WAR IN IRAQ:

POLITICAL CHALLENGES

AFTER THE CONFLICT

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TABLE OF CONTENTS

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The success or failure of Iraq's post-war transition will chiefly depend on whether domestic realities and dynamics are accurately understood and can be translated into a form of governance that is accepted as legitimate by core Iraqi constituencies. Ultimately, the international community's task will be to navigate competing claims to power and influence, ensuring a level playing field and not anointing any pretender until a process can be constructed to give voice to the mass of Iraqis who have been disenfranchised by three decades of authoritarian Baathist rule.

The key is to set up as soon as possible (notwithstanding the reluctance of the UN Secretariat to take on so extensive a role, and the U.S. to give it up) a UN transitional civil authority with full executive and legislative powers. This authority would use, to the maximum extent possible, local professionals and civil servants, as well as experts from the diaspora; and during the transitional phase, municipal, regional and functional elections would help designate those Iraqis who, together with the diaspora, can establish the rules by which a pluralistic, democratic and stable Iraq can be governed. This authority would operate alongside a U.S.-led security presence, optimally itself endorsed as a multinational force by the UN Security Council.

The United States and the international community are not entering a vacuum. "Day after" does not mean day one. Iraq cannot nor should it be treated as a *tabula rasa*. Baathist rule for 30 years and twelve years of international sanctions have profoundly transformed Iraq's social make-up. New social classes have emerged – a sprawling bureaucracy and civil service; a once potent, now pauperised middle class; resilient entrepreneurs; an impoverished and volatile urban underclass. Tribal and kinship loyalties, at one time vociferously denounced by the

Baath, have since been instrumentalised by the regime. Nationalist feelings remain potent, despite the regime's attempts to hijack them. Even religious sentiment has flourished of late as this once secular state has desperately sought to bolster its legitimacy in the face of growing internal discontent. Many of the forces that sustained the Baathist polity for years should not be expected to collapse simultaneously with the regime.

Given that, who should run Iraq once hostilities have ceased? The first option, *assumption of full authority by the United States*, has been roundly criticised by members both of the Iraqi opposition and of the international community. Even many U.S. policy-makers acknowledge that it risks alienating Iraqis, exposing Washington to accusations that it nurtures imperial designs and further undermining its posture in the region.

An alternative proposal, based on the rapid establishment of an *interim Iraqi authority* to which the U.S. would transfer power and with which it would jointly govern, has received more support, as necessary for domestic legitimacy. This interim authority would give way to a permanent Iraqi authority once political conditions (e.g., agreement on a constitution, national elections) permit. But this proposal, too, is flawed. The fundamental problem is that no pre-identifiable, optimal Iraqi candidates exist whom either the United States or the international community can handpick to run an interim authority. Socio-political dynamics in Iraq are complex and too little is known of the actual preferences or aspirations of those inside the country.

Members of the exiled opposition have staked their claim. But their limited contacts with and current knowledge of the Iraqi people cast serious doubt on the degree to which they are genuinely

representative. Inside Iraq, numerous forces – among them tribes, religious institutions and business elites – will come forward as well and claim privileged status. But they are likely to be dominated by those who gained prominence during the years of Baath Party rule and compromised with it. It would be a mistake to short circuit the domestic political contest by prematurely picking a winner. Under either of these two scenarios, the bulk of Iraqis inside Iraq – Sunni and Shiite, Arab and Kurd, Turkoman and others who have been brutally disenfranchised for over three decades – would remain voiceless.

The best road for Iraq and for the international community, therefore, is to set up a *United Nations transitional civil authority* with full executive and legislative powers to run the country until a legitimate, democratic, permanent Iraqi authority can be established. This authority would not have security responsibilities, relying instead on a U.S.-led multinational force (MNF) presence throughout Iraq, which itself would optimally, though not necessarily, be endorsed by the Security Council.

The UN civil authority, while exercising overall supervisory authority, would rely for day-to-day administrative tasks not on UN personnel but, as much and and as early as possible, on vetted bureaucrats, civil servants and qualified members of the diaspora: this will be important to maximise the Iraqi people's sense of ownership in the transition process.

The present report does not purport to provide a comprehensive blueprint for the work of such an authority: further ICG reporting will address in more detail some of the issues, like transitional justice, with which it will have to deal. Our present purpose is simply to argue that, given the internal dynamics at play in Iraq, an approach along these lines offers a far better chance of maintaining stability through the transition period.

Establishing such an authority is not an easy challenge. Even if the US were prepared to grant it, the UN is not eager to play this far-reaching role; it has not planned for it; it will have to coordinate with a very significant U.S. military presence on the ground; and the longer it is there, the more Iraqis will chafe at not being in charge. To remain in charge too long risks undermining the international community's legitimacy; to withdraw prematurely risks transferring power to individuals who lack any legitimacy to begin with. While elections are

sometimes too glib a solution in post-conflict environments – as ICG has itself argued in other contexts – the key here *is* in fact to work hard and fast on organising local and functional elections that will begin the process of providing the Iraqi people with genuinely representative leaders.

It may seem inappropriate to talk about the day after the war when the war rages on, its duration uncertain, its precise outcome still unclear. But especially given how poorly the international community managed the situation that led to war, it is important that it do its utmost to properly manage the one that will follow it.

RECOMMENDATIONS

To the United States and the United Nations:

Civil Administration

1. Establish as soon as possible after hostilities have ceased a United Nations transitional civil authority in Iraq, vested by the Security Council with complete legislative and executive power over the territory and people (other than in relation to security matters), whose primary objective would be to create conditions for a legitimate, representative Iraqi leadership to be chosen through a free and fair electoral process.

2. Ensure to the maximum extent possible and as early as possible that the Iraqi people are responsible for the day-to-day administration of their country, keeping the Iraqi civil service basically intact.

3. Institute, through the transitional authority, an initial process of selecting leadership through local (regional and municipal) elections, and 'functional' elections for trade unions and business and professional associations, after proper screening of candidates for past human rights abuses.

4. Ensure, through the transitional authority, that the Iraqi people are kept informed, through the proper and timely dissemination of information, of relevant decisions and developments that affect their future.

5. Involve regional players in decisions concerning Iraq while cautioning them against unilateral interventions – whether directly or by proxy – during the transition process.

Security

6. Establish as soon as possible after hostilities have ceased a U.S.-led multinational force, optimally endorsed by the Security Council, reinforced by international civilian police and thoroughly vetted Iraqi police and military, and whose mission would include:

    (a) ensuring law and order;

    (b) helping distribute humanitarian assistance;

    (c) promoting disarmament, demobilisation and reintegration;

    (d) implementing the separation of the police from the military;

    (e) training Iraqi police and security services

    (f) disarming the Kurdish and SCIRI militias and supporting their demobilisation/ reintegration;

    (g) providing security to displaced persons and returning refugees; and

    (h) deterring outside intervention and maintaining Iraq's territorial integrity.

7. Acting through the transitional civil authority or the multinational force as appropriate, remove the following categories of persons from positions of responsibility and prohibit them from participating in public life until security and stability have been restored and they have been thoroughly vetted for war crimes or other serious crimes:

    (a) members of the senior echelons of the Baath Party;

    (b) senior members of the ruling Baijat clan, and particularly its Albu Ghafur lineage, that are closely tied to the regime;

    (c) members of tribal factions that have contributed personnel to the inner circle of the Baathist political system; and

    (d) senior members of the security and intelligence agencies.

Amman/Brussels, 25 March 2003

WAR IN IRAQ: POLITICAL CHALLENGES AFTER THE CONFLICT

I. INTRODUCTION

With the war against Iraq under way and the removal of Saddam Hussein's regime widely considered to be a matter of time, the most important issue rapidly will become the day and the decade after – how to build a stable, pluralistic and democratic Iraq. Paradoxically, it is a question that can be said to have been both over- and under-debated. In many ways, and measured by past standards, post-conflict issues have been the subject of unprecedented discussion within the United States administration and in think tanks and media worldwide.[1] This abundance of material reflects at least two factors.

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[1] Major U.S. and British think tanks have produced numerous reports on this issue. For example see, Center for Strategic and International Studies, "A Wiser Peace: An Action Strategy for a Post-Conflict Iraq", January 2003; Independent Task Force on Post-Conflict Iraq, "Iraq: The Day After", Council on Foreign Relations, 2003, Edward P. Djerejian, Frank G. Wisner, Jr.; "Guiding Principles for U.S. Post-Conflict Policy in Iraq", Council on Foreign Relations, March 2003; "Winning the Peace: Managing a Successful Transition in Iraq", American University and the Atlantic Council, January 2003. The Heritage Foundation also produced a series of briefings under the heading, "The Future of Post-Saddam Iraq: A Blueprint for American Involvement". The American Enterprise Institute, the Brookings Institute, The American University's Centre for Global Peace, the Council on Foreign Relations and the Westminster Foundation for Democracy have all organised major conferences and roundtables. The Iraqi opposition in exile has organised meetings in Erbil, Sulaymanlyah, Washington, DC, and London. The most ambitious work has been done by the "Future of Iraq Project", in cooperation with the U.S. Department of State. The project has convened Iraq exiles, intellectuals, and independent analysts to discuss almost every aspect of post-Hussein Iraq. A variety of Congressional hearings have been held in the U.S. The Senate Foreign Relations Committee has held three in 2003 alone about post-war Iraq and is planning to have at least

The timetable for the conflict, rather than being imposed by urgent outside events, has chiefly been a function of U.S. war planning, diplomatic manoeuvring and decision-making. This has provided a wider-than-usual window for reflection by officials and non-officials regarding the challenges that will be faced in the aftermath of conflict.[2]

The rationale for war has been widely questioned – strongly around the world, more mutedly in the U.S. – and has periodically shifted from disarmament to regime change to transforming the entire Middle East. As a result, the United States has faced the burden of justifying the war not only in terms of immediate security needs, but also in terms of what kind of Iraq it would leave in its wake. A war waged strictly in self-defence need only address the source of the threat in order to be deemed successful; in this murkier case, it is generally agreed among policy-makers (including U.S. officials) that success will be measured not only by the military campaign, but also by the post-conflict transition.[3]

Yet, much of the commentary and analysis regarding the political, economic and humanitarian challenges that will be faced by Iraq after the war has lacked the

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one more closed hearing; this, in addition to its five hearings in 2002. Both houses of Congress received closed briefings from administration officials about post-war plans.

[2] U.S. Secretary of Defense Donald Rumsfeld made the point by noting the differences between Iraq and Afghanistan : "The effort in Afghanistan had to be planned and executed in a matter of weeks after September 11th. With Iraq, by contrast, there has been time to prepare". Remarks at the 11th Annual Salute to Freedom, 14 February 2003.

[3] As a recent Council on Foreign Relations Task Force Report noted, "The Bush Administration has recognised the critical interests we have in ensuring that the post-conflict transition and reconstruction effort is no less successful than the military campaign is expected to be". "Post-Conflict Transition in Iraq", March 2003.

precision required to meet widespread concern about the country's, and even the region's, future. Again, there are several explanations:

Strong opposition to the war has made many in the international community reluctant to engage in a serious debate about post-conflict arrangements, out of fear they would be seen either as agreeing to the war or bowing to its inevitability. As a result, some key countries and international institutions have refrained from providing their perspective. Specialised UN agencies, in particular those that retained a presence in Iraq during the entire pre-war period, have kept their thoughts to themselves.[4] To the extent UN planning has taken place, it has been sketchy and basically without consultation with the U.S. The lack of a Security Council resolution authorising the use of force coupled with uncertainty about whether the Security Council will endorse any post-conflict arrangement, has further complicated the picture.[5] The type of multilateral planning, coordination and division of responsibilities that ideally precedes hostilities, therefore, has been lacking.

Huge uncertainty about how the war would unfold has added to the difficulties of elaborating a clear post-conflict scenario. With so many unanswered questions – whether there would be a coup in the early stages; how many countries would participate in the operation; what kind of resistance would be put up;[6] what would happen between Iraqi Kurds and Turkey; how much score settling would occur

among Iraqis; whether weapons of mass destruction would be used and, more generally, what the economic and human costs would be – realistic planning about the day after inevitably has suffered.[7]

In many ways, Iraq presents a unique and untested case for a transition to democracy. It is neither a collapsed or failed state nor a "chaocracy".[8] It retains a strong and in some respects efficient bureaucracy and civil service. Further, unlike transitions in South and Central America or Eastern Europe, the starting point is a foreign military intervention followed by an occupation of unknown duration, as opposed to an indigenous process. The fact that the Arab world for the most part remains dominated by authoritarian, non-democratic regimes further compounds the problem.[9]

The closed and highly repressive nature of the Baathist regime, coupled with decades of international isolation, has meant limited access to and knowledge of Iraqi society. Since the beginning of the 1970s, the regime gradually shut its doors to foreign researchers. Some began to crack open after the Gulf War – mostly against the regime's wishes – as 3.5 million documents were seized from Iraqi archives and roughly 1,500 high and mid-level Iraqi military commanders and an even greater number of former Baath party members fled the country. Still, after two decades of intermittent warfare and constant political violence, and twelve years of international sanctions, there is uncertainty about the nature of the society and the pertinence of internal social, ethnic, religious or tribal divides.

That is not to say knowledge does not exist. To the contrary. What this ICG report offers to the debate about post-Saddam Iraq is an in-depth analysis of the society that first the U.S., then the wider international community will uncover once the military dust has

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[4] Several internal UN reports on the humanitarian consequences of war in Iraq were leaked and posted on the website of the Cambridge (UK)-based Campaign Against Sanctions on Iraq (CASI), see <www.casi.org> See also J. Borger, "Secret UN Plan to Take Over Iraq", *The Guardian*, 5 March 2003.

[5] Before the UN endgame was known, one UN official told ICG, "Currently, there is no progress in our thinking on a post-war civilian administration and the role of the UN. All depends on the Security Council. Without a Security Council resolution [authorising force], it is not clear whether we are going to see a UN role in post-war Iraq. Even the notion of humanitarian planning is full of sensitivities, so don't expect us to work on those issues. The worst thing that could happen would be for there to be no agreement in the Security Council, the U.S. doing its thing in Iraq, opponents of military intervention having their own agenda, and the UN stuck in the middle." ICG interview, New York, 3 March 2003.

[6] See Toby Dodge, "Cake Walk, Coup or Urban Warfare: The Battle for Iraq", in T. Dodge and S. Simon, Iraq at the Crossroads: State and Society in the Shadow of Regime Change, Adelphi Paper 354, IISS (London 2003), pp. 59-75.

[7] Retired Marine General and former head of Central Command for U.S. Forces in the Middle East Anthony Zinni candidly declared before the U.S. Senate Foreign Relations Committee: "The 'it depends' answer to assessments will be the best analysis we can offer in most cases", quoted in Congressional Quarterly Abstract, SFRC, 11 February 2003.

[8] Defined as "rule of chaos, of the mob, mercenaries, militias without a central authority with the monopoly of violence". See J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder-London, 2000), p. 36.

[9] On the resilience of authoritarianism in the Middle East, See, D. Brumberg, "Democratization in the Arab World? The Trap of Liberalized Autocracy", *Journal of Democracy*, Volume 13, Number 4, October 2002, pp.56-68.

settled and politics regains its rightful place. From that analysis important conclusion follow concerning new political arrangements.

II.   A CIVIL AND UNCIVIL SOCIETY

Building a new political system requires understanding the structures, dynamics and mechanics of rule of Baathist Iraq.[10] Although U.S. troops may perhaps be welcomed by many Iraqis,[11] that will only be the first, surface encounter with a complex society. The end of the Baathist regime is certain to unleash social, political, economic, and institutional forces that are unpredictable and may over time become uncontrollable. Social groups and centres of power that sustained the Baathist polity for years will not collapse with the regime with which they were identified; instead, they will remain important parts of the Iraqi scene, supporting the new arrangements if they benefit from them, undermining them if they do not. Any transition to a post-Saddam era immediately will be confronted with the complex and often appalling legacy of Baathist rule, yet at the same time will have to proceed with great caution in dismantling that legacy if violence and instability are to be avoided.

While it is difficult to predict how Iraqi society will react to the fundamental changes that an invasion will provoke, ICG's extensive field-work in Iraq in 2001-2002 and numerous recent interviews with Iraqis both inside and outside the country provide the initial outline of the post-Saddam reality the international community will face. They also suggest some important guiding parameters for the post-conflict enterprise.[12]

A.   THE BAATHIST POLITY REVISITED: THE *TABULA RASA* MYTH

Given the regime's legacy of misrule and brutality, many – in the opposition and elsewhere – have urged

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[10] As one Iraqi-born scholar argued, "brutal force alone cannot explain the survival of such a regime over a long period of time. Without accounting for the process by which the Ba'thist regime gained acquiescence from a substantial section of the population, the various formulae for a future democratic Iraq may prove no more than wishful designs". See, I. Al-Khafaji, "Halfway Through Democracy: Iraq's Transitional Options", 18-19 July 2002, Naval War College.

[11] See ICG Middle East Briefing, *Voices from the Iraqi Street,* 4 December 2002.

[12] This report does not address the particular question of the Kurds, which is separately discussed in ICG Middle East Report N°10, *War in Iraq: What's Next for the Kurds*?, 19 March 2003.

a thorough and comprehensive de-Baathification, which might eventually preclude the re-integration of former civil servants. But wholesale de-Baathification would be both inadequate and excessive. It would be inadequate, because it would overlook the distinct and multifaceted character of the polity. Iraqi Baathism has been a peculiar combination of authoritarianism, tribalism and rentierism, an amalgam of the modern and traditional that, in practice, is neither. The leadership's success in blending seemingly contradictory sources of power and in expanding the regime's presence through an array of ethnic, tribal, religious and social networks is the key to the relative durability of its political system.[13] The power of Saddam's regime never resided in the formal or visible structures of the party, but rather in the "shadow state", the hidden familial, clan and tribal links.[14] There is a tendency today to focus on the leadership that surrounded Saddam Hussein while forgetting that communal-based politics – drawing on personal allegiance, kinship ties or shared geographic, ethnic or religious identity – have, over the last three decades, largely permeated society. Finding a way to uncover and deal with these hidden solidarities, to transform and manage the informal networks of the *ancien régime* and, once purged of their most problematic elements, induce them to cooperate in the functioning of a new Iraq, is a challenge that goes well beyond the issue of the Baath party itself.

