

Radical Departure: Toward a Practical Peace in Iraq

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

In brief (236 words): Despite a new government line-up in Iraq and a supportive UN resolution, the Bush administration plan still will not bring peace or stability to Iraq. Nor will it lead to a timely and orderly withdrawal of US forces. Senator John Kerry's approach falls short as well. Neither addresses the root cause of America's postwar troubles in Iraq, which is the adoption of mission objectives that are overly ambitious and polarizing.

A practicable postwar mission would have sought, in addition to undertaking humanitarian and reconstruction tasks, to establish some essential guarantees related to concerns about Iraqi militarism, human rights abuses, postwar stability, and representative governance. The objectives of the Bush plan far exceed these goals (which are daunting enough).

In practice, the US mission has sought not only to repair and selectively reform Iraq, but to virtually reinvent it -- economically, socially, and politically. *It also has aimed to substantially decide the future political balance inside Iraq* and to establish the country as a reliable ally and base for US operations in the region. These ambitions have made the mission an enemy to too many Iraqis and an affront to too many more.

A rollback in US goals is the first, necessary step toward a practicable postwar mission in Iraq and the timely withdrawal of US troops. Only a more modest and consensual set of objectives can bring the degree of international and indigenous cooperation needed for success.

America's recent troubles in Iraq are due principally to the adoption of mission objectives that far exceed what is necessary or pragmatic. Although critics have focused substantially on the mission's lack of international support, this problem is derivative of the mission's overly ambitious and partisan objectives.

The postwar mission should have restricted itself to the following essential tasks, which might have won broad support both internationally and inside Iraq:

- Humanitarian relief and infrastructure repair;
- Assistance in re-establishing civil order and public services;
- Internment of those Iraqis most responsible for violations of human rights and international law;
- Limitation of future Iraqi military potential;
- Selected reforms associated with the protection of civil rights, civilian control of the military, and prevention of national fragmentation; and,
- Preparation for and conduct of elections.

In actual fact, the US postwar mission has sought not only to repair and selectively reform Iraq, but to virtually reinvent the nation -- economically, socially, and politically. The mission also has aimed to *substantially decide the future political balance inside Iraq* and to establish the country as a reliable ally and base for US operations. In the Bush administration's vision, Iraq is meant to serve not only as an example, but also as a "lever arm" for a program of coercive transformation throughout the region.

These ambitions -- which significantly intrude on the prerogatives of the Iraqi people -- have made the mission an enemy to too many Iraqis and an affront to too many more. They are the source of a series of serious policy blunders and excesses, including:

- The wholesale demobilization of the Iraqi army and police forces;
- The precipitous dismissal of tens of thousands of Iraqi civil servants;
- Broad-brush sanctions against tens of thousands of former lower-level Ba'ath Party members;
- The elevation to positions of influence of too many Iraqi expatriates who enjoy little popular support inside Iraq; and,
- The failure to convene any type of truly representative body of indigenous Iraqi leaders to act as a partner to the mission.

The combined effect of these decisions has been to feed the insurgency and provide it with a resonant base of popular disaffection. It should not be surprising that few nations have been willing to seriously invest themselves in the Iraq project: Its goals constitute a recipe for protracted occupation and insurgency. Nor is it surprising that the response among America's allies in the Arab and Muslim world has been ambivalent, at best: the project displays a vision in which reform is conflated with foreign hegemony.

It was a mistake for the CPA to dissolve the entire Iraqi military, dismiss tens of thousands of civil servants, and largely usurp the functions of the Iraqi state. Such sweeping measures were not necessary from a security perspective; indeed, they were detrimental. They fueled alienation and discontent while weakening the capacity to maintain social order and deliver essential services.

Likewise, the process of "de-Ba'athification" (led by Ahmed Chalabi) has reached too far beyond Hussein's leadership circle. It has barred more than 30,000 Iraqis from public office, jobs, and contracts. And it threatens many more with similar sanctions. In so doing it created a constituency for insurrection and convinced some ethnic and tribal communities that the political process is stacked against them.

