



A WISER PEACE:
AN ACTION STRATEGY
FOR A POST-CONFLICT IRAQ

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Cover Photo: Displaced refugees wait for aid on the Iraqi-Jordanian border shortly after the invasion of Kuwait by Iraq.

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EXECUTIVE SUMMARY

- If the United States goes to war with Iraq, winning the peace will be critical. This report takes no position on whether there should be a war. But, the success of any U.S.-led effort to disarm Iraq of weapons of mass destruction and drive Saddam Hussein from power will be judged more by the commitment to rebuilding Iraq after a conflict than by the military phase of the war itself. At stake are the interests not only of the United States, but of Iraqis, the region, and the broader international community.
- Past experience from Haiti to Afghanistan has shown that in order for post-conflict reconstruction efforts to be effective after the shooting stops, preparations must be well in train before the shooting starts. Thus, as military buildups move forward for war in Iraq, it is increasingly important for the United States and the United Nations to step up preparations for post-conflict reconstruction.
- Yet, so far, military deployments to the Gulf and humanitarian contingency planning have not been matched by visible, concrete actions by the United States, the United Nations, or others to prepare resources and personnel to handle the immense reconstruction challenges post-conflict Iraq will present.
- This report recommends ten key actions that U.S. policymakers and the United Nations must take *before the conflict starts* in order to maximize potential for success in the post-conflict phase in Iraq. These recommendations draw on ongoing work by the Post-Conflict Reconstruction Project, a collaborative effort between the Center for Strategic and International Studies and the Association of the U.S. Army, and reflect lessons learned through first-hand experience with post-conflict reconstruction efforts over the past decade.
 - 1. Create a Transitional Security Force that is effectively prepared, mandated, and staffed to handle post-conflict civil security needs, including the need for constabulary forces.**
 - 2. Develop a comprehensive plan for securing and eliminating weapons of mass destruction.**
 - 3. Plan and train for other critical post-conflict missions necessary to lay the foundation for a peaceful and secure Iraq that will enhance regional security.**
 - 4. Establish an international transitional administration and name a transitional administrator.**

- 5. Begin developing a national dialogue process and recruit a national dialogue coordinator.**
 - 6. Recruit a rapidly deployable justice team of international legal experts, judges, prosecutors, defense attorneys, corrections officers, and public information experts.**
 - 7. Identify and recruit international civilian police officers.**
 - 8. Call for a debt restructuring conference and push the United Nations Security Council to begin a review of past war-related claims against Iraq.**
 - 9. Begin an immediate review of sanctions against Iraq and prepare necessary documentation to suspend or partially lift those sanctions.**
 - 10. Convene a donors' conference for Iraq.**
- The United States has declared a commitment to a democratic, economically viable future Iraq. It is time to move from rhetoric to action.
 - To win the peace and secure their interests, the United States and the international community must commit the resources, military might, personnel, and time that successful post-conflict reconstruction will require in Iraq—and they must start doing so *now*.

PART I: INTRODUCTION AND BACKGROUND

WINNING THE PEACE IN IRAQ

As the United States and its allies intensify military preparations for a war with Iraq, it becomes more important each day to step up preparations for addressing post-conflict needs. Indeed, recent experience in Haiti, the Balkans, East Timor, Afghanistan, and elsewhere has demonstrated that “winning the peace” is often harder than fighting the war.

So far, however, signs of military build-up and humanitarian contingency planning have not been matched by visible, concrete actions by the United States, the United Nations, or others to position civilian and military resources to handle the myriad reconstruction challenges that will be faced in post-conflict Iraq. This situation gravely threatens the interests of the United States, Iraqis, the region, and the international community as a whole.

The stakes are enormous. For much of the Middle East, Iraq will be a test case for judging U.S. intentions in the region and the Islamic world. The outcome of a war with Iraq and any post-conflict reconstruction efforts will be critical for Turkey, a major U.S. ally; for future relations with other friends and allies in a strategically important region; for world oil flows; for Iran; and for the Israeli-Palestinian conflict.

The United States has declared a commitment to a democratic, economically viable future Iraq. Now, it is time to match rhetoric with action.

This report recommends ten steps the United States and the United Nations should be taking now and throughout the conflict phase—preferably with the heavy involvement of other multilateral and regional organizations, as well as key allies, donor nations, and regional neighbors—in order to prepare for the post-conflict challenges in Iraq, and to avoid the pitfalls of past experiences. While the recommendations are obviously based on the assumption that there will be a U.S.-led military conflict with Iraq, this report takes no position on whether there should be a war against Iraq. Some of the recommendations—particularly on the Iraqi debt question—could be relevant even if war is avoided. Moreover, certain recommendations—especially on the economic front—could be an inducement to regime change in Iraq.