At the same time, disbanding the Baath and all that is associated with it would be excessive. One should distinguish between the Baath and the regime – or between Baathism and Saddamism. That is not to suggest that the party is not culpable at many levels for the regime's brutality, but rather to recognise that in a republic of fear, membership often was primarily a vehicle for social and political advancement. Varying degrees of party membership exist. Some joined out of conviction; others out of opportunism; many out of fright and necessity. Particularly among older Baathists, there are individuals whose views are very different from those of the regime. They may have chosen to stay in Iraq and the party, but in silent opposition to its leaders. A number of civil servants who belong to

the Baath can and should play a critical role in rebuilding Iraq. Many institutions formally affiliated with the party – such as labour or professional unions – also will be important in reviving civil society. Here as well, a *tabula rasa* approach would be ill informed and pernicious.

In short, getting rid of the Baathist party would only begin to scratch the surface of the complex webs or power and influence weaved over 30 years. It also would case aside numerous citizens who have associated with the party out of fear or opportunism, but who could still contribute mightily to building Iraq's future.

1.   Principles and Sources of Baathist Rule

Iraq's Baathist leaders, who originate principally from the lower middle classes of provincial towns, absorbed the value of kinship networks as sources of allegiance and cohesion during their formative years and, since 1968, have systematically used such relationships to consolidate their and their party's dominance. Saddam Hussein established a formidable network of security and intelligence services, while simultaneously embedding his kinsmen in strategic niches throughout the party, military and bureaucracy. In so doing, he ensured his dominance over what gradually became the most powerful clan within the most powerful tribe within the most powerful party. Official ideology drew with equal ease upon secular, modernist, Islamic and tribal themes.

The oil boom that began in the early 1970s helped the regime consolidate the state's role as lynchpin of the economy and embark on far-reaching social engineering. Massive revenue expansion was used to co-opt broad sectors of society and greatly increase the size of social groups directly dependent upon the state.[15] This expanded middle class, primarily entrepreneurs and bureaucrats and sustained by government contracts and salaries, developed into one of the regime's most stalwart constituencies, providing the Baath Party, its mass organisations and professional unions with the bulk of their

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[13] For an analysis of the origins and structures of the Baath regime, see ICG Middle East Report, N°6, *Iraq Backgrounder: What Lies Beneath,* 1 October 2002.
[14] On the networks of privilege and patronage that constitute the real seat of power in Iraq, see C. Tripp, "After Saddam", *Survival*, vol. 44, Winter 2002-03, pp. 23-37.

[15] Government employment accounted for 14 per cent of the national work force in 1968, 16 per cent in 1972, 25.7 per cent in 1977 and more than 45 per cent in 1987. These percentages are calculated on the basis of data drawn from Ministry of Planning, "Annual Statistics", Baghdad, 1992, pp. 57, 108. During this period the bureaucracy more than trebled, while the military grew ten-fold.

membership.[16]

Tribal and religious communities are divided along such social lines, based on their proximity to and dependence on the state sector. In short, Iraqis are members of tribal, ethnic and religious groups but also, and crucially, elements of modern social classes that cut across these traditional categories.

2.   Political Elites

During the Baathist era the political elite was recruited from four major sources: Saddam Hussein's extended family and clan; allied tribes; the Baath Party's senior echelons; and Iraq's considerable reservoir of technocrats and bureaucrats.

Saddam Hussein's tribal environment is no exception to the general organisation and rules governing Iraqi tribes in terms of internal sub-divisions,[17] hierarchy and internal competition. Saddam belongs to the Albu Nasir tribal confederation, which comprises six clans. The Baijat clan to which he is affiliated is at the apex of the power structure.[18] Within this clan, Saddam's lineage, the Albu Ghafur, firmly holds the reins of power in Iraq and forms the hard core of the political system. It controls vital security organs such as the Republican Guard and the Special Security Organisation.

The most important tribal currency is personal loyalty. Strongest at the house or family level (which, in Saddam's case, centres around the Al Majids),[19] it is most likely to bind together entire tribes or clans in a self-preservation reflex when they are confronted with a blanket, indiscriminate threat. At the same time, these relations are riven by incessant internal rivalries over the allocation of wealth and power.[20] As a result, a discriminating approach that distinguishes between individuals from a particular clan based on their proximity to the ruling apparatus, or between dominant and subservient lineages and houses, can both make existing cleavages worse and produce new ones. Attempts to change the Iraqi Baathist regime or consolidate its successor are thus best promoted by differentiating among members of the ruling tribe, thereby neutralising large segments within it and isolating the circle closest to the regime.

The Baathist regime's allies, whose origins are more diffuse, include various families and lineages drawn from other Iraqi tribes, as well as extended families from different provincial towns and villages. Alliances between such groups and the regime have tended to be relatively loose and nebulous. They involve individual clans, lineages or families rather than entire tribes *per se*. As a result, highly contrasting attitudes toward the regime may exist within any given tribe. For instance, the Jubur, Shammar, Dulaim and even Tikritis each include some factions loyal to the regime and others that actively oppose it. Tribal elements that oppose the regime may seek support from Iraqis living in Jordan, the Gulf countries or the United Kingdom[21].

Even among the Baathist regime's tribal allies, clear variations exist in terms of the intensity of their relationship to the state. Some are staunch supporters of the regime and enjoy key positions in the party, military and security services. Others have no direct affiliation with the Baath Party; rather, individuals from the tribe benefit from patronage networks to secure employment in the public sector and military. A third category consists of businessmen who took advantage of these patronage channels to enrich themselves.

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[16] The middle class represented 28 per cent of the urban population in 1958, 34 per cent in 1968, 45.2 per cent in 1978, and 54 per cent in 1988. The first two estimates are from Hanna Batatu, *The Old Social Classes and Revolutionary Movements of Iraq* (Princeton, 1978), p.1126. For later years, estimates were calculated on the basis of the 1987 and 1992 Iraqi official statistics of professions, op. cit.

[17] The largest is clan, then lineage, then "house".

[18] Membership in a Baijat clan lineage does not necessarily guarantee political protection. Indeed, the Albu Musallat, Albu Bakr, Albu Hazza and Albu Musa lineages (all of which are part of the Baijat clan) have been marginalised from power and in some cases deliberately persecuted.

[19] For detailed diagrams on the president's clan, its lineages and houses, see Faleh A. Jabar and Hisham Dawod (eds.), *Tribes and Power in the Middle East* (London, 2002), pp.103-105, 126-128.

[20] In the weeks prior to the war, speculation mounted regarding the possibility of an internal coup. Given the power structure in Iraq, a successful coup would require a split within Saddam's own lineage. In the 1990s, family feuds presented Saddam with the single most serious threat to his hold on power. The August 1995 defection to Jordan of his two sons-in-law , Hussein and Saddam Kamel, illustrated this threat, although Saddam ultimately was able to manage it. See A. Baram, "La 'maison' de Saddâm Husayn", in P. Bonte, E. Conte, P. Dresch, *Emirs et présidents. Figures de la parenté et du politique dans le monde arabe* (Paris, 2001).

[21] See, Keiko Sakai, "Tribalization as a Tool of State Control in Iraq", in, Faleh A. Jabar and H. Dawod (eds), op.cit. pp.136-161.

Pro and anti-government factions within any given tribe generally can easily be identified.[22] Many whose alliance with the regime has been primarily economic can and should be persuaded to cooperate with the new authorities. A key in this respect will be to convince relevant tribal and community leaders to use their authority to encourage such cooperation.

The senior echelons of the Baath Party comprise all Regional Command (*qiyada qutriyya*),[23] division (*firqa*), section (*shu'ba*) and branch (*fir'*) officials, in addition to other full members known as "alternate members". Collectively, this unfailingly loyal and financially privileged group constitutes the party's hard core and occupies all key positions in the civil administration, military and security services. It represents no more than 10 per cent of the full party membership of some 500,000 to 800,000.[24]

Beneath this hard core, the general membership divides into three levels: supporter (*mu'ayyid*), partisan (*naseer*) and advanced partisan (*naseer mutaqaddim*). All party members have received military training and carry light weapons. Some are staunch loyalists and have perpetrated gross human rights violations or engaged in war crimes. However, the bulk of the membership includes opportunists, who joined for personal advancement, as well as former communists, Kurdish nationalists and Islamists who felt compelled to join for self-preservation.

As with the tribal elements, a subtler, selective approach that distinguishes between core members and others is crucial to a smooth transition. Many high-ranking Baath officials told ICG in September and October 2002 that they expected a large number of party members who have not been directly involved in the regime's brutalities to change allegiances quickly and form what they disdainfully dubbed the "largest post-Saddam political party – the Party of opportunists".[25] Many in the party's lower ranks are known to have taken part in the 1991 post-Gulf War uprising against the regime.[26] Saddam Hussein, well aware of the tenuous loyalty of many party members, systematically sought to address this situation throughout the 1990s, chiefly by recruiting new, younger militants and relying on pragmatic, material inducements rather than ideological fervour.

3.   Armed, Security and Police Forces

The armed forces number some 375,000 men, divided principally between the regular army, the Republican Guard and the Special Republican Guard. These are supplemented by various paramilitary groups, including the estimated 60,000 members of Saddam's "Martyrs" and armed tribal groups entrusted with national security functions.

Among the distinctive characteristics of the Iraqi military is the high proportion of senior and middle-level officers drawn from Saddam's tribal and allied lineages, which, in the case of the Special Republican Guards may reach as high as 85 per cent. Collectively, these officers form the regime's most reliable military elements.

Even in the armed forces, important distinctions need to be made regarding the degree of loyalty to the regime and capacity to play a post-Saddam role. Party membership is mandatory for officers and does not necessarily imply loyalty. The Republican and Special Republican Guards, which serve as its praetorian guard, as well as the paramilitary and tribal forces it has established, are thoroughly identified and associated with the worst aspects of the regime. They will need to be rapidly disarmed and dismantled. Some non-combatant Republican

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[22] In the early 1990s, the regime commissioned a police colonel to produce a ten-volume Encyclopaedia of Iraqi Tribes. Only pro-regime tribal *shaikhs* had their names listed and were thus granted official recognition as legitimate representatives. See Thamir Abdul-Hussain al-Amiri, *Mawsu'at al-Asha'ir al-Iraqiya* [The Encyclopaedia of Iraqi Tribes], Baghdad, *Dar al-shu'un al-thaqafiya al-'amma*. The first volume was printed in 1992, the last in 1994. As to the Kurdish tribes, the Iraqi Research and Documnetation Project (IRDP) offers detailed reports.
[23] In Baathist party terminology "regional" refers to Iraq whereas the "national" Command (*qiyada qawmiyya*) refers to the broader Arab world and is theoretically the supreme organ of the Party.
[24] In 1968, upon seizing power, the Baath party had only 100 to 150 members according to Salah Omar Ali, former member of the Regional Command Council of the Party interviewed by ICG in London, in December 2002. In under a decade, party membreship grew to some 500,000 including some 10,000 full members. See Batatu, op. cit, p.1078. In the 1980s, the regime claimed a membership of 1.8 million, of whom half a million belonged to the Popular Army, the party's militia set up by Taha Yassin Ramadan. Since the Gulf War (1990-91), the party's membership has suffered a dramatic decline.

[25] ICG interview with former National Command Council member, Baghdad, October 2002.
[26] See F. Rigaud, "L'impossible soulèvement de l'intérieur", in M. Bennani-Chraïbi and O. Fillieule, *Résistances et protestations dans les sociétés musulmanes* (Paris, 2003), pp. 197-217.

Guard formations, less implicated with the regime, could possibly be incorporated into a revamped army, though only after proper vetting.

The regular army presents a more difficult case. While it no longer inspires the kind of respect it once did, and the composition of its officer class reflects the regime's discrimination in favour of Sunnis, it, too, has suffered under the Baath, which saw it as a potential threat. As a result, some local experts argue that it is one of the few state institutions that maintains a modicum of credibility among average Iraqis and can foster national unity. There is little doubt that the army is only a shadow of its former self; salaries are for the most part paltry, and what once was perceived as a promising career, now is seen as a dead-end, corroded by massive corruption. Military service and the periodic mobilisation of reservists are largely considered ways for high-ranking officers to enrich themselves, for only by bribing them can one avoid the army's disastrous living conditions.[27] Moreover, like the Baath Party, its original mission has been diverted by the regime, infiltrated by kinship networks, and bypassed by the praetorian guard the regime established to ensure its survival. It may be seen less as the regime's ally than as one of its many victims.

Certainly, the army will need to be downsized and revamped to better reflect the country's religious and ethnic make-up; but this ought to be done gradually and without deliberately humiliating its members. Commanding officers should be placed under detention, investigated for war crimes and gross violations of human rights and, where appropriate, indicted and placed on trial. Military equipment should be collected and arms depots and military bases adequately secured. Beyond that, Iraqi soldiers can and should be associated with efforts to distribute humanitarian relief and rebuild the country. The existing military infrastructure (e.g., hospitals and industrial units) and expertise can be productively channelled in a way that both bolsters Iraqis' sense of ownership in the transition process and begins the effort of reintegrating soldiers.

To an even greater extent than the armed forces, security and intelligence organisations have mushroomed under Baathist rule, playing a leading role in the system of domestic repression and notorious for egregious violations of human rights,

including systematic torture and summary executions.[28] Personnel are accountable to their superiors alone and are judged according to their political loyalty and readiness to implement orders. Consequently, these organisations have developed into bastions of impunity. Dismantling them is a critical prerequisite for any successful transition.

Under Baathist rule, the police were formally part of the armed forces and answerable to the Interior Ministry. For many, they have come to be seen as a hollow institution, neither particularly effective nor closely tied to the regime's repressive arsenal. As Iraqis increasingly viewed them as corrupt and incapable of dealing with the rapid rise of crime in the 1990s, many chose to take matters in their own hands or turn to the far more respected authority of tribal chiefs to resolve disputes. Any reform of the security services must separate the police from the military to which they have been subordinate, and reconstitute them as an independent force, fully empowered over time to act as the primary civilian law enforcement agency in Iraq.

4.   Economic Elites

Although the Baath regime clearly sought to expand the state's influence and establish a socialist-type command economy under tight government control,[29] its economic policy, coupled with a decade of sanctions, resulted in impressive growth in the private sector. Any attempt to create a new state should find a way to deal with and build upon the strength of this sector, which is, however, heavily tainted by close association with Baathist political elites.

During the 1980-1988 war with Iran and facing a difficult economic situation, the regime turned away from its original statist approach, introduced reforms designed to encourage the private sector and foreign (Arab) investment, and enacted limited albeit significant deregulation and privatisation measures.[30]

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[27] ICG interviews with conscripts and reservist in Baghdad and Mosul, October 2002.

[28] See, I. al-Marashi, "Iraq's Security and Intelligence Networks: A Guide and Analysis", *MERIA Journal*, vol. 6, N°3, September 2002.
[29] See, Sabah al-Durrah, *The Public Sector in Iraq,* Baghdad, 1977, p.96, and Peter Sluglett, *Iraq since 1958* (London, 1990), p.234.
[30] See, K.A. Chaudhry, "Economic Liberalization and the Lineages of the Rentier State", in *Comparative Politics,* October 1994, pp.1-25 and F. H. Lawson, "Divergent Modes of Economic Liberalization in Syria and Iraq", in I.Harik,

The reduction in oil rent and the international community's close monitoring of state expenditure through the sanctions regime led to the acceleration of this trend during the 1990s when a stock market and private banks emerged. Having gained real leverage, the business community became a social force with which the regime had to reckon – and, what is more, a social force that reflected, albeit imperfectly, all ethnic and religious components of Iraqi society. One example illustrates their enhanced influence. When 42 merchants were accused of price manipulation and executed in 1993, the market reacted fiercely, triggering shortages and soaring prices. For the first time in the history of the relationship between the Baathists and the business community, the authorities "apologised" and rehabilitated the victims as "martyrs of the moment of anger".[31]

At the same time, this economic evolution was marked by two trends that will be significant in the post-conflict phase. First, as a result of both pauperisation and the spread of market forces, the country witnessed a striking increase in social ills: corruption, contraband and criminality. Secondly, the growth of market forces in a setting still dominated by the central state meant that the private sector never gained full independence. It grew, and its members derived their wealth primarily from industry, trade, contracting and banking[32] – but these were all activities in which Iraqi entrepreneurs were forced to seek associates and guardians among key officials. Rewards for partnership with the regime were as clear as the penalties for defiance.[33] Loyal kinship groups and regime cronies – including selected Shiites and Kurdish families – were awarded lavish contracts and import-export licences. Overall, the business community remained an economically dependent and heterogeneous group, reliant on state contracts and forced to adopt strong predatory practices.

In short, though the sanctions era helped broaden the private sector and bring within its ranks individuals with little if any direct links with the regime, years of mismanagement, a distorted economic system and oil smuggling associated with the sanctions also promoted crony capitalism, an unhealthy symbiosis between the business community and the Baathist state. However Iraq is governed after Saddam, it will be difficult to undo the damage quickly. The capital accumulated by this group will be of vital importance for Iraq's economic rehabilitation; likewise, the relatively dynamic business and financial communities ought to play an important part in the transition process.

The new, interim authority in Baghdad will possess leverage over members of the business community, who harbour great fears regarding the transition process. Though they are concerned about the loss of the state's economic patronage, they are even more fearful of lawlessness, specifically looting and physical violence by angry mobs or gangsters in the chaotic environment expected to follow the end of the war.[34] By providing law and order and protecting property, the U.S. and others in the international community can reassure members of this sector about their continued role and maximise the chance that they will contribute to reconstruction.

At the same time, steps will need to be taken to begin untangling the unhealthy web of business connections that have underpinned the Baathist regime. The right way to incorporate the business sector while simultaneously reforming it will be to reactivate the professional associations and guilds, including the Iraqi Industrial Federation, the Contractors Union and the Federation of Iraqi Chambers of Commerce. Each maintains offices in Baghdad and other major cities such as Basra, Mosul and Irbil. The rapid holding of free and fair elections in these various organisations could promote the emergence of representative interlocutors who could legitimately participate in national consultations concerning post-Saddam Iraq.