No error rankles more than the long delay in implementing some form of representative governance at the national and provincial level in Iraq. At minimum, the Coalition Provisional

Authority (CPA) should have convened at an early date a good-sized assembly of *recognized Iraqi leaders* to serve as a partner to and “check” on the mission. Such an assembly should have been chosen to be representative of indigenous communities and organizations -- and obviously so.

Clearly, the CPA’s elevation of Iraqi expatriates to positions of influence throughout Iraq has been no substitute for representative governance. Indeed, the leadership role afforded expatriates, who are dependent on foreign powers, has become a symbol of foreign influence and of “democracy denied” -- a problem bound to worsen should the IGI pursue the path of martial rule.

Lessons learned

From the errors of the postwar mission to date we can derive a set of “limiting principles” that can serve as a guide for evaluating such efforts and for adjusting the current one:

- The mission should not advance or appear to advance the narrow interests, foreign policy agenda, or power of any one state or group of states;
- Mission leaders should avoid making decisions that usurp the prerogatives of the indigenous population -- such as making long-term government appointments, restructuring the Iraqi economy and education system, setting the foreign policy of the nation, or committing the nation to alliances or long-term contracts;
- The mission should move the country as quickly as feasible to national elections.
- Prior to elections, the mission should quickly bring forward a group of indigenous leaders to serve as advisors and partners. *This body should be representative of existing indigenous Iraqi authorities, communities, and organizations* -- and obviously so.
- The mission should define the postwar “enemy” as narrowly as possible. It should limit the scope of punitive actions and sanctions to individuals who are guilty of crimes or strongly suspected of being so.
- The mission should otherwise remain neutral with regard to popular indigenous political trends; It must not be or appear to be “anti-fundamentalist” or “anti-Arab nationalist”.

A new government, a new deal?

Security Council Resolution 1546 and the ascension of a new government on 28 June 2004 will do little to resolve the Iraq imbroglio. Iraq will remain an occupied country with a non-representative government appointed by foreigners and possessing only truncated powers. Critical commentary on the transition has focused largely on the issue of the new government's "sovereignty". *A more critical shortfall is that it does not represent the Iraqi people.*

Regarding sovereignty: The Interim Government of Iraq (IGI) enjoys more *administrative responsibility* than did its predecessor, but it is straight-jacketed by a web of previous coalition decrees, contracts, and commissions that it would find very difficult to overturn. Moreover, the IGI clearly does not enjoy a monopoly on force in Iraq; indeed, it exercises little control over Iraq's security situation. Governments can earn international recognition because they are seen as representative of a people, or because they exercise predominant control over a territory, or both. In the case of the IGI, neither of these conditions pertain.

What is most relevant to the potential for continuing conflict is that the UN resolution does not promise an early end to occupation. And it does not ensure that democratic elections will occur before 31 January 2005 -- 21 months after Hussein's fall.

The influence of the Coalition Provisional Authority (CPA) in deciding who can hold office in Iraq will persist well beyond 2005 through the work of commissions chosen by CPA head Paul Bremer to manage ballot access, fight government corruption, and impose sanctions on former Ba'ath Party members. Sanctions against recent members of "illegal" militias will serve this function as well. Unfortunately, the protocols and the standards of proof governing these commissions and decrees lack the rigor typical of court proceedings. The commissioners -- appointed to long terms of service by Bremer -- enjoy broad latitude to selectively take action against people who may have been convicted of no crime.

Conclusion and recommendations

The prerequisite of real progress in Iraq is a roll-back in US postwar objectives. As noted above, a practicable postwar mission might have sought, in addition to undertaking humanitarian and reconstruction tasks, to establish some essential guarantees related to concerns about Iraqi militarism, human rights abuses, postwar stability, and representative governance.