Attempting to define what a future Iraq should look like would detract from what we are convinced must be a primary goal, namely, engaging Iraqis early and fully in running their country post-Saddam and in making key decisions about its future. That said, the following guideposts would point toward a promising future for a prosperous Iraq at peace with itself and its neighbors:

- Provide a safe, secure, and non-intimidating environment for Iraq's people, while protecting Iraq's borders and securing oil production facilities.
- Secure and eliminate Iraq's weapons of mass destruction.
- Create the opportunity for Iraqis to participate in governing Iraq and to shape their political future.
- Begin to develop a rule of law culture in Iraq.
- Disencumber Iraq of the financial obligations of the Saddam Hussein regime in order to maximize the potential for Iraq to become a viable, self-sustaining economy.

CURRENT EFFORTS: INSUFFICIENT AND INCOMPLETE

Recent press reports suggest that the Bush administration is formulating a plan for the post-conflict reconstruction of Iraq. According to these reports, the Administration's plan involves pairing an American military commander (who would provide security for the 18 or so months the American military presence is maintained) with an international civilian administrator who would be tasked with rejuvenating the economy, restarting the flow of oil, reopening schools, rebuilding political institutions, and administering assistance programs. Very little information has been provided about the nature of the transitional administration, but the UN Mission in Kosovo has been cited as a potential model. The State Department has also sponsored a constructive series of "Future of Iraq" working groups drawing on Iraqi opposition groups and others in the diaspora, on such issues as judicial reform, war crimes trials, public finance, and local governance in a post-Saddam Iraq.

Similarly, the United Nations is doing some contingency planning, mostly on humanitarian issues, for which it has asked the United States and other donors to contribute \$37 million. While a UN task force has identified major areas that will need to be addressed by UN humanitarian agencies if a conflict with Iraq occurs, its recently released report only lists "other matters which require early guidance," including "the need to give early consideration, regarding the role, if any, of the United Nations regarding post-conflict administration."¹ The UN's Department of Peacekeeping Operations (DPKO) reportedly is planning to create an office that could help administer humanitarian assistance and administer an Iraqi government, but there is no sign of serious discussion of more detailed planning with respect to post-conflict reconstruction needs.²

¹ *Likely Humanitarian Scenarios*, UNITED NATIONS REPORT, Dec. 10, 2002, at <http://www.casi.org.uk/info/undocs/war021210.pdf> [hereinafter "Likely Humanitarian Scenarios"].

² Colum Lynch, *Iraq War Could Put 10 Million in Need of Aid*, *U.N. Reports*, WASHINGTON POST, Jan. 7, 2003, at A12. United Nations Secretary-General Kofi Annan recently noted that UN experts are "doing some 'preliminary thinking' about a possible post-conflict political organization and administration in Iraq." Edith M. Lederer, *Annan Sees No Reason for Attack on Iraq*, ASSOCIATED PRESS, Jan. 14, 2003.

To turn pre-conflict aspirations into successful post-conflict action, money and manpower have to start moving—and there is not a moment to lose. The following are concrete, measurable steps that would signal a move from planning to action.

Constabulary-like forces must be recruited to serve in a transitional security force. Comprehensive plans must be laid for handling weapons of mass destruction (WMD) in post-conflict Iraq. A transitional administrator for Iraq must be named. International civil servants must be recruited. International civilian police (CIVPOL) officers must be recruited. International lawyers and judges must be recruited to fill any post-conflict vacuum in the justice sector; and Iraq's laws must be vetted now for consistency with international human rights laws. A conference on debt must be convened. The United Nations and the United States must lay preparations for the suspension or lifting of sanctions. The United Nations or any major donor country must call a donors' conference to solicit funds for humanitarian relief, a post-conflict civilian mission, and immediate reconstruction needs in Iraq.

THE SITUATION IN IRAQ: CHALLENGES AND OPPORTUNITIES

Iraq presents unique challenges and opportunities—political, social, economic and strategic. Evidence suggests that Iraqis at all levels of society are desperate for a return to normalcy after a quarter century of war and economic suffering. That will not, however, mean their passive acceptance of whatever the international community may seek to impose.