The wrong way would be an accelerated privatisation of the public sector (or its privatisation alongside the political transition). That would run the heavy risk of further concentrating economic wealth and resources in the hands of old regime holdovers with obvious consequences for political pluralism.

D.J. Sullivan (eds), *Privatization and Liberalization in the Middle East* (Bloomington, 1992), pp.123-144.

[31] See, Iraqi News Agency, 4 April, 1994.

[32] See I. Al-Khafaji, *Al-Dawla wal-Tattaw'r ar-ra'smali fil-'Iraq, 1968-1978* [The State and the Evolution of Capitalism in Iraq] (Cairo, 1983).

[33] Since 1968, there has been ample evidence of the limited margin of manœuvre enjoyed by members of the business community. For instance, in the early 1980s,, during the Iran-Iraq war, so-called Shi'i "disloyal" merchants and industrialists saw their assets confiscated and were deported to Iran. See A. Babakhan, *L'Irak: 1970-1990. Déportation des chiites* (Paris).

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[34] ICG interviews with businessmen in Baghdad and Mosul, October 2002.

5.   The Middle Class[35]

In this typology of Iraqi society, the middle class includes some self-employed but for the most part designates state employees and civil servants, whose fortunes are directly related to the strength – or weakness – of the central government and its administrative branches. During the Iraqi monarchy, it formed the vanguard of the opposition and provided the urban communist, socialist, nationalist, and to a lesser extent Islamist movements with leadership, cadres and mass support. Until the early 1980s, it experienced its golden age, financed by the massive oil revenues and directly benefiting from Iraq's ambitious socio-economic modernisation programs. In the early years of the Baath regime, significant investment in the educational sector, the government's generous scholarships to study abroad,[36] and the increased number of jobs in the state sector all strengthened the middle class. The roughly 800,000 men and women who comprise the nation's public employees and civil servants (*muwazzafin*), many of whom possess post-secondary degrees, bachelor's degrees, master's degrees and doctorates,[37] constituted a crucial pillar of the regime. All in all, the civilian side of the state employed almost one quarter of the active work force, which in reality means that a far greater percentage of Iraqi households were directly dependent on government pay.

Two decades later, the bulk of the middle class appears to have lost much of its faith in the nationalist and socialist ideology of the party. It terms of economic status, two distinct groups need to be identified.

On the one hand is the upper level, directors of ministries or other administrative agencies, who are called "ahl al-khibra" (the experts or technocrats) in contrast to the "ahl al-thiqa" (the "trustworthy", who belong to the old guard of the party and owe their position to past service or present connections only). During the 1990s, the experts were able not only to maintain their standard of living but also, in many cases, elevate it as a result of the spread of corruption throughout state agencies. The 1996 oil for food program ironically contributed, as they were in a position to trade lucrative contracts with foreign companies for kickbacks. The experts, in short, were the counterparts of the business class, able to accumulate vast fortunes under-the-table. Although the regime intermittently organised anti-corruption campaigns, for the most part it not only tolerated the phenomenon but also encouraged, controlled and took advantage of it. By turning a blind eye to illegal payments, it was able indirectly to redistribute wealth toward a section of the middle class, thereby maintaining the cohesion – and loyalty – of high-level civil servants.

On the other hand, the lower ranks of state employees – lesser bureaucrats, teachers, journalists – who were not able to benefit from illicit payments, arguably has been the group that has suffered most from the regime's foreign adventures and international sanctions. Salaries did not keep up with hyperinflation; members had few choices aside from emigrating, selling belongings or performing petty jobs in the economy's informal sector (for example, by turning private cars into taxis) to make ends meet. Only a small fraction owned property and/or capital and could establish small businesses (trade, services, real-estate). Whereas high-ranking civil servants or bureaucrats generally joined the Baath out of conviction or in order to help their career, party membership for their lower-level counterparts was of only marginal significance other than as a frequent prerequisite for employment (for instance in the case of teachers). [38]

The lower stratum of the civil service also saw its political status crumble as the regime increasingly turned to the tribes as its privileged instrument of social control. Whether they were long-time urban dwellers or had migrated to Baghdad and other major cities during the rural exodus of the 1950s, members of the middle class long ago broke their ties with the tribal world and its traditional ethos.

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[35] The difference between economic elite and middle class is not always clear. In the Iraqi context, "middle class" refers principally to state employees. Unlike the economic elite, they traditionally and as a general matter possess neither capital nor property. Some members of the economic elites are top level civil servants; but their position in Iraq is defined far less by their economic status than by their network of connections and links with high-ranking officials of the Baath regime.

[36] See, D. A. Roy, "The Educational System of Iraq", in *Middle Eastern Studies*, Vol. 29, N°2, April 1993, pp.167-198.

[37] See, Ministry of Planning, "Iraq Annual Statistics", Baghdad, 1992, p. 47, 109 and passim.

[38] For a poignant description of the daily harassments and humiliations to which university professors were subjected under Baath rule and economic sanctions, see Hayat Sharara's posthumous novel, *Idha al-Ayamu Aghsaqat* [When days darkened], *Al-Mou'assassa al-arabiya lil-dirassat wal-nashr* (Beirut, 1999).

Few among them still give much importance to their tribal affiliation, and most see in the regime's belated turn to that world a social regression that reflects its lack of popularity. [39]

The importance of the middle class in a successful political transition cannot be overstated. Its members tend to be highly urbanised and share the characteristics of a modern, Westernised and secular group. Moreover, insofar as they have a common social vision and life-style, they represent a pillar of Iraq's successful national integration, in other words a key factor in its continued territorial unity. Today, after twelve years of sanctions and relative economic deprivation, they on the whole appear to long for stability, normalisation, economic rehabilitation and national reconstruction. [40] If they do not witness rapid improvement in their material circumstances, many, particularly among the lower stratum, may be tempted to embrace radical oppositional ideologies, whether directed against remnants of the Baathist regime or the new order. Deprived of property and capital, their sole hope lies in rapid economic and political change that touches them personally. If they are denied meaningful employment and improved services, and if law and order is insufficiently restored, their capacity for disruption will be great.

One of the critical missions of the interim authority will be to ensure that the political transition in Iraq does not come at the expense of the urban middle classes and civil servants. A strategy that relies on co-opting tribal leaders and staffing the ranks of the administration and bureaucracy with foreign personnel risks would run precisely that risk, for it would squeeze the indigenous middle class, triggering resentment and possibly organised and violent opposition. Instead, the interim authorities ought to make full use of the Iraqi civil service.

Given the central role of the Baathist state in the distribution of goods under the oil for food program, the cooperation of the civil service will be vital to avoid an immediate, short-term humanitarian catastrophe. In the longer run, the knowledgeable pool of Iraqi civil servants can greatly facilitate the efficient rehabilitation of industrial facilities, utilities and social services. A key factor will be to ensure that their salaries quickly increase; otherwise, they may well leave the civil service and turn to higher-

paying jobs offered by the international community – as translators or aides to the teams likely to arrive. [41] While a rapid reshuffling of the bureaucracy's apex will be required, only very limited changes ought to be made at lower levels.

6. Urban Poor, War and the Sanctions Generation

In the wake of war and in the context of devastating economic sanctions, the number of urban poor significantly expanded during the 1990s, joined by an increasing cohort of members of the salaried middle class who crossed the poverty line. [42]

The urban poor encompass those unemployed, semi-employed or employed in any legitimate or illicit activity at society's bottom rungs. Former POWs and ex-convicts, wheelers-dealers, thugs and similar characters can be found among them. They may join cult-like religious groups clustered around charismatic preachers, organise in small gangs or work in the informal sector; often they shift from criminality to semi-legitimate occupations and back. This amorphous social group could become an important source of violence and disorder during the transition, expanding the ranks of any destructive mobs. The risk is compounded by Iraq's demographic structure; 48 per cent of the population is under eighteen. [43]

The generation of Iraqis under the age of 35, which during its lifetime has experienced nothing but war, national trauma, ruin and poverty, has basically known only one regime and one leader. Its members have all received military training (as soldiers or paramilitaries), yet have no political or ideological sense of direction. They have been immersed in a culture of violence for most of their lives. [44] Indeed, a large proportion of the war generation rebelled in 1991, and the sanctions generation may well rebel again. Theirs is a violence that is relatively spontaneous and unfocused, to date lacking the ability to form a coherent and single-minded

[39] ICG interviews with mid-level to lower civil servants, Baghdad, Spring 2001.
[40] ICG interviews, Baghdad, June 2001.

[41] This is what happened in Kosovo and Bosnia.
[42] See, M.K. Al-Muhajer, "*Al-Fuqr fil 'Iraq qabla waba'da harb-il Khaleej*" [Poverty in Iraq before and after the Gulf War], United Nations Economic and Social Commission for West Asia (ESCWA), New-York, 1997.
[43] Data updated for 2001. See, http://www.unicef.org.
[44] See, Faleh A. Jabar, "The War Generation in Iraq. A Case of Failed Etatist Nationalism", in Lawrence G. Potter (ed.), *The Gulf 2000 Project*, electronic publication, 2000.

movement. In all likelihood, this generation will emerge one of the most vigorous actors in the post-Saddam era; economic and social opportunity will be critical to determining whether its activism serves positive or negative ends

The interim authorities, therefore, will need to pay urgent attention to the interests of this group, particularly in the larger cities (Baghdad, Basra and Mosul). In the initial phase of any transition, it can be controlled to a certain extent by traditional law and order forces, which are discussed below. But the provision to the urban poor and to the youth in general of emergency humanitarian assistance and, in the longer run, economic opportunity, will be vital instruments as well.

B. IRAQ'S "OLD SOCIAL CLASSES": RECOGNITION, NOT REINVENTION

Iraq's traditional social forces include remnants of its tribal structures as well as the religious establishment (Shi'a clergy, Sufi mystic orders, and the nobility).[45] Despite rapid socio-economic modernisation and intermittent efforts by the Baathist regime either to suppress, re-invent or co-opt them, they remain vibrant in Iraq's provincial towns and rural areas. Steady migration has also brought them to the heart of Baghdad and other major cities.

These traditional forces should be neither ignored, exaggerated nor empowered. It is important to examine their social functions, as well as the sources and limitations of their power to determine the extent to which they can contribute to – or alternatively obstruct – a transition to a democratic, pluralistic and inclusive political system.

1.   Tribes, Chieftains and the Power of Kinship

In nineteenth century Ottoman Iraq, tribes thrived in the absence of formal government. Since the 1850s, when Istanbul began implementing reforms to extend the reach of central authority – a process that

intensified after the Iraqi state was established in 1921– the social, economic and political influence of Iraq's tribes generally has been on the wane.[46]

As their traditional military and judicial functions increasingly were taken over by the state, the large tribal confederations, like the Muntafiq in the South, the Dulaim in the West and the Shammar Jarba in the North, gradually began to fragment. Tribal chieftains (known as *shaikhs* in the Arab regions and *aghas* in the Kurdish ones) eventually turned into absentee landlords and were incorporated into the body politic, while their tribesmen and village vassals became landless, sharecropping and politically marginalised peasants.[47] The spread of government authority, the commercialisation of agriculture and rapid urbanisation together reduced the authority of the tribes and eroded the allegiances they inspired. As these larger units lost cohesion, solidarity networks were redirected to more compact kinship relations, extended families, lineages and village communities.

The rise to power of the Baath party in 1968 fundamentally altered tribal fortunes. Paradoxically, despite strong anti-tribal rhetoric, various forms of tribalism (though not necessarily the tribes themselves) were revived, manufactured and instrumentalised by the state. These can be described as political tribalism and military tribalism.

Through *political tribalism* Saddam infiltrated state agencies with members of his Baijat clan and larger tribal confederation, the Albu Nasir, as a means of buttressing the ruling elite. For a long time, this remained hidden through the systematic concealment of tribal names.[48] Political tribalism came into full view only in the wake of the 1991 Gulf War. With its power shaken and legitimacy undermined, the secular, centralised regime increasingly and openly appealed to this alternative source of loyalty.[49]

Although the system has continued to operate, more recently it has exhibited signs of weakness and

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[45] The nobility consist of both Shi'a *sayyids* who claim holy lineage descent through Fatima, the Prophet's daughter, and Sunni ashraf who claim holy lineage through his tribe, the Quraish. See Yunis I. Samara'i, *Al-Qabayil wal-Buyutat al-Hashimiya fil-Iraq* [Hashimite Tribes and Lineages in Iraq], Volume I, Dar al-Umma (Baghdad, 1988).

[46] Among the best descriptions of this process are to be found in Stephen H. Longrigg, *Iraq, 1900 To 1950* (Oxford, 1953) and Robert Fernea, *The Shaykh and the Effendi* (Cambridge, Mass., 1970).
[47] See, Nasir Said Kazimi, "The Communist Party and the Agrarian Question in Iraq"*,* Beirut, CSSAW Centre, 1986, pp. 4-9.
[48] ICG interview with Salah Omar Ali, London, former Baath Regional Command member, London, December 2002.
[49] See, *Iraq Backgrounder: What Lies Beneath*, ICG Middle East Report N°6, Amman/Brussels, pp. 20-21

internal schisms; this is a function of the regime's increased vulnerability. Tribal allegiances to political authorities are by nature brittle, relying less on longstanding loyalty than on a pragmatic assessment of material and political interests.

Initiated since the late 1970s, *military tribalism* involved a revival by the regime of the military role of influential Kurdish *aghas*. Through this mechanism, it was able to raise tribal levies totalling approximately 100,000 to 150,000 Kurdish auxiliaries, who fought against the Kurdish nationalist movement during the war with Iran. The *aghas* thereby were able to stem their decline, regain influence within Kurdish society and the Iraqi state and amass large fortunes. They also established a foothold in the national assembly and, in many cases, turned into full-fledged entrepreneurs; as a result, they became patrons, providing jobs and protection to their kinsmen and local clients. [50] Since 1991, in an effort to boost security in rural areas and subcontract control over the borders, the regime extended military tribalism to various Arab tribes, both Sunni and Shiite. Many tribal leaders were allowed to exercise greater authority over their fellow tribesmen and were equipped with weapons, communication systems and vehicles.[51]

It is difficult to predict the precise role tribal allegiances will play in a post-Saddam order. Although at their inception they were a means of strengthening the Baathist regime, political and military tribalism often acted against it. For instance, the pro-government Kurdish tribal auxiliaries played a critical role in the 1991 uprising.[52] Kurdish tribal forces were granted amnesty by the PUK and KDP; nevertheless, relations between the two sides remain strained, however, and how they will view each other in a post-Saddam Iraq is unclear.

An ICG survey conducted in the spring and summer of 2002,[53] suggests it is fair to say that while Kurds

between the ages of 18 and 30 are primarily attracted to the nationalist movement (led by the KDP and PUK), their elders remain by and large loyal to more traditional tribal leaders. The latter may well be in a position to play an important role in the post-Saddam era, counter-balancing the influence of the two principal Kurdish political organisations. More than the nationalist movements, they appear to believe in the territorial unity of Iraq[54] and the Kurds' incorporation in a renovated Iraqi political entity. A new Iraqi central government may well be tempted to strengthen the position of tribal leaders.[55]

In addition to their political and military functions, tribal affiliations have gained importance in daily social interactions within the Arab regions. This is particularly the case among Sunni and Shiite kinship networks in small provincial towns, as well as among tribal migrants in the larger cities and their outlying townships. Prior to 1991, tribal networks generally coexisted relatively peacefully with the Baath party organisation that held the upper hand in social affairs. As the party weakened, however, kinship networks gained in strength and tribal chieftains re-emerged as sources and focal points of social authority. Such networks also served as safety nets, providing much-needed financial and moral support in an economic environment fraught with uncertainty and in which the state was not a reliable provider of goods and services. Of equal significance, they helped fill the void created by the state's diminished ability to maintain law and order and administer justice.[56]

Recognising the rise of these traditional forces, the Baathist regime swiftly moved to co-opt them into virtual auxiliaries of the judiciary system. The central government encouraged kinship groups and individual notables to provide security, administer

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[50] For a general presentation of the Kurdish Agha system, see Fredrik Barth, *Principles of Social Organisation in Southern Kurdistan* (Oslo, 1953).
[51] ICG interviews with members of the Albu Nimir and Ithawi lineages from the Dulaim tribe of the Anbar Province, London, September 2002.
[52] David McDowall, *A Modern History of the Kurds* (London and New York, 2000) pp. 371-372.
[53] A questionnaire was distributed to 50 persons in Dohouk and 70 in Arbil, all with strong tribal ties. The main focus of the questionnaire was on their relationship toward their chieftains.

[54] The national movement's official position is to support the territorial integrity of Iraq, and many of its leaders acknowledge that an independent Kurdish state is not realistic. See ICG Report, *War in Iraq: What's Next for the Kurds?,* op. cit.
[55] Some have argued that this also could have the benefit of promoting the pluralistic environment within Kurdish society. On the persistence of authoritarian and clientelistic methods within Kurdish areas of Northern Iraq, see M. Leezenberg, "Economy and Society in Iraqi Kurdistan: fragile Institutions and Enduring Trends", in *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*, op. cit. pp.148-160.
[56] ICG interviews with families of rehabilitated or appointed tribal chieftains of Tamim, London, September 2002, Shammar, London, September 2002, and Anbaki, Berlin, November 2002.

justice, maintain law and order and even collect taxes from kinsmen on its behalf. Unsurprisingly, tribal reconstruction became a thriving business; familial networks, real and imagined, mushroomed within cities to impose their codes of honour and conduct upon a de-tribalised population. Curiously, Iraqis more or less were left with the choice of selecting the tribal membership that best served their immediate interest. They disparagingly described this as choosing between "Shaikh Abu Fusfurah" (i.e., tribal leaders drawn in indelible ink) and "Shaikhs Made in Taiwan" – in other words, between authentic and counterfeit tribal chiefs, and between those deemed legitimate, co-opted or wholly fabricated by the regime.[57]

Many clans protect and persecute citizens in equal measure. Some maintain law and order during the day, only to re-emerge as gangs that loot and kill after dark[58]. Some reconstructed traditional groups are genuine, others not. In all cases, however, those co-opted by the state represent individual segments rather than entire tribes; within each tribe, rival kinship units compete for the privileges that accompany state patronage.