To further enhance its legitimacy, the postwar mission should have operated fully within the existing body of international law and institutions. Ideally, leadership of the postwar mission should have been the job of the United Nations Security Council, exercised through a special representative acting as the top civilian official in Iraq.

Of course, the capacity to change course now and “do it right” has been seriously impaired by more than a year of policy error and obfuscation. Nonetheless, there are a number of steps that might be taken by the current administration (or the next one) to correct past errors, move Iraq toward a stable peace, and facilitate a timely withdrawal of US troops.

- The role of the UN Security Council as the authorizing agent of the mission should be enhanced. This implies increasing the leadership role of the Security Council in administering and coordinating the civilian side of the mission. The Security Council (along with the Iraqi government) should play a key role in defining broad military objectives for the multinational force and in limiting major military operations.
- The United States, IGI, and UN should begin a broad and pro-active campaign of “truce making” and “political integration” with insurgent groups, through the intermediacy of local village, municipal, tribal, and religious leaders. Excluded from this effort would be foreign fighters and “lone wolf” terrorist cells.
- Blanket sanctions against former members of the Ba’ath Party should be ended -- excepting those individuals charged with criminal activity. Likewise, sanctions prohibiting selected militia members and leaders from holding public office should be lifted -- except with regard to individuals indicted for criminal activity. The current program of militia reintegration should be extended more broadly; winning the participation of the Falluja and Mahdi (Sadr) militia is vitally important.
- The United States should declare that it wants no long-term military position in Iraq and that it aims to quite substantially reduce its military presence there in time for the one year review of SC Resolution 1546. Moreover, it should declare that it will seek to have NATO assume command of the mission at that point or earlier.
- The IGI (with the UN and United States in support) should immediately remobilize some full units of the regular Iraqi army, with the aim of fielding a ready force of 150,000 troops by July 2005.
- As an alternative to long-term large-scale foreign military involvement in Iraq, the allies should favor the development of a five-year *Military Monitoring Regime*, under UN auspices. Under this regime, the Iraqis would forswear weapons of mass destruction and support for terrorist activity, agree to limit the size and capabilities of Iraq’s armed forces, and permit unfettered access to its military sites by a multinational corps of UN monitors (accompanied by a multinational security detail).
- The United Nations should accelerate the process of building a *National Conference* and *Consultative Committee*, as mentioned in SC Resolution 1546. The political role of these

bodies should be enhanced so that they may serve as “checks’ on the appointed IGI. They should be comprised principally of recognized leaders in Iraqi society and, thus, compensate partially for the lack of representative governance.

- The United States and United Nations Security Council should agree that all government appointments, decrees, contracts, and treaties completed during the occupation period and prior to the establishment of an elected government are subject to review by that government. The responsibility of New Iraq to honor contracts signed by the occupation authority or its appointees should be re-assessed on a case-by-case basis.
- The privatization of Iraqi government and national assets must be halted, at least until an elected government takes office.
- As a stability-building measure, the United States should significantly increase the employment of Iraqis and Iraqi firms in its postwar reconstruction efforts.
- All activities in Iraq of foreign governments and their agents should be made fully transparent. All internment facilities and all judicial proceedings having to do with war crimes, terrorist activity, and other violations of international law should be open to monitoring by the United Nations, international judicial bodies, and the Red Cross. No foreign government should be empowered to intern Iraqis on Iraqi soil or move them elsewhere without undergoing extradition proceedings.
- Participants in the multinational force should vow that they will not use Iraq as a base for operations outside of Iraq or outside the scope of the mandated mission. A *Group of Contact States* should be formed under UN auspices, comprising Iran, Jordan, Kuwait, Saudi Arabia, Syria, and Turkey as well as the participating states of the MNF. This group should function as a forum for discussing and addressing security concerns related to postwar Iraq. Moreover, members of this group should pledge not to interfere with the UN mission or the internal affairs of Iraq (except through formal cooperation with the UN mission).