In contrast to Afghanistan, Iraq is far from a failed state. It has a centralized government with a functioning bureaucracy; indeed, it would be counterproductive if the existing Iraqi administration were purged too radically. Nor is Iraq a haven for religious fundamentalism. In contrast to Iran and Saudi Arabia, its government is secular. Though the rule of law and respect for human rights will have to be reestablished, Iraq does have a workable constitution and salvageable legal codes.

Iraqi society is divided among Shia Arabs, Sunni Arabs, Kurds, and other small minority populations. Its population is largely educated, sophisticated, and urban. Any political representation of the Shia—who comprise over 55 percent of the population—would be a revolutionary change in the balance of power, as the Sunni minority has traditionally ruled. That said, Iraq has little history of inter-ethnic or communal violence, and though scattered revenge killings and reprisals are likely post-Saddam, major violence and ethnic cleansing has historically been state-driven. Some fear that the Shia are potential allies of their co-religionists in Iran, but Iraqi Shia soldiers fought hard against the Iranians during the Iran-Iraq war.

Iraq's enormous security apparatus presents both liabilities and opportunities. The army, secret police, and intelligence services must be disbanded and, to the extent necessary, restructured or reintegrated into society. Much of the existing civilian

police, however, will be available and should be used; they will be crucial in maintaining security in the post-conflict period.

Economically, while Iraq has extensive oil wealth, it will not be able to cover all its own post-conflict needs. Whether or not a retreating Iraqi force razes the oil fields, the oil industry's infrastructure will have to be largely rebuilt; it will be years before Iraq's natural patrimony can fully be brought to bear on the reconstruction effort. Even then, the pace of Iraq's recovery will be determined by the international community's ability and willingness to renegotiate Iraq's enormous foreign debt burden and enforce a grace period that will give Iraq time to get back on its feet.

The United Nations is making plans to satisfy the basic humanitarian needs of the Iraqi population for as long as a year, but the bulk of citizens may require assistance for much longer. Sixty percent of Iraqis currently depend on government handouts for their most basic needs.³ The agricultural sector has steadily declined over the past decade, and most Iraqis have long since used up their financial and material assets. Absent the existing Oil-for-Food program, Iraqis will lean heavily on humanitarian relief organizations, donors, and a future government to provide the basic foodstuffs, clean water, energy, and limited health care to which they are accustomed. Extensive humanitarian support may be required for some time—to allow the Iraqi economy to undergo those reforms necessary to provide the population with jobs and essential commodities.

Finally and crucially, Iraq possessed, and may still possess, significant stockpiles of weapons of mass destruction (WMD). Saddam may deploy WMD in response to an invasion, thereby complicating the military phase of the conflict itself as well as the reconstruction effort. People will likely flee any affected areas, adding to the one million internally displaced persons already estimated in Iraq. For the international community, halting proliferation of Iraq's WMD will mean not only finding, securing, and destroying such weapons and materials, but dealing with the skilled scientific and technical community involved in their development.

³ *Likely Humanitarian Scenarios.*

RECENT POST-CONFLICT RECONSTRUCTION EFFORTS: PERSISTENT PROBLEMS, LESSONS LEARNED

While the record from Haiti to Afghanistan shows that some post-conflict reconstruction efforts have been successful, the United States and the international community have faced persistent problems. If we are to avoid these pitfalls in Iraq, we must heed the lessons learned:

- *Ensure advance planning for civilian missions.* In 1999, one dedicated UN employee in the Department of Peacekeeping Operations was responsible for simultaneously recruiting more than 4,000 civil servants to serve in the UN missions in Kosovo and East Timor.⁴ Both missions experienced security, authority, and law enforcement vacuums as a result of severe delays in full deployment of the civilian missions. In Kosovo, delays in staffing the international mission allowed spoilers in the form of former Kosovo Liberation Army (KLA) officers to wrest control of government functions, eventually forcing the UN Mission in Kosovo (UNMIK) into negotiations and alliances that have caused long-term difficulties.
- *Do not underestimate post-conflict security needs.* In Afghanistan, the viability of President Hamid Karzai's government has been undermined by a lack of adequate security, due in part to the failure to extend the international security force (ISAF) outside Kabul. In Kosovo, the initial NATO Kosovo Force (KFOR) was neither prepared for a major degree of score-settling violence, nor properly mandated to handle law enforcement or constabulary duties, which led to a volatile and dangerous security vacuum.
- *Appropriately prioritize assistance for the justice sector.* In East Timor, donor unwillingness to fund prison-building forced civilian police to release several alleged serious criminals because of insufficient detention and correction facilities. UNMIK's early missteps in choosing the applicable law, and delay in bringing in international judges and prosecutors, continue to plague the functioning of Kosovo's judiciary and have hampered efforts to instill in Kosovars trust and respect for the rule of law. Inadequate justice sector assistance in the Balkans has marred longer-term efforts to tackle organized criminal activity that now ravages the region.
- *Deploy better CIVPOL, faster.* The United Nations has repeatedly lagged in recruiting adequate numbers of international civilian police officers (CIVPOL), and CIVPOL have generally tended to be poorly trained and equipped, undermanned, and under-resourced.