Many Iraqis in large cities lament the tribal chiefs' renewed political and social prominence. They see it as another manifestation of the gradual erosion of the urban sector's power vis–a-vis its rural counterpart, and experience it as the rural elite's long-awaited revenge.

It will be important for the new Iraqi political order to dismantle these networks and ensure that neither the state nor its agencies are dominated by kinship networks. However, any premature effort, as advocated by "modernists", is almost certain to backfire. As a first step, reliable and fair systems of justice, law enforcement and welfare must be established. An approach that gradually renders tribal networks and solidarities obsolete is the way to remove them from the political and social scenes without destabilising the transition process.

2.   The Religious Establishment

Although Shiites view their clergy as the supreme

source of religious authority,[59] Iraqi Shiism is diffuse and decentralised, and the religious leadership traditionally has been unable to control or channel it.[60] Iraqi clerics derive their authority through an informal process of recognition that is based on their education and knowledge of religious matters, the amount of religious contributions they are paid by their "emulators" (followers) and the size of their following. State patronage may be a fourth source of prestige and clout.[61]

The Iraqi Shiite clerical establishment falls into three categories. The first, based mainly in Iran but also in Syria and the UK, has embraced both political activism and an Islamist-communal perspective, and provides the leadership of the various Iraqi Shiite Islamist political organisations. Among its most recognised figures are Muhammad Baqer al-Hakim (Supreme Council for the Islamic Revolution in Iraq, or SCIRI), Ayatollah Muhammad Taqi al-Mudarrassi (the Islamic Action Party), Ayatollah Kazim al-Hairi (Da'wa), and Muhammad al-Asifi (of a separate Da'wa faction).

The second group has for the most part eschewed both party politics and the Iranian variant of Islamism. These moderate clerics are active in anti-regime social and cultural activities and pursue their agendas through familial, charitable and religious institutions that are principally based in

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[57] ICG interviews, Baghdad,spring 2001.
[58] ICG interviews with travellers and drivers on the Baghdad-Amman route confirm this criminal activity by tribal elements from the Dulaim tribal domains, Amman, April 1996.

[59] According to Shi'a doctrine, "senior clergy claim, as a collective body, to represent the accummulated spiritual wisdom and supreme authority of the hidden Imam, or *Mahdi,* on whose behalf they are entitled to administer justice and to guide the faithful in social, religious and cultural matters.". ICG Middle East Report N°5, *Iran: The Struggle for the Revolution's Soul*, 5 August 2002, p. 1, note 2. The shi'a clergy is structured along highly hierarchical lines.
[60] On Iraqi Shiism, see ICG Report, *Iraq Backgrounder: What Lies Beneath*, op. cit., 1 October 2002, pp. 14-17.
[61] On the ethnic structure of the Shi'te clergy, see Peter Heine and Yitzhak Nakkash in, *Ayatollahs, Sufis and Ideologues*, op. cit, chapters 1 and 2. The highest authority within Shiism is the *marja'iyya*, or supreme clerical authority. At times, m*arja'iyya* can be concentrated in the hands of a single *mujtahid* but as a rule it expands over multiple centres. The diffuse nature of this institution has accentuated theological, ideological and political divisions between Karbala, Najaf and Kazimain, between Arab and Iranian elements and between influential families. In Najaf, notable families like the Hakim, Kashif al-Ghita, or Bahr al-Ulum are most prominent; in Karbala, the clerical families of Shirazi and Mudarissi predominate; and in Baghdad-Kaziman, the Sadrs.

London. [62] They include the Khoe'i Foundation, the al-Bayt Institute and Dar al-Islam.[63] Once freed from Baathist as well as Iranian constraints, they developed what might be described as a more moderate, modernist interpretation of Shiism.

The third group of clerics is based in Iraq. While they preach quietist and apolitical attitudes, they are co-opted, harassed and closely monitored by the regime. A series of assassinations at the hands of the security forces in the 1990s greatly depleted their higher ranks and institutions of learning, chiefly the "hawza al-ilmiyya" in the holy city of Najaf. At the level of popular piety and practice, Shiite clerics such as *sayyids* – who trace their lineage to the Prophet's daughter – have retained a degree of influence particularly in the southern rural areas of the country where they are embedded throughout the tribal structures. Among *shaikhs* and tribesmen, they still enjoy significant respect, receiving payments in both cash and kind in exchange for their services. Among their main tasks is the settlement of tribal disputes and liaising with the central authorities. In urban neighbourhoods, they increasingly have been called upon to perform arbitration tasks to compensate for the ineffectual and corrupt central justice system.

Sayyids undoubtedly have come to play important roles at the local, tribal and urban community levels, being able at times to settle local disputes and prevent differences from escalating into violence.[64] They can constitute an important voice as efforts are made to restrain the disfranchised, persecuted and potentially vengeful Shiite groups that have felt persecuted by the Baath regime. In particular, they may be in a position to counterbalance the influence of the highly politicised Islamist factions – whether those that have been operating clandestinely in Iraq or have been in exile in Teheran.

Sunni *ulamas* do not have the same degree of independence or the hierarchical structure that characterise the Shiite clergy, and therefore may be less able to play a role in post-Baathist Iraq. While the *ulamas* maintain influence through sermons, the Iraqi Sunni religious establishment is very much an official body, paid by the state and, in the main, essentially moderate and conservative. Its principal rivals, particularly in the Kurdish areas of the North[65], are the Sufi mystical orders (of which the two dominant ones in Iraq are the Naqshbandiyya and the Qadiriyya). Sufism is a popular form of religion that has strong connections with various political actors in Iraq.[66] It is neither dominated by the official religious establishment and its institutions, nor influenced by Islamist parties (in fact, the latter view them with considerable hostility).[67]

C.   CULTURE AND IDEOLOGY

1.   Religion and Secularism

Iraq traditionally has been known for its moderate religious outlook and, in contemporary times, predominantly secular norms. Whereas Saudi Arabia embraces the rigid Hanbalite Wahhabi school of Islamic jurisprudence, Iraq's Sunni Arabs adhere to the moderate Hanafite and its Sunni Kurds to the rationalist Shafi'ite approach. Both the Hanafite and Shafi'ite schools developed strong anti-Wahhabi attitudes from the Ottoman period. Iraqi Shiism likewise developed a theological structure distinct from Iran's. In contrast to Ayatollah Khomeini, who formulated an authoritarian theory of clerical rule (*velayet-e faqih*, the "rule of the Islamist Jurist"),[68] Iraq's leading Shiite clerics advocated an Islamic polity based on the consent of the governed in which clerics would play only an advisory judicial role. Muhammad Baqr al-Sadr, who was executed by the Baathist regime in 1980, was the chief advocate of

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[62] On clerics based in London, see Jens-Owe Rahe, *Irakischer Schiiten Im Londoner Exil, 1991-1994* (Bonn University, MA Dissertation, 1995).

[63] See ICG Report, *Iraqi Backgrounder: What Lies Beneath*, op. cit., pp. 33-34.

[64] Given their strong social presence, and in an effort to rally them to his side and monitor their activities, in the mid-1990s, Saddam Hussein established a *sayyids* association (*naqabat al-ashraf*), issuing identity cards as proof of membership. Despite the material and symbolic privileges on offer, few *sayyids* joined the newly-created association. ICG interviews with members of this association, London, October 2002.

[65] For an analysis of contemporary sufi orders in Iraqi Kurdistan, see, Martin van Bruinessen, *Agha, Shaikh and State: On the Social and Political organisation of Kurdistan* (London, 1976).

[66] For example, the Naqshbandi order has traditionnally enjoyed protection from the Barzanis whereas the Qadiriyya order, which has an equally strong foothold in Kurdistan, received financial support from the Baath regime during the 1980s. ICG interviews with leading members of the Naghshabandi and Qadiriyya orders, Arbil, March 2002.

[67] ICG Interviews with representatives of various Kurdish islamist movements, Arbil and Sulaymaniya, July 2002.

[68] See ICG Report, *Iran: The Struggle for the Revolution's Soul,* op. cit. p. 3.

this strand of activist Shiism.[69]

Although more radical Iraqi Islamist political movements – the Sunni Muslim Brotherhood and various Shiite organisations[70] – have sought to dominate the scene, they have long been a fringe phenomenon in a predominantly secular society. Iraq seemed a genuine aberration in the wider Arab context: while secular Arab nationalism was in decline elsewhere, and Baathism faced strong resistance from the Muslim Brotherhood across the border in Syria, Arabism was on the rise in Baathist Iraq. More tellingly, perhaps, Iraq appeared to retain its secular character throughout the eight-year war against Iran. In reality, however, even Iraqi secularism was under assault.

Out of sheer opportunism, and in order to counteract the radical Shiite propaganda emanating from Iran during the war, the Baathist government began to encourage religious symbolism and allegiances. Uncertainties, fears and frustrations generated by the long and destructive war further helped promote the growth of popular religious sentiment. Since the 1991 Gulf War and the failure of the post-war uprising, there has been a marked increase in religious sentiment and public expression across confessional divides. The number of practising Christians has risen; construction of and attendance at mosques is skyrocketing;[71] women – particularly those born after 1980 – increasingly wear the veil; and religious books, whose circulation not long ago was closely monitored by the regime, are widely available. The most striking development on the Shiite side is the huge rise in the number of pilgrims visiting holy sites in Kazmiyya, Kerbala and Najaf during the holy month of Muharram.[72] According to official Iraqi sources, the number has reached two million in some years.

The activities of religious charities, which help provide food and medical care to an impoverished populace, have further accelerated the trend. The Shiite religious establishment, led by Ayatollah Muhammad Sadiq al-Sadr (assassinated by the regime in 1999), spread its charitable networks across southern and central Iraq. Saudi Wahhabism – laden with funds and ideology in equal measure – also began to cross Iraq's porous borders. As religious and sectarian affiliations became highly politicised and in an attempt to counter the revival of Shiite identity since the 1991 uprising, the regime turned a blind eye to Wahhabi-type of activism. Moreover, throughout the 1990s it initiated an official "Faith campaign"[73] and promoted *jihadist* rhetoric denouncing the "infidels"[74] to burnish its own religious credentials and rally the people.

A new generation of Iraqis bereft of political affiliation or ideological belief and afflicted with crime, prostitution, poverty and lawlessness, increasingly turned to religion for lack of a secular alternative. Popular forms are spreading by default. Though at its origins an apolitical phenomenon – indeed, an index of the *lack* of political interest among Iraqis – the rise of popular religious sentiment paradoxically can form the basis for the rise of political Islamism. This is precisely the phenomenon that occurred in much of the Arab world after the shattering 1967 defeat by Israel. The transformation from apolitical piety to militant activism is a function of the failure to remedy socio-economic problems, the lack of a credible alternative ideology and the presence of the mosque as a rare space of political speech. It also is encouraged by the activities of Islamist organisations and their regional patrons, in this instance Iran and Saudi Arabia.[75]

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[69] While each of these political theologies cultivated and drew adherents among Shi'a clerics across boundaries, there still exists distinct Iranian, Lebanese and Iraqi schools of thought.

[70] The Da'wa Party was established in 1959, the Islamic Action Organisation during the mid-1970s, and the Supreme Council of the Islamic Revolution in Iraq (SCIRI) in 1982 (the latter in Tehran under the auspices of the Islamic Republic of Iran).

[71] ICG interviews with Chaldean sisters, Mar Girgis in Mosul, and with a Baghdadi mosque Imam, October 2002.

[72] Muharram is the first month of the lunar year, when Shiites commemorate the death of their third imam, Hussain.

[73] This campaign included mandatory shari'a (Islamic law) classes for all Baath Party cadres and school children as well as a ban on alcohol consumption in restaurants and bars. As far as women are concerned, the veil was officially encouraged, while at the same time family values and notions of honour and shame were promoted as a means of encouraging young women to marry early and stay at home. ICG telephone interviews, Baghdad, October-December 2002 and January-March 2003.

[74] See, R. Ourdan, "Saddam Hussein appelle à la 'guerre sainte' contre les Etats-Unis", *Le Monde*, 5 Mars 2003.

[75] The contrast with what occurred in the Kurdish areas of Northern Iraq is, in this respect, instructive. There, while Saudi and Iranian funds were invested to promote (Sunni) Islamism in the territory of the Kurdistan Regional Government, while the number of mosques mushroomed, and while some radical Islamist groupings emerged (see ICG Middle East Briefing, *Radical Islam in Iraqi Kurdistan: The Mouse that Roared?*, 7 February 2003), the Islamist movement never genuinely took

The authorities in post-Baathist Iraq will need to focus quickly and seriously on the question of political Islam. That will have several dimensions:

❑ The temptation should be resisted to anoint existing Islamist political parties as sole representatives of their respective religious communities on the grounds that they possess a recognisable leadership, structured organisation and, in some instances, a capacity to mobilise constituents. In the case of the Shiites, Islamism remains but one of several political and ideological trends, and there is hardly any evidence to suggest, for example, that SCIRI has become its primary representative. As ICG found in an earlier report, "today, countless urban centres, schools of thought, religious actors, political parties and social or humanitarian organisations vie for the allegiance of Iraqi Shiites".[76] It would be a mistake to prejudge that contest by prematurely picking a winner; indeed, early decisions on who should represent the Shiites (or other communities) will have important implications for the political struggles within those communities and the transition process as a whole.

❑ Efforts should be made to address a core demand of the Shiite clergy, namely the end of three decades of active state control, which has led some of its most eminent members to take refuge in Iran, Syria or Europe. In the longer run, guaranteeing the independence of religious centres and protecting them from political interference could promote a Shiite theological renewal and offset the pre-eminence of the Iranian city of Qom as Shiism's principal centre.

❑ The post-Saddam authorities also will need to keep a watchful eye on potential manipulation of the Islamist card by outside powers seeking to influence Iraq's transition.

2. National Identity

One of the most frequently asked questions is whether, and to what extent, one can speak of a sense of Iraqi nationhood. The artificial nature of Iraq's boundaries and recurring tensions between Arabs and Kurds as well as Sunni and Shiite Muslims, to which must be added three decades of a ruthless dictatorship, have led some to question the very viability of the nation. There is little doubt that years of isolation and eroded sovereignty (with no-fly zones, a quasi- independent Kurdish area, and a UN-controlled economy) have taken their toll on the self-confidence of a people that, not long ago, seemed persuaded of its power and prestige. Networks of solidarity based on religion, tribe, clan or family are resurgent; last fall, ICG found the desire for normalcy such that many deemed it worth a foreign occupation.[77]

That said, it would be wrong to jump to conclusions about the demise of Iraqi nationalism. The state has, through the creation of nation-wide institutions, helped create a sense of "Iraqiness", particularly among the middle and upper classes.[78] A common mistake is to attribute to the Baath regime's authoritarian character the fact that Iraqi society has been held together when in fact it is the other way around: the regime has deliberately aggravated tribal, confessional and other communal divides precisely in order to solidify its grip on power.

After long having favoured pan-Arab themes, the Baath regime itself more recently recognised the mobilising force of patriotism, as evidenced in the Iran war during which Shiites – despite appeals by co-religionaries in Tehran – remained loyal to their country.[79] Indeed, 80 per cent of the army rank and file (and 20 per cent of the officer corps) were Shiites.[80] Anti-Baathist sentiment, rather than reflecting opposition to a central state, was first and

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hold. Unlike the situation in predominantly Arab Iraq, a vigorous alternative ideology exists in the form of Kurdish nationalism. Sufi orders also compete, as do the charismatic leading families of Talibani and Barzani, who themselves descend from religious lineages. ICG interviews with members of the political bureau of al-Rabita al-Islamiya (Khalil Ibrahim, Salah Babakr Muhammad, Abdul Rahman Siddiq and Muhammad Rashid Mauti), July 2002.

[76] ICG Report, *Iraq Backgrounder: What Lies Beneath*, op. cit., p. 16.

[77] See, ICG Briefing Paper, *Voices From The Iraqi Street*, op. cit. ICG is not in a position to assess whether similar feelings exist now that the assault is under way.

[78] See ICG Report, *Iraq Backgrounder: What Lies Beneath,* op. cit., p. 13.

[79] See, Amatzia Baram, *Culture, History and Ideology in the Formation of Ba'thist Iraq, 1968-1989* (Basingstoke, 1991).

[80] See ICG Report, *Iraq Backgrounder: What Lies Beneath,* op. cit., p. 16. Interestingly, the Shiite *mujtahids* were the first social group to call for the creation of an "Iraqi nation". On the Shiite mujtahids' role during the period of formation of the Iraqi state, see Ghassan Attiya, *Iraq 1908-1921, The Emergence of a State* (London, 1988).

foremost a protest against its oppressive rule.

What this will mean for the long-term viability of a U.S. military presence is hard to say. On the one hand, a strong sense of Iraqi national identity can be a positive force that protects against centrifugal instincts or manipulation from outside states. On the other hand, and while initially rejoicing at Saddam's ouster, particular constituencies or groups may well seek to mobilise nationalist feelings against the United States if and when post-Saddam arrangements strike them as unfavourable – particularly if the U.S. had a hand in setting them up and is perceived as acting in American rather than Iraqi national interest.

A U.S.-led invasion force that overstays its welcome – crossing an ill defined and, at this point, unknowable time threshold – could well face this kind of challenge. Likewise, a U.S. presence perceived as a crude military occupation – a perception that could be triggered by imposition of a military governor or establishment of a pro-American government without sufficient consultation with legitimate, representative social and institutional forces – is likely to provoke resentment and, possibly, armed resistance. The same goes for a U.S. presence that is viewed as incapable of preventing civil strife or threats by regional neighbours.

