereign government should emerge soon, linked to the Governing Council's approach on the Constitution.

DETAIL

2. The launch of the Governing Council on 13 July marks the end of the first stage of the transition to democracy in Iraq. It is also a unique moment in Iraq's history, the first time a governing body has had a Shia majority reflecting their population. The Council was agreed by consensus, and the presence of the UN Special Representative, Sergio Vieira de Mello, marked his support for the process and his view that it was accordance with the requirements of SCR 1483.

3. Over 100 names were seriously considered, and some are disappointed. But in the end, all the members agreed to the

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participation of all the others, and all agreed that the Council was a representative body of the people of Iraq. It was on this basis that they declared themselves to be the Governing Council. No-one turned down the invitation to take part. The Council isn't perfect, but it is vastly better than many thought possible. Getting everyone's agreement, first to the concept, then to the powers of the Council, and finally to the names, took six weeks. It was part multi dimensional chess, part herding cats.

4. There were many factors that had to be balanced, including:

- Islamist/non-Islamist. There are seven Islamist leaders, five Shia and two Sunni, all of them reasonably moderate though three of the Shia have close links to Tehran. The presence of the fiercely independent Bahr ul-Uloom, who in the end was the hardest person to persuade to join, gives the Council a direct link to the Shia religious leaders in Najaf;
- External/Internal. 14 of the 25 members are internals (though six of them lived in the Kurdish zone in the North during the 1990s rather than under Saddam's fist);
- Religious. 13 are Shia, 11 are Sunni (5 Arabs, 5 Kurds, 1 Turcoman) and 1 is Christian. If anything, the Shia remain slightly under-represented.
- Ethnic. 20% of the Council are Kurdish, representing their share of the population. The other substantial minorities are represented.
- Geographic. All the main regions are represented. It was a struggle getting agreement on someone from Basra, but we worked it so hard we ended up with not one but two. The Sunni heartlands was the other major problem and the person settled on, Samir Mahmoud, has yet to fully convince, but he has begun to show he has influence. Not all 18 of Iraq's Governorates are represented, and we shall hear more of this. But the Council can expand itself if it so chooses.
- Gender. We had aimed for four of five women, but were let down by the Kurds who failed to agree on a women candidate (the strongest is a relative of Talabani, and was blocked by the KDP). We should not be too defensive about having only three women - that is 12% of the Council, which compares reasonably with the US Congress (14%) and UK Parliament (18%) and is much better than representatives bodies in the rest of the Middle East (5.6%). Also, several women are well-placed to become ministers.
- Political. Everyone on the Council was adamant that Baathists were totally unacceptable, and there is great praise here that we managed to exclude people who had compromised unacceptably with the Saddam regime. To have included them would have been like welcoming Nazis back into the German Government after WWII.

5. The Council includes the leaders of fourteen political parties, ranging from the Supreme Council for the Islamic Revolution (SCIRI) and Iraqi Hizbollah to the Iraqi Communist Party. No one can seriously suggest that this is a Council of America's chosen appointees. We insisted that party leaders had to be full members

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themselves, they couldn't appoint someone to represent their party (and thus be able to distance themselves from the decisions of the Council). Several resisted, including Barzani and Chalabi, and we had a tough fight with the Iranian backed SCIRI. But we persisted and all, including SCIRI leader, Abdul Aziz al-Hakim, eventually came on board.

6. The UN played a helpful role. De Mello's Lebanese adviser, Ghassan Salame, was influential on both the concept and the names, offering valuable colour and comment and adding his weight on SCIRI at the crucial moment. De Mello himself kept out of the names game, but has given strategic support and is claiming credit for moving the Governing Council from an advisory body to one with teeth. His report to the UN Security Council on 22 July will commend the process as meeting the standards of SCR 1483, though there remain backwoodsmen on Annan's staff in New York.

POWERS OF THE GOVERNING COUNCIL

7. The 25 strong Council will have real powers from day one. It will nominate ministers and hold them to account (the Coalition cannot appoint ministers not nominated by the Council). It will set policies and take decisions in any area of national policy; prepare and approve the 2004 budget; be responsible for ensuring civilian control of the Iraqi military; and appoint heads of Iraqi missions abroad and receive foreign representatives. The CPA has to consult the Council on all major decisions and questions of policy. The Council will exercise many of the powers of Government, and it is likely to become more powerful as the transition proceeds. (The text of the agreed paper on the initial authorities of the Governing Council is also being sent to selected posts).

COMMENT

8. As Churchill said of El-Alamein, this isn't the beginning of the end, but it might prove to be the end of the beginning. The Governing Council will share responsibility for re-building Iraq, and there will be authoritative Iraqi voices representing the Iraqi people. This started today, when Council members took a whack at the Arab and Western press for their biased coverage of recent events. Pachachi will be the first guest on a new Sunday evening talk show on Al-Jazeera tonight. We will still have artless American troops on the streets of Baghdad, but the Coalition will sound less like occupiers. The Baathist remnants and fundamentalists who have expropriated our status as Occupying Powers will find it harder to gain traction in their communities. The coolness of other Arab countries towards post-Saddam Iraq should ease, though that will take time.

9. The Council has a series of decisions to take in its first two weeks. One of the most important will be to appoint a Preparatory Constitutional Commission to advise on the process of convening a Constitutional Conference. That should allow the Governing Council in a month or so to adopt a timetable for deciding on a new Constitution, and that will give us a calendar to work to.

10. I continue to believe we need to aim for elections for a sovereign Iraqi Government, on the basis of a new Constitution, by this time next year. Today's events mark a major step forward to

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that goal.

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