One important aspect of Iraqi nationalism is what one may dub "oil nationalism". *Al-ta'mim* (nationalisation), which is what Iraqis call the 1972 decision to nationalise the Iraqi Petroleum Company, to this day has a powerful symbolic meaning for the Iraqi people and those elites that run the oil sector. Any perceived infringement on this dimension of national sovereignty could well trigger violent reactions.

III. THE REGIONAL CONTEXT: FEARS AND OPPORTUNITIES

Although this report primarily addresses Iraq's domestic landscape, it cannot entirely be divorced from the broader regional picture. Each of Iraq's immediate neighbours has its own national interests vis a vis the country and its own capacity to influence developments. Perhaps most importantly, regional states have a far better understanding of the complexities of Iraqi political dynamics and, in many cases, have worked with local groups to promote their agendas in the past. Cooperating with them on Iraq's future from the start while cautioning them against any harmful meddling will be critical.

A. TURKEY

In recent decades, Turkish-Iraqi relations have been marked by ideological conflict and mutual suspicion smoothed over by security and economic cooperation. Ankara and Baghdad's shared interest in containing both Kurdish nationalism and Iranian influence formed the basis for an increasingly close relationship during the 1980s.[81] During the past decade, as Baghdad's authority in the North waned, Turkey has sought to limit Kurdish freedom-of-action there and guarantee for itself a voice in Iraqi affairs through a combination of military intervention and political sponsorship of Iraq's Turkoman minority.[82]

Today, Turkey's primary strategic objective is to prevent emergence of a Kurdish entity along its southeastern borders that could serve as an inspiration, sanctuary or ally for its own Kurdish population and their nationalist groups. Proclaiming this a central national security objective, it appears prepared to use force to achieve it;[83] as this report

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[81] This included frequent Turkish incursions into northern Iraq in pursuit of Kurdish guerrillas in coordination with Baghdad, and a significant expansion in commercial relations. See, P. Marr, "Turkey and Iraq" in H.J. Barkey (ed.), *Reluctant Neighbor. Turkey's Role in The Middle East*, United States Institute of Peace (Washington DC., 1996), pp. 45-69.

[82] Iraq's Turkish-speaking Turkoman minority constitutes some 1.4 per cent of the total population and is concentrated in the oil-rich Kirkuk region. For a fuller discussion of Turkey's relationship with the Turkoman, see ICG Report, *War in Iraq: What's Next for the Kurds,* op. cit., pp. 6-7.

[83] ICG interviews, Turkish academics, journalists, officials, and politicians, Ankara, February 2003.

was going to press, there was conflicting information about whether Turkey was sending troops into Northern Iraq despite U.S. objections. Ankara has specifically identified any attempt by Iraqi Kurdish forces to establish control over the oil-rich province of Kirkuk as a trigger for conflict.[84] For similar reasons Turkey is expected to use its influence to prevent the adoption of a federal structure in Iraq based on ethnic groups and to carve out an institutional role for the Turkoman minority.[85] Finally, it has insisted that disarmament of Kurdish militias be an integral component of the transition.

B.   IRAN

Iraq's relationship with Iran has been shaped by religion, geographical proximity and strategic rivalry. Border disputes, competition for regional supremacy and religious tension formed the backdrop for repeated military confrontations, culminating in the 1980-1988 war.[86] While it certainly will not mourn Saddam's regime, Iran will nevertheless have a host of concerns about the post-conflict situation.

One of Tehran's primary concerns is that, with the instalment of a pro-American regime in Baghdad, Washington will have essentially completed encirclement of the Islamic Republic – a possible prelude, in the eyes of some Iranians, to an attempt to foment regime change in Iran itself.[87] Iran also is resolutely opposed to the establishment of a Kurdish entity in northern Iraq;[88] its preference appears to be for a unified, centralised Iraq, in which the principle of universal suffrage will serve as a legitimate

vehicle to secure a Shiite political majority.[89] Moreover, Iran is determined to see the elimination of the Kurdish Democratic Party of Iran (KDPI) and the Mojahedin-e Khalq Organisation (MKO) on Iraqi soil and will press any successor regime to take these steps. More broadly, regional rivalry between the two nations pre-dated Saddam's regime and is likely to outlast it. Iran will resist any effort by a successor regime in Baghdad to shift the regional balance of power, whether through alliance with the U.S. or with Gulf Arab states.

Overall, Iran's policy is likely to be patterned after its policy toward Afghanistan: non-interference with U.S. efforts to topple the old regime in return for cooperation by the new one on issues of priority to Tehran. As expressed by an Iranian diplomat to ICG: "What was achieved in Afghanistan, will be sought in Iraq".[90] However, should it conclude that its vital interests are being disregarded by Baghdad or targeted by Washington, it is likely to seek to use local allies to destabilise the process. Iran has close relations with the PUK in the North and substantial influence over Iraqi Shiite Islamist militias, in particular the Tehran-based SCIRI. The latter has its own military wing, the Badr Brigade, which has operated in both northern and southern Iraq over the last decade.

C.   SAUDI ARABIA

Relations overcame long mistrust and animosity during the Iran-Iraq War, only to revert to old patterns as a result of the 1990 Iraqi invasion of Kuwait.[91] Today, while it will not lament regime change in Baghdad, Riyadh is concerned about several possible scenarios. However, unlikely, the disintegration of Iraq into warring communal enclaves could destabilise Saudi Arabia by awakening its own oppressed Shiite minority.[92]

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[84] For more detail, see ICG Report, *War in Iraq: What's Next for the Kurds ?*, op. cit., pp. 6-9.

[85] ICG interview, Bülent Akarcali, former cabinet minister and Chairman of the Turkish Democracy Foundation, Ankara, 3 February 2003; ICG interview, M. Faruk Demir, Vice President, Center for Advanced Strategy, Ankara, 4 February 2003.

[86] For additional background on Iranian-Iraqi relations, see Shahram Chubin and Charles Tripp, *Iran and Iraq at War* (London, 1988).

[87] ICG interviews, Mohsen Mir-Damadi, member of the Iranian *majlis* (parliament) and Chairman of the Committee of National Security and Foreign Policy, Tehran 24 August, 2002; Ali-Reza Alavi-Tabar, prominent leader of the Islamic Participation Front, Tehran, 21 August, 2002; Ayatollah Ali al-Taskhiri, Tehran, 26 August, 2002.

[88] See, for example, Agence France-Presse, 20 October 2002, citing Iranian Minister of Intelligence Ali Yunesi.

[89] ICG interview, Mir-Damadi, op.cit. Others have questioned whether this truly was an Iranian interest, given the historical differences between Iranian and Iraqi shiism and the potential challenge a Shiite-ruled Iraq could post to Iranian dominance over the Shi'a community .

[90] ICG interview, Iranian diplomat with the Iranian mission to the UN, London, 2003.

[91] During the Iran-Iraq war Baghdad was valued by Saudi Arabia for its defense of the status quo in the Gulf, and provided extensive assistance in return.

[92] The small Saudi Shiite minority is concentrated in the oil-rich Eastern province of the Kingdom and has a long history of hostile relations with the Wahhabi state, See, M. Al-

Iraq's disintegration could also extend Kurdish, Iranian, Iraqi Shiite and Turkish influence, all of which Riyadh opposes.[93] The emergence of a pluralistic and democratic Iraq, or even a secular republic, would present an ideological challenge to monarchical, Wahhabite Saudi Arabia.[94] A resurgent Iraq in close alliance with the U.S., could become Riyadh's strategic rival , in terms of both its position in oil markets and its influence over Gulf states.[95] For these reasons, Riyadh's preference since the Gulf War has been for a coup that would leave the Iraqi Sunni Muslim establishment firmly in power, preserving both authoritarian rule and Iraq's territorial integrity.[96]

Saudi Arabia can be expected to pursue its interests by using its influence with Washington and encouraging the re-emergence of Sunni Islamist movements and popular adoption of Wahhabism through political and financial sponsorship and cross-border tribal connections.

D. SYRIA

The bilateral relationship in the last half-century has been characterized by conflicting impulses of attraction and rejection typical of regional rivals sharing a similar history, neighbourhood and ambitions that are sometimes greater than their capabilities. After the 1960s, the geopolitical rivalry was compounded by an ideological, and often-personal enmity between the rival branches of the same Baath Party that rules both states. Syria served as Iran's principal Arab ally during the Iran-Iraq war and contributed forces to the coalition that ejected Iraq from Kuwait in 1991. During the same period, Damascus and Baghdad fought proxy wars through

clients in Lebanon and consistently provided asylum to each other's dissidents.[97]

Yet, since the mid-1990s, and even more since the death of Hafiz al-Asad in 2000, Syrian-Iraqi relations have improved steadily – particularly in the economic realm– and in almost direct proportion to Baghdad's further isolation. In 2002-2003, Syria was one of the few Arab states that categorically and consistently rejected an American attack on Iraq.[98] For Damascus, the war presented a "no-win situation."[99] Regime change in Iraq, with a pro-American government expected to succeed the deposed Baathists, will lead to Syria's further encirclement by pro-American states.[100] Lucrative commerce with Iraq – Syria is estimated to have earned U.S.$2 billion in cross border trade in 2001 alone, and it benefits from the illicit export of subsidized oil – could be in jeopardy.[101]

Nor does the regime-change precedent sit well in Damascus.[102] According to the U.S., Syria has been pursuing weapons of mass destruction, and it harbours radical Palestinian and Lebanese organisations that are on Washington's list of terrorist groups. Like Iraq's other neighbours, Syria would view with anxiety a Kurdish entity in northern Iraq. Finally, Syria fears that an emboldened Israel may attack Lebanon again in order to eliminate Hizbollah.[103]

Rasheed, "The Shi'a of Saudi Arabia: A Minority in Search of Cultural Authenticity", *British Journal of Middle Eastern Studies*, 25/ I, pp.121-138.

[93] ICG interview, Saudi Arabian diplomat, 2003.

[94] ICG interviews, Saudi Arabian diplomat, op. cit.; Saudi Arabian lawyer, 2003.

[95] Ibid.

[96] ICG interviews with Saudi Arabian experts close to the Saudi intelligence services, London, 2003. ICG interviews, Saudi journalists, London, 2003, suggest that the latter were advised by the Saudi Foreign Minister, Prince Saud al-Faisal, to leak plans for a coup without referring to him as their source.

[97] For additional background on Iraqi-Syrian relations see Patrick Seale, *Asad: The Struggle for the Middle East* (Berkeley, 1988); Eberhard Kienle, *Ba'th versus Ba'th* (London, 1990).

[98] In this respect Syria rationalised its endorsement of UNSC 1441 as an attempt "to show goodwill, to help the region and Iraq avert a war" and "stay within the international consensus". ICG interview, Bouthaina Shaaban, Director of the Foreign Media Department of the Syrian Ministry of Foreign Affairs, Damascus, November 2002.

[99] Royal Institute of International Affairs, *Iraq: The Regional Fallout* (London, 2003), p. 19.

[100] ICG interview, Syrian government official, 2002.

[101] ICG interviews, Nabil Sukkar, Syrian economist, Damascus, November 2002; European diplomat, Damascus, November 2002; Economist Intelligence Unit, "Syria Country Report", August 2002. Sukkar estimates trade at a lower U.S.$1.5bn, though he does note that a great deal of smuggled goods are also crossing the border.

[102] ICG interview, Walid Mouallem, Syrian Deputy Foreign Minister, Damascus, 19 August 2002. Mouallem is responsible for the Ministry's Iraq desk.

[103] On Israeli and Syrian calculations regarding Hizbollah, see ICG Middle East Report N°7, *Old Games, New Rules: Conflict on the Israel-Lebanon Border*.

By maintaining ties with various Iraqi opposition groups and providing asylum to numerous businessmen, officials and military officers during the crisis that preceded the war, Damascus hopes to be in a position to influence the transition process. Overall, however, Syria's outlook on the regional implications of a U.S. invasion of Iraq is gloomy.

E.   JORDAN

None of Iraq's neighbours has in recent decades cultivated closer political and economic relations than Jordan, which, ironically, is led by the same Hashemite family that was violently deposed in Iraq in 1958. Jordan was a steadfast ally during the war with Iran – benefiting enormously – and refused to join the coalition that confronted Iraq after the 1990 invasion of Kuwait. Although relations have cooled considerably during the past decade,[104] particularly after the 1999 accession of King Abdallah II, Jordan continued to rely heavily on Iraq for petroleum and to benefit from transit and bilateral trade with its eastern neighbour.

Jordan's precarious position is symbolised by its physical position – as the Iraq war unfolds to its east, the Israeli-Palestinian confrontation to its west has been raging for almost three years. These conflicts and the fallout from the 11 September 2001 attacks in the U.S. have had a devastating impact on its economy, particularly tourism, and angered its public opinion, much of which is of Palestinian origin. Jordan's rulers have had to tread an extremely fine line; cooperation with Washington to maintain a vital alliance, while restraining its scope so as not to incur popular wrath.[105] "We know", stated a senior Jordanian official, "that our close relations with Washington would be severely tested by public opinion, but there is no way in the world we could allow our strategic ties with the United States to be jeopardized". [106] According to a former prime minister, "Jordan will have to keep showing its people that it is not with the U.S. The biggest concern we have in the medium term", he adds, "is how to manage the domestic Jordanian political

consequences of a long-term American presence in Iraq. Much will depend on how the U.S. behaves". [107]

Although Jordan could suffer serious negative consequences from the war – refugees, popular unrest, interruption of discounted Iraqi oil – Amman has made every effort to protect its vital interests by working closely with Washington, in particular to cushion any negative economic impact.[108] After the war, Jordan will want to ensure further cheap oil, perhaps new imports of fresh water, and substantial trading contracts that would allow Iraq once again to be its single largest export market.

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[104] ICG interview, former Jordanian foreign minister, Amman, 8 December 2002.
[105] ICG interview, Jordanian cabinet minister, Amman, 16 December 2002.
[106] ICG interview, senior Jordanian official, Amman, 8 September 2002.

[107] ICG interview, former Jordanian prime minister, Amman, 2002.
[108] Some Jordanian officials estimate that a war could cut Jordan's GDP by some 25 per cent in the short term. Iraq has been Jordan's single largest export market for years (but will be overtaken by the U.S. market in 2003). Jordan also gets all its oil needs from Iraq (5.5 million tons), half of which is at deeply discounted prices.

IV.   MANAGING THE DAY AFTER

The debate over political arrangements for the day after remains in flux. For a long period, the only actors to offer detailed plans for a post-Saddam Iraq were the United States and members of the Iraqi opposition, both those in exile and those representing the Kurdish national movement. Many in the international community were reluctant to speculate about the aftermath of a war they opposed. Iraqis inside the country have been in no position to engage in serious or open discussion. Most of those interviewed by ICG in the fall of 2002 expressed strong opposition to Saddam and relative disdain for communal or identity politics based on divisions between Arabs, Kurds, Sunnis and Shiites. But they demonstrated a distinct lack of interest about Iraq's future political make-up.[109]

A.   THE VIEW FROM WASHINGTON

By virtue of its role in advocating and planning the war, the U.S. has taken the lead in developing and presenting a vision of post-conflict Iraq. Though it has sought to justify the war as an effort to destroy weapons of mass destruction, the Bush administration also tries to strengthen its case by underscoring the repressive nature of Saddam's regime and the benefits that would flow from a democratic successor, capable of guaranteeing Iraq's unity and protective of individual and group rights.[110]

Today, and though critical questions are still being debated internally, it seems poised to send teams to Iraq to put its vision into practice.

At the same time, the administration has been cautious about detailing its plans. This reluctance derives not only from legitimate uncertainty regarding what will happen on the ground and deep divisions and turf battles within the administration itself,[111] but also from the myriad and often competing constituencies that have to be brought on board or mollified. Important members of the organised exiled opposition have pressed for a limited American political role and the swift establishment of an Iraqi transitional government in which they would play the leading part. Shiites who were chosen to participate in the opposition talks (mainly from the SCIRI) want to know they will be given a share of power commensurate with their demographic weight while many Sunnis fear being stripped of all power and becoming the victims of violent score-settling. Iraqi soldiers and civil servants, whose support for – or, at a minimum, passive acceptance of – a U.S. military operation could be crucial, seek reassurances that they will be neither wholly dislodged nor targets of an opposition-led purge.

Many U.S. opinion makers and others in the international community seek guarantees that America will stay the course and not leave Iraq with a job half-done. Yet others in the U.S. and many of Iraq's neighbours fear a prolonged military presence that risks fuelling anti-American resentment and giving rise to the spectre of long-term imperial plans.[112] Iraqi Kurds are adamant that their country needs to give them significant autonomy and self-rule and make clear they would resist – including by military means – attempts to thwart their aspirations. But this is opposed by Iraq's non-Kurdish majority and its neighbours. Turkey in particular, fearful about Kurdish precedents, has made belligerent noises. At times, the war has been justified in the U.S. as the opening salvo in a far broader effort to democratise the region, while at others far more modest goals –

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[109] As ICG noted, "the future political order and the shape of the constitution are considered second-order questions, if they are considered at all". And it quoted an Iraqi journalist as saying "politics, the nature of the successor regime, the choice of leaders, all that is of minor importance" as compared to "whether [Iraqis] will have something to eat". ICG Middle East Briefing, *Voices From the Iraqi Street,* op. cit., pp. 9-10. These interviews have since been supplemented by interviews with dozens of Iraqi officials, military and civilian, who secretly visited the autonomous Kurdish regions. They concurred in the anti-Saddam feelings and in the desire to see him removed; they also expressed the fear that they would be sidelined in any post-Saddam regime. ICG interviews, Arbil and Sulaymaniya, March and April 2003.
[110] In Secretary of Defense Donald Rumsfeld's words, the United States will work "to help the Iraqi people establish a new government that would govern a single country, free of weapons of mass destruction; and which respects the right of its diverse population and the aspirations of all the Iraqi people to live in freedom and have a voice in their government". Remarks at the eleventh Annual Salute to Freedom, 14 February 2003.

[111] Inter-departmental power struggles appear to have been decided in favour of the Department of Defence, which has been put in charge of post-war planning.
[112] Reflecting the vagueness of the U.S. approach, President Bush explained: "We will remain in Iraq as long as necessary but not a day more". Speech to the American Enterprise Institute, 26 February 2003.

much less likely to alienate Washington's Arab allies – have been invoked.[113]

As a result, on issues such as the scope and duration of a U.S. military presence, the timetable for the transfer of power to Iraqis or the extent to which members of the Baath party and those guilty of serious abuses would be purged from the army and civil administration, hard information has been scant, positions often have been reversed and what has emerged generally has taken the form of leaks – more easily deniable, yet capable of assuaging the fears of specific stakeholders.

Generally speaking, talk has shifted between two poles: from the notion that power quickly would be handed over to an interim Iraqi authority (modelled after the Afghan precedent) and, in this instance, staffed mainly from the exiled opposition, to the notion of exclusively American military control. Officials at the State Department and Pentagon working closely on this issue acknowledged to ICG that post-Saddam planning was lagging far behind the military schedule and was by no means ready for prime time.[114]

Even over the past few weeks, policy zig-zags were noticeable. At the time of writing, the basic concept that seems to have emerged is a combination of direct U.S. leadership, an Iraqi interim authority (IIA), and administration to the degree possible by existing – and vetted – Iraqi personnel.[115] The precise distribution of powers between the IIA and the U.S. is both unclear and subject to change, though most American policy experts assume that at the beginning, and regardless of what is on paper, U.S. personnel will closely shadow and supervise Iraqis placed in key ministries:[116]

Ultimate responsibility over Iraq will reside in the U.S. Combatant Commander, General Tommy Franks. The duration of the U.S. military presence has been openly debated within and outside the administration. U.S. officials recognise that a prolonged stay risks provoking an anti-American backlash and straining U.S. military resources. But they also acknowledge that there are too many unknowns to make a reliable prediction. One told ICG:

> We always tell the American people that military actions are going to last only a brief time. But this promise is never met. Realists in the administration advocate a strong constructive role for the U.S. in Iraq, even if it means an extended stay for our forces.[117]

A U.S. Civilian Administrator will serve under the Combatant Commander and exercise responsibility for transitional civil administration issues. Retired Lt. General Jay Garner, who now heads the Department of Defence's Office of Reconstruction and Humanitarian Assistance for Iraq, will serve as the Civilian Administrator at the head of a team of roughly 200 that will deploy as soon as the conflict has ended. Issues that will be dealt with by the Civilian Administrator include humanitarian assistance, civil administration and reconstruction.[118] According to UN officials who have spoken to Garner, the U.S. may wish to subcontract certain specified tasks to the UN: proposals here are not far advanced, the first full discussion with the UN occurring only on 3 March, when Garner met with Deputy Secretary General Louise Frechette.

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[113] President Bush stated that "a new regime in Iraq would serve as a dramatic and inspiring example of freedom for other nations in the region". Ibid. For more expressions of the view that regime change in Iraq could usher in a new era for the region as a whole, see ICG Middle East Report, *Iraq Policy Briefing: Is There an Alternative To War?,* 24 February 2003, p. 9 and note 29. Putting forward a less ambitious agenda, Secretary of State Powell said: "The plans we are looking at for the aftermath would include using the institutions that are there but purged of Saddam Hussein's cohorts, and build on what's there and put in place a new government , and get out as fast as we can", quoted in W. Arkin, "The Dividends of Delay: Allies' foot-dragging has strengthened U.S. War Strategy", *Los Angeles Times*, 23 February 2003. Seeking to straddle the line between over and under-political involvement, President Bush explained: "The United States has no intention of determining the precise form of Iraq's new government. That choice belongs to the Iraqi people. Yet we will ensure that one brutal dictator is not replaced by another. All Iraqis must have a voice in the new government, and all citizens must have their rights protected". Speech to the American Enterprise Institute, 26 February 2003.
[114] ICG interviews, Washington, March 2003. One State Department official closely involved in medium and long-term planning for Iraq candidly acknowledged that there was still no clear picture on even basic post-conflict issues.

[115] Elizabeth Becker, "U.S. Is Assembling a Civilian Team to Ryun Iraq", *The New York Times*, 25 March 2002.
[116] ICG interviews with U.S. officials, Washington, February-March 2003; Council on Foreign Relations, *Post-Conflict Transition in Iraq,* op. cit.
[117] ICG interview, Washington, February 2003.
[118] According to the Council on Foreign Relations Task Force, "once the security situation in Iraq is stabilized, the U.S. Civil Administrator might be removed from the military chain of command". *Post-Conflict Transition*, op. cit.

Parallel to this, Iraq will be divided into three regions (north, south and centre-Baghdad), each headed by a U.S. civilian governor.[119] The creation of these regions may signal the U.S. intention to establish a decentralised Iraq with a federal structure.

Members of the Iraqi opposition are expected to form an interim authority, blessed by the U.S. and to whom power would be gradually transferred. (How the IIA would be appointed, again, is a matter of some debate.) Exiled Iraqis and American nationals are expected to be sent to take charge of key institutions once they are secured.[120] At the same time, administration officials have expressed the view that significant Iraqi governmental institutions would be maintained and that, after proper vetting, Iraqis could continue to perform their administrative functions. Returning exiled Iraqis (including U.S. and European citizens of Iraqi origin) will coordinate between U.S. officials (who will de facto run ministries) and the Iraqi technocratic staff. Several Iraqi councils will serve in advisory capacities on political and judicial matters and ease the transition to Iraqi rule. They would be composed of exiled Iraqis as well as those from the inside. In particular they will start drafting an interim constitution.[121]

B.   THE VIEW FROM THE IRAQI OPPOSITION

Aside from the U.S. administration, the other major source of reflection on post-Saddam Iraq has been the opposition, both in exile and in the autonomous Kurdish region. Despite its divisions,[122] it has sought to forge an internal consensus on guiding principles for a successor regime. Working under the aegis of the U.S. State Department, six opposition groups,[123] together with independent jurists and scholars,

participated in the "Future of Iraq Project", which was launched in March 2002. In November 2002, the project produced a document of some 100 pages, "The Transition to Democracy in Iraq".[124] This in turn was the basis for the December 2002 London gathering of the Iraqi opposition attended by various independent figures in exile and some 300 individuals handpicked by the committee of six to represent what, in their view, constituted the opposition in exile and in Kurdistan. Some 50 political parties were represented.[125] Members offered both their vision of the country's future and a wide-ranging transition model (including interim arrangements, the adoption of a new constitution, de-Baathification of Iraqi institutions, judicial and military reform, and the role of civil society). Beneath surface agreement on broad principles, lingering tensions remain.

1.   Binational Federal State

In the opposition view, Iraq should become an essentially binational state, Arab and Kurd, structured according to an ill-defined federal mode. There would be guarantees for national minorities such as the Turkomans and Assyrians and Islam as the official religion and the source of legislation.[126] Although all agree that a parliamentary system should be established, whether Iraq opts for a republican or monarchical system would be decided by referendum at the end of the transitional period.[127]

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[119] ICG interview with U.S. official, Washington, March 2003.
[120] See *Los Angeles Times*, 19 March 2003 : "Each Iraqi government ministry . . . will have `a U.S. face' and several of the U.S.-trained Iraqi exiles, although Iraq's current bureaucrats will continue to work there with U.S. pay».
[121] See Council on Foreign Relations, *Post-Conflict Transition in Iraq*, op. cit..
[122] For a general presentation of the Iraqi opposition, See ICG Report, *Iraq Backgrounder: What Lies Beneath*?, op. cit., pp. 21-37.
[123] The Iraqi National Congress, the Movement for Constitutional Monarchy, the Iraqi National Accord, the Supreme Council for the Islamic Revolution in Iraq, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan.

[124] The document was challenged by several members of the committee that produced it. ICG interviews with members of the committee, Washington, 25-26 November 2002, London, November 2002. Differences revolved around the issues of Kurdish rights, secularism, the extent of de-Baathification and, as usual, personal rivalries.
[125] The London Conference did not include the full spectrum of the opposition in exile as some groups opposing the war, such as the Iraqi Communist Party and the Islamist Da'wa party, boycotted it and held an alternative meeting in Beirut.
[126] The opposition groups reaffirm Iraq's membership in the Arab League and the Organisation of the Islamic Conference. With regard to the status of Islam, it appears the Arab and English versions of the text are at slight variance. Whereas the former characterises Islam as the exclusive source of legislation, the latter defines it as one source among others. According to participants in the meetings, the ultimate agreement was based on a trade-off: Kurdish representatives agreed that Islam would be the source of legislation in return for the Islamists' support for federalism. ICG interviews, London, December 2002.
[127] See Iraqi Opposition Conference, "Transition Period Project":, London, 17 December 2002.

There is no effective agreement on the meaning of federalism.

For the Kurds, a federal structure is essential to preserve their autonomy, in other words, their ability to govern regions of Iraq in which they form a majority. Under this view, the federal structure should be based on ethnic lines and divide the country in two: a Kurdish region reflecting the location of Kurdish populations within Iraq and whose capital city would be Kirkuk, alongside an Arab region covering the rest of the country.[128] For many Arabs, on the other hand, federalism is viewed not as a means of balancing power with Kurds but simply as a means of distributing power between the regions and the centre within a unitary state.

Some members of the exiled Shiite Islamist opposition have officially accepted a federal structure, though there is uncertainty about what precisely is meant. Some Shiite Islamists favour a territorial approach with a Shiite region along the lines of the Kurdish political entity. Others contemplate a numerical or quota system, in which Shiites would be guaranteed 56 to 60 per cent in the national assembly, the cabinet, the army and the bureaucracy. A third faction of more moderate Shiite Islamists and Shiite liberals appears closer to what might be called an administrative approach to federalism in which provinces would enjoy substantial powers and a share of national resources proportional to their demographic weight.[129]

2. Key Role for Exiled Opposition

Members of the exiled opposition would reserve for themselves a key role in the decision-making process during the transitional period, which they foresee as lasting no more than two years. Immediately after Saddam's ouster, they intend to fill the power vacuum. During the transition, the U.S. role principally would be to maintain law and order throughout the country; the exiled opposition would form the backbone of political and administrative institutions. To that end, the expressed preference of a significant segment of the opposition (over strong U.S. objections) was to establish a Transitional Authority prior to the war, initially staffed by members of the diaspora and of the autonomous Kurdish region and only later expanded to include Iraqis from the inside.[130] According to their model, a "leading committee" of six persons from the exiled opposition and Kurdish parties (Jalal Talibani, Masoud Barzani, Ahmad Chalabi, Iyad 'Allawi, Abdel Aziz al-Hakim, and one more to be decided) would fill the "power vacuum" on the day after and form a three-person sovereign council (the equivalent of the head of state) and a coalition transitional government representing the various components of Iraqi society. Legislative power should be in the hands of a transitional national assembly that would both monitor the executive branch and draft a constitution whose adoption would be subject to a popular referendum. Roughly half of approximately 200 assembly seats would be allocated to the expatriate community.[131]

3. De-Baathification

A key aspect of the exiled opposition's programme is de-Baathification. Despite ongoing disagreements concerning the scope of purges – in particular with regard to the threshold required to establish individual responsibility for crimes committed by the Baathist regime – the view that ultimately prevailed (and was pushed by a coalition of liberals and Islamists) by and large favoured a *tabula rasa* approach. The Baath Party ought to be outlawed and its high-level officers declared ineligible for public office. Ad hoc tribunals should be established to prosecute the regime's political leadership, and a

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[128] Under the federal constitution drafted by the KDP in September 2002 and submitted to the Kurdish Regional Parliament, Kurdistan would form a distinct political and administrative unit, with its own administrative structures and military forces. Should the Iraqi president be an Arab, the Prime Minister automatically would be a Kurd, and vice versa. In the event of a dispute between the region and the central authorities, the issue would be dealt with via a referendum at the regional level and regions would retain the right to secede.

[129] ICG interviews with delegates to the December 2002 London conference, London. The more recently expressed preference is for the formation of a provisional government as soon as Saddam is overthrown.

[130] Ibid; ICG interviews with Adnan Pachachi, Abu Dhabi, February 2003; with Kurdish politicians, London, February 2003, and delegates to Iraqi opposition conference, London, January-February 2003.

[131] "In its final form, therefore, a Constituent Assembly, say, of 200 people, will be composed in equal parts of Iraqi expatriates who have moved back to Iraq, and Iraqis who have remained in Iraq and can contribute expertise to the legislative process". See, "Report on The Transition To Democracy in Iraq", Draft of the Working Document to the Conference of the Iraqi Opposition, prepared by members of Democratic Principles Working Group, London, December 2002, pp. 23-24.

Truth and Reconciliation Commission modelled after the South African precedent should deal with lesser crimes. The military, viewed by some as essentially hostile, would be thoroughly vetted, largely demobilised and restructured,[132] and compulsory military service is to come to an end. To consolidate its power and enable a thorough cleansing of the administration, the Transitional Authority would have its own transitional police force, with members from the exiled community.[133]

The exiled opposition is likely to play a part. That said, there are serious reasons to be concerned about its vision of the future and the part it aspires to play. What transpired from the opposition's plans was a desire to minimise, at least initially, political participation by those who have stayed inside Iraq and to maximise its own self-appointed role as representative of the Iraqi people and mediator with the international community.[134] Hence its denunciation of U.S. plans to rule Iraq for a sustained period and maintain some Baathist regime institutions. Its plans offer little detail on how political and administrative elites would be recruited, and are vague as to how and when the Iraqi people

could voice their views. Yet, there are many serious questions about how representative the opposition is and its legitimacy inside Iraq.[135] Due to the nature of the regime, the exiled opposition has been unable to maintain close relations with society; most members have lacked opportunity for any genuine institutional political activity or even internal democratic debate and decision-making. Being unable to assess their actual political weight inside Iraq (with the exception of the Kurdish parties), they have engaged in incessant haggling to increase their influence and power vis a vis each other and the U.S.[136] Indeed, even its status among the three to four million Iraqis in exile is debatable as the vast majority has not joined any opposition party.[137]

Despite these doubts, the six above-mentioned opposition groups have operated from the premise that they are the legitimate representatives of the Iraqi people.[138] At the December 2002 London conference, only a handful objected and urged that they take into account those inside the country who were bound to emerge after the fall of the Baath regime.[139] The group of six basically chose the 300 participants in the London conference and already has implicitly allocated responsibility and power among themselves, most notably by drawing up a list of 65 persons to form the Committee of Coordination and Follow-Up, which is to be responsible for matters until a transitional government is established. Several delegates claimed to ICG that the political program was the product of horse-trading, with

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[132] Demobilised soldiers could be assigned to a vast public works programme operating under a "Public Reconstruction Authority." See "Report on The Transition To Democracy in Iraq", op. cit., p. 67.

[133] The Kurdish parties and former Baathists regrouped in the INA argued in favour of a milder version of de-Baathification. The Kurdish parties in particular do not wish to antagonise the Iraqi army, for fear of reprisals. In this respect, it should be noted that in the autonomous area the Kurds have amnestied pro-government spies, mercenaries and Kurdish Baath party members. ICG interviews with delegates to London conference, London, December 2002. Former Baathists regrouped in the INA maintain links to the Baathist regime and owe their upward mobility to the Baath era of state socialism. They envisage recruiting Baath party members inside Iraq to swell their ranks and, it follows, embrace a mild version of de-Baathification. In contrast, what one might dub republican liberals loyal to Ahmad Chalabi and the INC argue for a comprehensive de-Baathification. (In Chalabi's words, "Iraq needs a comprehensive program of de-Baathification even more extensive than the de-Nazification of Germany after World War II". Chalabi, "Iraq for the Iraqis," *The Wall Street Journal,* 19 February 2003.) Likewise, Shiite Islamist groups supported full-scale de-Baathification. ICG interviews with Islamist Shiite and independent activists, London, December 2002.

[134] Some members of the exiled opposition acknowledge that they do not enjoy significant legitimacy in Iraq but that want to play a transitional, bridging role, until Iraqi society has organised itself in a truly representative way. ICG interview with INC members, Amman, Winter 2003.

[135] See ICG briefing, *Voices from the Iraqi Street*, op. cit., p. 9. This analysis does not apply to the two Kurdish parties that have been able to operate from Iraqi soil.

[136] ICG interviews with delegates to London conference and various opposition figures, London, December 2002-February 2003.

[137] An tribal Iraqi *shaikh* who attended the London conference acknowledged to ICG: "We hold no electoral mandate. Therefore, none of us can claim an undisputed legitimacy. We are, for the time being, self-appointed representatives who gather to reflect on the future of their country and aspire to play a leading role in it". London, 14 December 2002.

[138] See "Report on The Transition To Democracy in Iraq", op. cit., p. 19.

[139] Disputing the notion that the exiles lacked legitimacy, Ahmad Chalabi, head of the INC, explained: "The idea that those who struggled against tyranny with blood and lives should have less of a say than those who have found a way to get by inside the tyranny is outrageous". Chalabi, "Iraq for the Iraqis", *The Wall Street Journal,* 19 February 2003.

consultations confined for the most part to the leaders of the six groups and with very little open debate.[140]

In late February 2003, representatives of the opposition met in Arbil, in the autonomous Kurdish region, and formed the six-person leadership committee. Among those designated was Adnan Pachachi, who served as foreign minister in the government deposed by the Baath in 1968.[141] Rejecting his selection, Pachachi explained that he had serious doubts about the legitimacy of such a group or its representative nature. A vast majority inside the country, which has borne the brunt of Mr Hussein's oppression, must and can be consulted before any authority is installed in Baghdad. A narrow-based government in exile would be disruptive. Reliable surveys indicate strong antipathy towards a government "parachuted" in from abroad.[142]

By the same token, the opposition's desire to eschew all remnants of the Baath regime risks needlessly complicating the post-conflict process. The current administration (bureaucrats, professional and religious organisations, even parts of the military) possesses a pool of talent and competence that any government should take advantage of. Basic services, such as the distribution of food and water, electricity and health, are for the most part managed by experts and technocrats only a fraction of whom belong to the Baath party – and, as previously noted, only some even of those joined out of conviction. Nor should one ignore the various social and institutional actors within Iraq who have borne the brunt of the Baath regime's oppression and wish to have a say in shaping the future of their country.[143]

The exiled opposition's political program also reflects a troubling vision of an Iraq defined primarily by rigid ethnic and sectarian divisions. Although it clearly rejects a Lebanon-style confessional regime,[144] the program implicitly adheres to a post-Saddam political system in which power and resources are allocated according to the (purported) demographic weight of each ethnic or confessional group. The hotly contested and finely tuned makeup of the Committee of Coordination and Follow-Up illustrates this approach. Roughly reflecting what is assumed to be the national demographic balance, Kurds were allocated 18.4 per cent of the 65 seats, the Turkomans 7.6 per cent and the Assyro-Chaldeans 3 per cent.[145] In terms of religious balance, Shiites were allocated 50.7 per cent, Sunni (Arabs and Kurds) 44.6 per cent, and Christians 4.6 per cent.[146] Among Shiites, those close to the Islamist SCIRI came out ahead, with 21 of 33 seats – a share that privileges the more religious, pro-Iranian segment of the heterogeneous Shiite community and is unlikely to reflect its actual influence in the country.[147]

The politicisation of religious and ethnic splits coupled with the assumption that each group represents a cohesive and distinct unit is at odds with their actual plurality of views and interests. Iraqi Shiites, Sunnis and Kurds do not form homogeneous political or sociological categories. In fact, accepting such oversimplified notions risks exacerbating and

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[140] ICG interviews with over 30 delegates, mostly independents, Kurds and Islamic Shiites.

[141] The others are Massoud Barzani (KDP), Jalal Talabani (PUK), Ahmad Chalabi (INC), Abdel Aziz Al-Hakim (SCIRI) and Iyad Allawi (INA).

[142] Adnan Pachachi, "Iraqi's Route to a Democratic Future", *Financial Times*, 2 March 2003. See also ICG Report, *Iraq Backgrounder: What Lies Beneath*, op. cit., pp. 23-24. Pachachi argued in favor of an empowered Iraqi civil administration operating under a UN mandate. In his view, the civil administration should include both the opposition in exile and the opposition within Iraq. ICG interview with Pachachi, Abu Dhabi, January, March 2003.

[143] ICG interviews with Iraqi technocrats, businessmen, and others, London, September-December 2002.

[144] See "The Transition To Democracy in Iraq", op. cit., pp. 97-98: "… the thinking of Iraq's Shia on regime change … totally repudiates sectarianism and rejects all the policies that would divide power in a future Iraq on the basis of overt sectarian percentages such as is the situation in Lebanon …". In Lebanon, the idea of emulating Lebanese-style confessional power-sharing in Iraq has been proposed by Hizbollah. See Press Statement Hizbollah Secretary-General Hassan Nasrallah, 10 February 2003. at http://www.moqawama.tv .

[145] The Kurds apparently were entitled to 25 per cent of the seats but the two parties agreed to "give away" seats to the Assyrians, communists and Turkomans. ICG interviews with Kurdish communist delegates, London, December 2002.

[146] These figures are based on the list of 65 names published by the opposition in the wake of the December 2002 London conference.

[147] Prior to the conference, several Iraqi activists interviewed by ICG complained that SCIRI was in full control of the nominating process for Shiite delegates. As a result, non-Islamist Shiite liberals and independents lamented their under-representation, pointing to the over-representation of Shiites from the holy cities of Najaf and Karbala to the detriment of the more secular Basrah, Baghdad or Nasiriya. ICG interviews with Da'wa party leaders, Shiite liberals, London, December 2002. On the diversity of the Shiite community, see ICG Report, *Iraq Backgrounder: What Lies Beneath*, op. cit., p. 16; on the influence of the SCIRI in Iraq, see ibid, p. 32.

politicising their differences, thereby complicating the task of preserving Iraq's territorial and political integrity, threatening its secular character and increasing the risk of hardening communal identities that, to date, have been more a reflection of state policy than indigenous feeling.[148]

As the prospect of war first surfaced, the exiled opposition worked closely with the United States, which has tended to see it as its sole legitimate Iraqi interlocutor since the Gulf War. More recently, as the "day after" approached, some tensions surfaced. The closer leaders of the opposition were to returning to Baghdad, the more uncertain became their status on arrival. On the one hand, American planners were dropping increasingly clear hints that their intention was to remain the ultimate political decision-makers; on the other hand, the exiled opposition faced the prospect that potential leaders inside Iraq would emerge and claim their share of power. Indeed, it is precisely to encourage defections within Iraq that the U.S. chose to keep the exiled opposition at arm's length in the final phase of pre-war preparations and to minimise its military role.[149] Feeling betrayed and fearing for their future, several leaders of the opposition voiced their discontent loudly, criticizing the U.S. for contemplating a prolonged military occupation and blocking their attempts to form a government in exile – an initiative supported by the INC, the Kurdish parties and the SCIRI.[150] Making

these objections clear, Ahmad Chalabi, the head of the INC, wrote:

> the proposed U.S. occupation and military administration of Iraq is unworkable and unwise. Unworkable, because it is predicated on keeping Saddam's existing structures of government, administration and security in place – albeit under American officers. It would ultimately leave important decisions about the future of Iraq in the hands of either foreign occupiers or Saddam's officials.[151]

Kanan Makiya, who drafted much of the opposition's plans, initially called the purported U.S. proposals "Baathism with an American face".[152] He later stated that he had been reassured by the administration.[153] At this point, the most to which the exiled opposition can reasonably aspire is to become one among several political poles in a post-Saddam Iraq. The complex and dynamic realities inside Iraq's borders, far more than the political machinations outside them, ultimately will determine who will achieve political prominence, and how.

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[148]On the dangers of over-emphasising and politicizing religious and ethnic splits, see ICG Report, *Iraq Backgrounder: What Lies Beneath,*op. cit., pp. 13-14. In particular, a strengthening of Islamist Shiite feeling could trigger a counter, Saudi-backed Sunni fundamentalism. See ibid; ICG interviews with representatives of Sunni Islamist movements, London, December 2002.

[149] Approximately 1,000 Iraqi oppositionists, for the most part affiliated with the INC, have been training in Hungary since December 2002 in order to assist U.S. forces as guides, translators and liaisons. See M. Bran, "A Tazar, l'U.S. Army forme ses agents de liaison Irakiens pour l'apres-Saddam", *Le Monde,* 27 February 2003.

[150] ICG interviews with Dr. Farouq Ridha'a, chairman of the Democratic League, London, and members of the organisation, London, January 2003**.** A spokesman for the KDP lamented the fact that the U.S. was keeping the opposition "in the dark". Quoted in *The Wall Street Journal,* 19 February 2003. A leader of the SCIRI also rejected U.S. plans to install a military commander, see BBC Monitoring Middle East, 9 March 2003, and asked that a "civilian government take over the day after Saddam falls". Quoted in the *Toronto Star,* 1 March 2003. See also K. Makiya, "Our Hopes Betrayed", *The Observer*, 16 February 2003 (the U.S. plan "envisages the appointment by the U.S. of an unknown

number of Iraqi quislings palatable to the Arab countries. . . . Its point of departure is . . . use of direct military rule to deny Iraqis their legitimate right to self-determine their future".)

[151] Chalabi, "Iraq for the Iraqis," op. cit.

[152] Quoted in "Dreaming of Democracy", *The New York Times Magazine,* 2 March 2003. Makiya warned that US proposals "reverse a decade-long moral and financial commitment by the US to the Iraqi opposition, and is guaranteed to turn that opposition from the close ally it has always been during the 1990s into an opponent of the United States on the streets of Baghdad the day after liberation." Kanan Makiya, "Our Hopes Betrayed", *The Guardian*, 16 February 2003.

[153] At the time of publication, members of the exiled opposition were being reassured by U.S. officials about their role in Iraq's future. In a more recent article, Makiya explains that, according to U.S. officials, "the Bush administration ha[s] discreetly abandoned its military government plan and decided to reaffirm the United States' decade-old alliance with the opposition". *The New Republic,* 3 March 2003.

V. A TRANSITIONAL ADMINISTRATION: THE WAY FORWARD

A. A UNITED NATIONS TRANSITIONAL CIVIL AUTHORITY

The recent proliferation of multinational transitional administrations has significantly enhanced the international community's appreciation of available models, including scope of powers, duration and exit strategy.[154] In Iraq, three broad (and not necessarily exclusive) models have been suggested for the immediate post-conflict situation:

An *all-powerful U.S.-run administration* that could last for as long as two years before transferring powers to an Iraqi authority. As previously discussed, this model at one time was the U.S. administration's preference, and is reflected in the pre-eminent roles envisaged for General Franks and General Garner.

An *Iraqi interim authority*, to be established immediately, or after a short transitional phase. Members of the exiled opposition are its key supporters, arguing that it would give immediate ownership of the process to Iraqis and help accelerate progress toward democracy. The interim authority presumably could be selected by the United States or, in the UK's preferred model, through the UN. Currently, the U.S. administration appears to be fluctuating between this and the preceding model, with perhaps a synthesis emerging in the end: an Iraqi authority, but shadowed in all ministries by U.S. personnel.

A *UN transitional civil authority*. Given the opposition of most member states to a war, the UN has not fully or openly engaged in political planning for the post-Saddam period, and its ideas remain far less detailed than those of the U.S. But many members of the international community will press for a strong UN role as a means of re-establishing its

responsibility and credibility and to ensure that the United States does not dominate post-conflict Iraq.[155]

Given its overwhelming role in the invasion and occupation that will follow, and in order to preserve total unity of command, the United States arguably will be in the best position to govern Iraq in the immediate post-conflict situation. But the risks attached to such a scenario are great. Widespread Iraqi opposition to Saddam's regime and initial welcoming of U.S. troops may not translate into support for a long-term U.S. presence and government. Perceptions of the U.S. could quickly change for the worse. And the U.S. could become a magnet for violent opposition.[156]

Likewise, while there is undoubtedly a temptation to transfer authority swiftly to the Iraqi people, under present circumstances that could mean only one of two things: transfer to the exiled opposition, which lacks legitimacy on the ground; or transfer to those who, through their association with the Baath regime, are likely to emerge from any immediate political process within the country – and to replicate the political power structure from which they come. These two groups are the only actors that currently possess the necessary political support and organisational structures, and neither has the required domestic legitimacy. If the challenge, after 30 years of authoritarian Baathist rule, is to empower those who have been disenfranchised for so long, this cannot be the way.

Within the exiled opposition, moreover, certain groups have been given more weight than others. Working together, the exiled opposition and the U.S. have chosen to put forward the Islamist SCIRI as the purported representative of Iraqi Shiites, to the detriment of Shiites who are both more liberal and

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[154] See, e.g., International Peace Academy, "You, the People: Transitional Administration, State-Building and the United Nations", October 2002; Michele Griffin and Bruce Jones, "Building Peace through Transitional Authority: New Directions, Major Challenges," *International Peacekeeping*, vol. 7, N°4, winter 2000; Michael Doyle, "Strategy and Transitional Authority", in Stedman, Rothchild, and Cousens (eds.), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, 2002).

[155] President Chirac in particular has stated that France would refuse to accept a U.S.-British post-war administration of Iraq and that the United Nations was the only body that could be responsible for rebuilding the country: "France will not accept a resolution tending to legitimize the military intervention and giving the American and English belligerents powers over the administration of Iraq;" after the war "it will be necessary to rebuild," and "for that there is only one body, the UN": *Associated Press*, 21 March 2003. The move in the Security Council to grant the Secretary General authority over the oil for food program is a step in this direction.

[156] Dennis Ross, a former high-ranking U.S. official, wrote: "If we are to look like liberators not occupiers, Tommy Franks must not become the new governor of Iraq", "The Arab Coalition", *The Wall Street Journal*, 20 March 2003.

secular and less affiliated with Tehran. The political translation of the Shiite identity is far more nuanced and varied; in the past, many Shiites backed left-wing secular organisations like the Iraqi Communist Party and the Baath. To allow the Islamist version alone to emerge would risk exacerbating Shiite/Sunni differences, promoting Islamist Sunni activism and the involvement of Saudi Arabia, and jeopardizing the chances of the emergence of a moderate, forward looking Iraqi Shiism.

Likewise, to co-opt leaders from tribes, clans or other communal groups on the basis of the existing balance of power would risk replicating the dynamics and essential divisions (between tribes, between Sunnis and Shiites, between Arab and Kurd) that have been deliberately exaggerated and exploited by the Baath.

The precise shape of any post-conflict administration will to a large extent depend on how the conflict unfolds and how Iraq looks at that point. That said, as soon as security conditions permit, and at least until such time as a truly representative and legitimate Iraqi leadership can be democratically chosen, far-reaching authority ought to be in the hands of a legitimate international actor. Since the political downsides inherent in U.S. military rule are clear, a United Nations transitional civil authority is the logical alternative. The Security Council should authorise the Secretary General to appoint a special representative who would be given wide-ranging, executive and legislative authority, including to appoint and dismiss ministers.[157] How long such an authority should last is difficult to predict, though, again, some have suggested a minimum of two years.[158]

So far the United Nations, at senior levels in the Secretariat, appears reluctant to take on that role, both because of the way in which the decision to wage war was adopted and out of concern for its own legitimacy in Iraq – not to mention the inevitable strain on its resources. Instead, it favours a more selective mandate, in which it would be "asked to deal with some major functional issues, by being responsible for the management of elections, the allocation of oil resources and issues of transitional justice and human rights",[159] or, alternatively, the Afghan model, where there was a quick hand over to a local interim government. While the issue is still being debated in Washington as the war unfolds, the U.S. appears unwilling at this time to grant the UN broad administrative powers, at least in the early stages of the post-conflict period.

But the understandable short-term interest in quickly transferring power to Iraqi representatives must be balanced against the longer-term interest in stability, legitimacy and sustainable democracy. The available officials-in-waiting do not constitute an acceptable successor leadership. To seek to quickly appoint them would yield a non-representative regime with uncertain legitimacy.

This is not meant to underestimate the profound challenges the UN would face. It is unprepared for this task; it will have to find ways to interface with an overwhelming (and overwhelmingly American) military presence on the ground; and it will need to take steps to give ownership of the process to the Iraqi people, lest it become a target of popular dissatisfaction. To minimise the risks of friction and maximise its legitimacy with the local population (and distinct from relying heavily on Iraqi administrators, as discussed below), it would have to make every effort to ensure that the transitional authority is transparent and accountable.[160] This would require a sustained public information campaign that worked through

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[157] One of the lessons of past experiences is that the UN should bring in the law, based on international principles and, to the extent possible, local tradition. It should not seek to generate local laws prematurely. Over time, once legitimate legislative mechanisms are in place, an indigenous production of a constitution and of laws can and should occur. ICG telephone interview, former UN official, New York, March 2003.

[158] Ibid. In its study, the Center for Strategic International Studies reached roughly the same conclusion. The UN Security Council, it writes, should appoint a transitional administrator whose "mandate must be robust, flexible, and unambiguous ; it must provide the mission full executive, legislative, judicial and financial authority", *A Wiser Peace*, op. cit., p. 19.

[159] ICG interview with senior UN official, New York, March 2003. It was indicated that the UN wished to participate in the reconstruction of only those sectors where they can provide added value. The UN would not build roads, or rebuild bridges: it would, however, contribute to the reconstruction of the health and water sectors, continue to coordinate the provision of food and deal with refugees and IDPs.

[160] In contrast to the Kosovo and Afghan cases, where ICG found consultation with local leaders and the more general public lacking and that critical information often was kept in the hands of the internationals.

means of communication most used by Iraqis, notably the mosques, television and radio.

Beyond that, three important steps will be required to maximise the chances of success of the proposed UN transitional authority: relying on the U.S.-led force for security; relying on the Iraqi people for basic day-to-day administration; and moving as quickly as possible to elections to select a new, legitimate Iraqi leadership.

B. A STRONG U.S.-LED SECURITY PRESENCE

It is widely acknowledged that the immediate and potentially most difficult post-conflict task will be the restoration and maintenance of law and order throughout the country. A broad spectrum of both organised and spontaneous social and political forces, as well as any number of groups and individuals, may seize upon the initial chaos and their newfound freedom to take matters into their own hands. They might be motivated by a desire to exact revenge upon real and perceived adversaries, to reduce the influence of actual and potential rivals, and/or improve their own position in a prospective Iraqi transition process.[161] These groups and forces include:

❑ elements from within the Baathist regime's disintegrating apparatus and core constituencies, who may act to oppose the new domestic or foreign authorities.

❑ clandestine political organisations that were violently persecuted by the Baathist regime, notably Islamists and communists active in Basra, Baghdad, Najaf and Karbala, as well as Kurdish nationalists residing in Baghdad and Kirkuk;

❑ families of Iraqis who were killed or disappeared during Baathist rule and who might seek to settle accounts;

❑ Iraqi Shiites (including Fayli Kurds) deported to Iran, acting on their own initiative or upon directives from their political organisations, who may cross the porous border to exact revenge

and repossess confiscated property, including some suspected of having been recruited by Iranian intelligence;

❑ Iraqi Sunnis living in Saudi Arabia, who may seek to infiltrate Iraq and provoke unrest to increase their share of power and counter Islamist Shiite groups;

❑ Kurds deported from Kirkuk or other regions in the North previously under the control of the Baathist regime, who may seek to return to their former homes in order to repossess them, dislodge their new occupants and exact general revenge for their past suffering;[162] and

❑ Criminal gangs that have recently proliferated and may take advantage of the situation.

Moreover, the continued existence of opposition militias (such as the SCIRI's Badr Brigade and the tens of thousands of Kurdish militiamen) will present a thorny problem. Their demobilisation and integration into the revamped Iraqi army is a prerequisite for a successful transition.[163] Incorporation into the army should be accompanied by strict guarantees by the relevant political parties that they will suspend all political activity within the military, and integrated militiamen should be dispersed throughout the country to limit their ability to act as a cohesive force.

Nor is there a dearth of potential targets of violence throughout Iraq – from Iraqis originating from the Tikrit region to members of the Baath and officers of the security services; from tribal leaders affiliated with the regime to the upper class that took advantage of it; from foreign residents associated with the regime (especially Palestinians and Syrians) to Iranian dissidents belonging to the Mujahidin Khalq Organisation based in Diyala province and Baghdad and, of course, U.S. and allied forces as well.

While at some point Iraq's security and police forces will be in a position to play their part, it will

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[161] Many of the factors examined here will have a direct bearing on the issue of transitional justice – in particular the need to avoid uniting broad segments of society against the new order – which is not covered in this report.

[162] See ICG Report, *War in Iraq: What's Next for the Kurds?, op. cit.*

[163] While serious discussion of post-regime demobilisation and integration has yet to start, Kurdish leaders have reportedly given some thought to the issue. A key concern for them would be the emergence of a truly representative government in Baghdad as a precondition for the integration of the Kurdish militias into a new Iraqi national army. ICG telephone interview with a Kurdish political observer in London, 23 March 2003.

be some time before they are adequately vetted and before Iraqis will accept them as legitimate actors. A strong outside security presence therefore will initially be required throughout the country, with the following characteristics:

Given the current situation, there is no question but that it will be a U.S.-led and primarily U.S.-composed multinational force (MNF),[164] supplemented by international civilian police and constabulary forces.[165]

The mandate of the MNF would essentially be to ensure law and order; help distribute humanitarian assistance; promote the disarmament, demobilisation and reintegration of current Iraqi forces; train Iraqi police and security services; integrate the Kurdish and SCIRI militias into the regular army or demobilise and disarm them; provide security to displaced persons and returning refugees; maintain the country territorial integrity and deter outside intervention.

Optimally, the Security Council should endorse the MNF. As it is, the U.S., regardless of circumstances, will not be prepared to relinquish overall responsibilities in the near future; for the time being, the Security Council, if one is to take President Chirac at his word, is not about to formally endorse those responsibilities. However, once the international community reaches agreement on a post-conflict administration, UN endorsement of a U.S.-led multinational force may be easier to achieve. Such endorsement would be highly desirable as a means of further minimising the risk of an anti-American backlash. This may only become politically feasible once the other pieces of the post-Saddam reconstruction effort are in place. A UN hatted MNF would be politically more attractive for many

countries, helping the US attract partners as the situation stabilised.

The MNF should gradually, and as soon as possible, rely on the vetted and retrained Iraqi police and members of the Iraqi army and security forces, both of whom it would continue to closely monitor.[166]

C. PROMOTING IRAQI OWNERSHIP: AN IRAQI ADMINISTRATION

What Iraq lacks in legitimate political leadership, it makes up with knowledgeable and competent experts both within and outside the country. There is no need to wholly revamp the administration, replace current employees, or rely on non-Iraqis;[167] rather, a UN-vetting process should remove individuals tarnished by their association with the regime, while keeping in place the vast bulk of state employees, pairing them with professionals from the diaspora in some instances and keeping to a minimum any foreign staff. In short, the UN transitional authority should be streamlined, heavy on political responsibility and light on administrative personnel.[168] A light footprint for the transitional administration would help increase feelings of local ownership. Of course, there also should be a civil service reform program, though it will have to be handled carefully and patiently to avoid creating another disaffected faction.

The key, in other words, is to avoid pitfalls coming from two opposite directions: to co-opt leaders prematurely (either from the exiled opposition or from within Iraq) or to unjustifiably replace the existing administration.

As a former UN official put it, Iraq should be "Timor in design rather than in execution" – in other words, vesting wide-ranging executive authority in the hands

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[164] Estimates of the size of this force have varied widely. Using the standard rule of thumb of one soldier for every 500 people, 48,000 peacekeepers would be required. NATO, however, initially sent 60,000 troops to Bosnia, even though the population was roughly one fifth of Iraq's and the country far smaller. See James Quinlivan, "Force Requirements for Stability Operations", *Parameters* (1995). In testimony before the U.S. Senate, Scott Frei, a respected military analyst, has called for 75,000. Generally speaking, the U.S. military tends to favour large numbers to guarantee mission success.
[165] The U.S. has been talking to other countries about providing additional personnel (military, police, etc) for the post-conflict phase. Canada, for one, has agreed to contribute to the post-conflict force. ICG interview with Canadian official, Washington, March 2003.

[166] In this regard, one of the important lessons of the Afghan experience is that police retraining should not be subcontracted to the private sector.
[167] Experience suggests that internationals often are young, lack the proper experience and administrative knowledge of the target country, and can sometimes boast of little other than their command of the English language and a willingness to work in post-conflict situations.
[168] By way of contrast, in Kosovo ICG found that the UN had been ineffective at tapping into some of the local talent that had kept the province afloat during the decade heading up to the 1989 Yugoslav offensive. See ICG Balkans Report N°79, *Waiting for UNMIK: Local Administration in Kosovo*, 18 October 1999.

of the UN (which the Timor case did) and broad implementation power in the hands of the locals (which the Timor case did not).[169]

D.   SELECTING A NEW IRAQI LEADERSHIP: BOTTOM-UP TRANSITION

Although the transition to a more indigenous, participatory form of government cannot happen instantly, the process must begin quickly in order to sustain the legitimacy of the enterprise. National-level elections should await establishment of genuinely democratic institutions and the beginnings of a pluralistic culture (electoral rules, political parties, an indigenous constitution-drafting body, agreement on a national structure) to increase the chance they will yield a representative and stable leadership.

The key to bridging the gap between a UN transitional authority and national-level elections is to hold local and functional elections. In Afghanistan, the international community has artificially created hundreds of small, largely irrelevant groups in an effort to strengthen civil society. That should be avoided here. As described in previous chapters, Iraq already has a wide range of professional and trade associations that can serve as building blocs for more open and transparent consultations and provide a counter-weight to more traditional, ethnic-religious groups. Elections at the municipal and provincial levels, for business and professional associations and in trade unions should proceed rapidly, possibly three to six months after the establishment of the transitional authority. Elected individuals, plus representatives of the diaspora, would constitute the core of the consultative body or national assembly that would draft a constitution, agree on electoral laws, the registration process and the regulation of political parties, the structure of government, and so on.[170] In turn, its output would be submitted to a national referendum. It will be crucial to ensure that initial elections are transparent and independently managed.

E.   WHAT IF THERE'S A COUP?

This report is premised on the assumption that a U.S.-led military invasion and occupation will continue until its stated objective has been met: Saddam Hussein's removal from power. However, a seizure of power by elements of the Iraqi regime after the commencement of hostilities in order to limit the devastation and preserve rather than transform Iraq's existing power structure cannot be excluded. Although U.S. officials have made plain that even under that scenario its forces would occupy Iraq, it would affect Washington's ability to shape the new Iraqi order.

The situation within Iraq in the aftermath of a coup would be unstable. The new rulers could be expected immediately to declare their commitment to implement United Nations Security Council resolutions fully and without reservation; to demand the withdrawal of foreign forces from Iraqi territory forthwith and seek formal assurances of respect for Iraqi sovereignty and territorial integrity; to call for the swift elimination of UN sanctions imposed in August 1990; and to renounce publicly the legacy of Saddam Hussein while promising rapid and fundamental, political and institutional change. How much of this they actually would intend to implement is another matter. Alternatively, the new regime could implode at the outset, or quickly succumb to an inability to control growing opposition and establish its authority. Certain Iraqi elements might seek to "complete the job" and call for U.S. military help to dislodge the new government on their behalf. Civil war in one form or another could result.

Should such a scenario unfold, the U.S. probably would be compelled to engage the new rulers through a combination of negotiations, threats, and incentives. Still, two important factors would help shape the future under these circumstances and determine whether a palace coup heralded genuine or superficial change. First, its extensive military presence would provide the U.S. with substantial leverage to form the post-conflict political order. Secondly, the international community could extend, deny or condition on a series of political steps formal recognition of Iraq's new rulers. In particular, it could theoretically consider withholding such recognition unless and until they formally accepted either interim measures to share power with other Iraqi political forces or committed themselves to handing over power to a United Nations transitional administration.

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[169] ICG telephone interview with former UN official, New York, March 2003.
[170] Special provisions might have to be made to ensure that the Kurds have a genuine voice in the deliberations. See ICG Report, *War in Iraq*: *What's Next for the Kurds?*, op. cit.

VI. CONCLUSION

As it moves deeper into Iraq and sets out to take control of the country, the U.S.-led coalition is to a large extent plunging into the unknown. Iraq's socio-political realities – the nature and intensity of religious, ethnic and tribal cleavages; the pull of competing political ideologies and parties; potential alliances between various social groups and with regional powers; the nation's class structure – are complex and unfamiliar. Institutions or groups – party, army, civil service, religious communities, or tribes – are not monolithic wholes and should not be treated as such lest they become defiant, even armed and violent, constituencies. Moreover, the forceful removal of the Baath regime and the presence of a sizeable number of American troops will themselves unleash new and uncertain dynamics – a scramble for political and economic resources with potentially both non-violent and violent manifestations. As soon as the dust clears, actors who feel cheated of their fair share of power or resources will seek all manner of ways to reshuffle the deck. The relevance of many of the more sophisticated day-after plans, of which quite a few have appeared, is likely to expire as soon as that day dawns. Realities from within Iraq will then impose themselves.

The crucial lesson of recent transitional administrations is that they need to be tailored to relevant local characteristics. In the case of Iraq, these realities include:

❑ a 30-year authoritarian regime that literally pervaded all aspects of life, and whose modes of interaction have contaminated the country's social and institutional actors;

❑ the instrumentalisation and exacerbation of the country's ethnic (Arab versus Kurd), religious (Shiite versus Sunni), tribal and class divides and the gradual resurgence of communal and religious affiliations;

❑ discredited armed security services and a large standing army whose demobilisation might lead to considerable unemployment and a resurgence of crime;

❑ the systematic elimination of alternative indigenous elites;

❑ the presence of a large pool of talented civil servants, business people and professionals who have had to deal, and in some cases, closely associate with the regime;

❑ an economy that has been distorted by state domination, cronyism, repeated wars and then international sanctions, with an impoverished population dependent on food aid;

❑ a resilient nationalism amidst a sovereignty in shambles;

❑ a population likely to welcome the overthrow of a hated regime but hostile toward a U.S.-British military presence beyond the immediate requirements of regime removal; and

❑ regional actors with the ability and, in some instances, willingness to exploit internal Iraqi rivalries.

As a result, the challenge – to make possible the emergence of a stable, democratic and pluralistic Iraqi polity capable of selecting its own legitimate leadership – is four-fold:

In the absence of legitimate local leadership, a period of international civil administration will be required after the conflict. The United Nations should set up a transitional civil authority, with executive functions in UN hands, but with administrative or implementation functions being overwhelmingly exercised by Iraqis.

To minimise the perception of foreign domination and make the most effective use of local resources, existing administrative structures ought to be utilised to the maximum extent possible. The UN presence should leave a light footprint. There is no need to re-create operational structures that already exist and can properly function. Vetting of administrative personnel should take place, but it should not aim at a wholesale de-Baathification.

The UN cannot nor should it aim to be in charge of security, given the large presence of U.S. troops. The international involvement should, to the degree possible, be administration-light but security-heavy. Iraq has a plethora of security and police services; once properly vetted and purged, they can assist. But given the immense anger at and distrust of any remnant of the ancien regime, the notion that Iraqis from the former security forces should police other Iraqis would be a recipe for chaos: all the more true given the myriad sources of conflict among Iraqis – including score settling against cadres of the Baathist regime; attacks against the economic elite or against

foreigners associated with Saddam; efforts by those who have been deported or displaced to exact revenge and reclaim their property. A strong international security presence initially under U.S. command, therefore, is necessary – but, optimally, established as soon as possible as a multinational force (MNF) endorsed by the UN Security Council.

Transitioning toward an indigenous national administration is crucial to ensure legitimacy, but there is a risk in moving too quickly. In the early stages, the two best organised groups have the best chances of emerging: the exiled opposition and those formerly, even if loosely, associated with the Baath regime. Both are of questionable legitimacy. Rather than rushing to transfer all political responsibility to Iraqis, the key for the international community is to put in place a process whereby the people can identify and select their own leadership and to ensure that this process is transparent, fair and democratic. Contemporary Iraq possesses virtually all the necessary tools to create an independent civil society and institutional pluralism. The focus ought to be on the local level, trade unions, businesses, professional associations, social clubs, youth and women's clubs, NGOs, religious institutions, a proliferation of media, even tribes - in short, the ingredients the Baath helped put into place and then proceeded to substantially empty of meaning.

Once properly vetted for serious human rights abusers, these structures can serve the precise opposite function of what they once served, forming the backbone of an open and democratic process of choosing local and sectoral representatives who, in turn, can serve as leaders on the national scene.

Amman/Brussels, 25 March 2003

APPENDIX A

MAP OF IRAQ
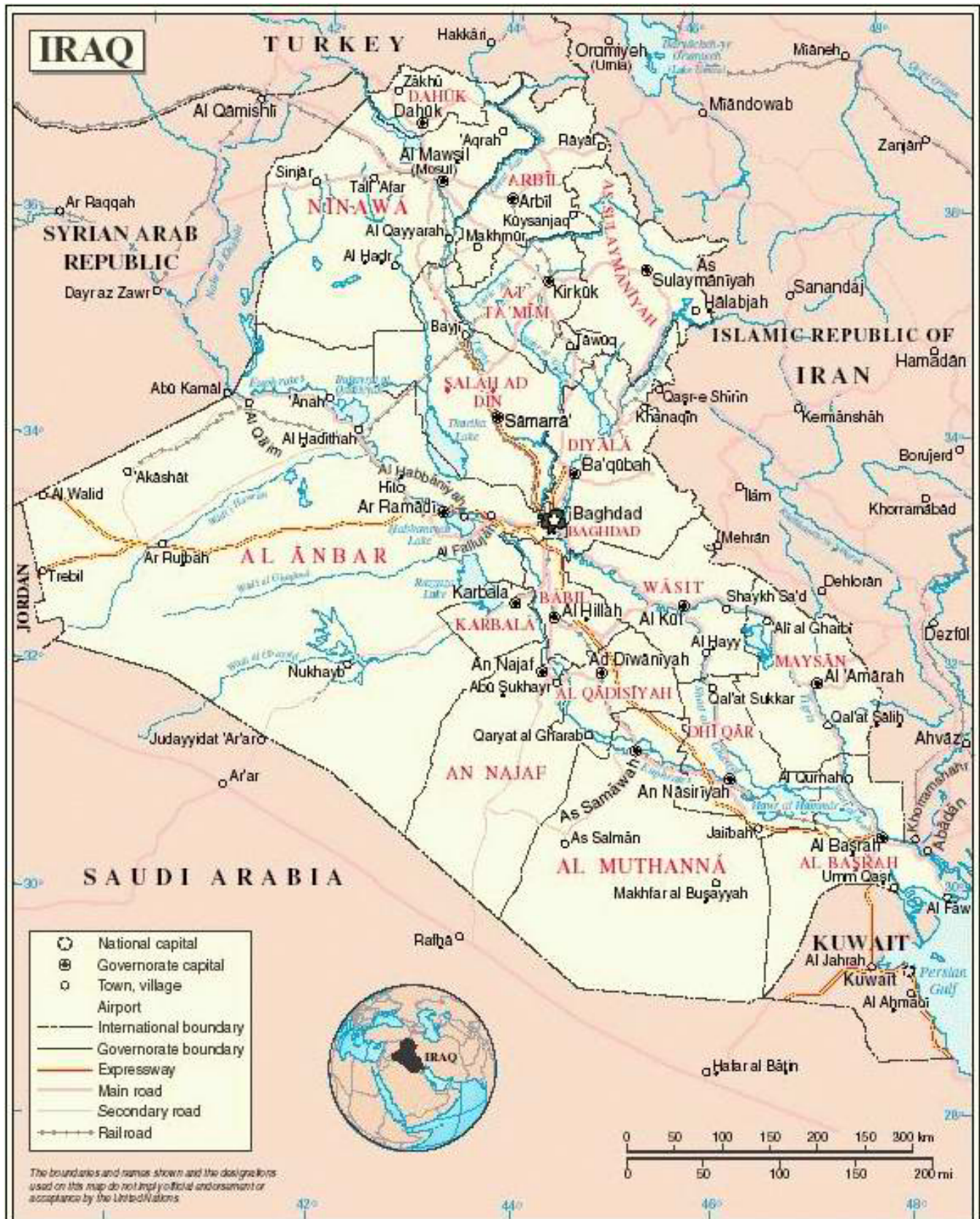
APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, *www.crisisweb.org*. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices (in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East,* the whole region from North Africa to Iran; and in *Latin America*, Colombia.

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Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation, the Sarlo Foundation of the Jewish Community Endowment Fund and the United States Institute of Peace.

March 2003

APPENDIX C

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[*] The Algeria project was transferred from the Africa Program in January 2002.

APPENDIX D

ICG BOARD MEMBERS

Itamar Rabinovich
President of Tel Aviv University; former Israeli Ambassador to the U.S. and Chief Negotiator with Syria

Fidel V. Ramos
Former President of the Philippines

Mohamed Sahnoun
 Special Adviser to the United Nations Secretary-General on Africa

Salim A. Salim
Former Prime Minister of Tanzania; former Secretary General of the Organisation of African Unity

Douglas Schoen
Founding Partner of Penn, Schoen & Berland Associates, U.S.

William Shawcross
Journalist and author, UK

George Soros
Chairman, Open Society Institute

Eduardo Stein
Former Minister of Foreign Affairs, Guatemala

Pär Stenbäck
Former Minister of Foreign Affairs, Finland

Thorvald Stoltenberg
Former Minister of Foreign Affairs, Norway

William O. Taylor
Chairman Emeritus, The Boston Globe, U.S.

Ed van Thijn
Former Netherlands Minister of Interior; former Mayor of Amsterdam

Simone Veil
Former President of the European Parliament; former Minister for Health, France

Shirley Williams
Former Secretary of State for Education and Science; Member House of Lords, UK

Jaushieh Joseph Wu
Deputy Secretary General to the President, Taiwan

Grigory Yavlinsky
Chairman of Yabloko Party and its Duma faction, Russia

Uta Zapf
Chairperson of the German Bundestag Subcommittee on Disarmament, Arms Control and Non-proliferation