⁴ Joel C. Beauvais, *Benevolent Despotism: A Critique of U.N. State-Building in East Timor*, 33 INTERNATIONAL LAW AND POLITICS 1101, 1124 n.89 (2001).

- *Find the right balance of external and internal decisionmakers.* In Kosovo and East Timor, UN post-conflict missions have been criticized for insufficiently involving nationals in decisionmaking and implementation, thereby delaying the development of democratic self-governing capacities. In contrast, the “light footprint” approach in Afghanistan, which relies too heavily on a single personality—Hamid Karzai—is drawing complaints as symbolic of inadequate international commitment to reconstruction.
- *Ensure sufficient funding for and focus on long-term development needs.* About 75 percent of the \$1.5 billion spent on assistance in Afghanistan thus far has been devoted to short-term humanitarian assistance rather than longer-term reconstruction assistance—limiting the government’s ability to deliver benefits to its people, and damaging Karzai’s legitimacy. In Kosovo, three and a half years into UNMIK’s mission, the United Nations is only just beginning seriously to focus on development. Most of Kosovo still experiences rolling power blackouts on a daily basis, and there is no sign of a job creation plan despite an unemployment level over 50 percent and the youngest population in Europe.
- *Improve donor transparency, accountability, and coordination.* Every recent post-conflict reconstruction case has suffered from insistence on donor flag-waving, earmarking of funds, and duplication of effort in some areas combined with underfunding of others. The lack of a transparent mechanism to track and account for all funds pledged and coming into a country for post-conflict reconstruction efforts has caused problems in the past due to a lack of donor accountability, double counting of funds pledged, and delays in disbursement. There are some promising signs of donor coordination efforts in Afghanistan, but an imbalance among donors willing to provide funds directly to the Afghan government through UN-led trust funds, and those that insist on providing funds bilaterally or through international non-governmental organizations, has hampered efforts to support the fledgling Afghan government.
- *Insist on close, effective coordination and consistent mandates among military, humanitarian, and civilian actors.* In Afghanistan, the U.S. military’s initial reliance on regional warlords conflicted with the international community’s efforts to strengthen Karzai’s government and increased instability throughout the country, sending mixed messages about the international community’s commitment. In Bosnia and Kosovo, friction between the security forces and the international administrations over capturing war criminals has undercut the authority of the international administrations and undermined efforts to change attitudes in those countries about the importance of the rule of law.

We have the opportunity to learn from past cases in order to do better in Iraq—which is particularly crucial given the enormity of the stakes involved.

PART II: TEN RECOMMENDATIONS

The Post-Conflict Reconstruction Project has identified four broad categories under which a variety of tasks must be performed: *security, governance and participation, justice and reconciliation, and social and economic well-being*. Within these categories, we have focused on the ten critical recommendations we believe U.S. policymakers and international organizations must pursue if the post-conflict reconstruction of Iraq is to succeed.⁵

SECURITY

- 1. Create a Transitional Security Force that is effectively prepared, mandated, and staffed to handle post-conflict civil security needs, including the need for constabulary forces.***

To avoid a dangerous security vacuum, it is imperative to organize, train, and equip for the post-conflict security mission in conjunction with planning for combat. Thus, prior to beginning combat operations, a U.S.-led coalition force should complete detailed preparations for the organization and command structure of a Transitional Security Force (TSF). The TSF would be part of the combined coalition force but would focus primarily on the mission of civil security—augmenting and overseeing civil policing efforts at the provincial and local levels; working closely with an appointed civilian transitional administrator and his staff; and supporting the security requirements of humanitarian and emergency relief efforts.

⁵ Our recommendations do not cover the entire spectrum of actions that must take place; for example, they do not address planning and preparation for humanitarian needs in Iraq. Based on past experience, both U.S. and UN humanitarian agencies and NGOs have proved adept at planning and implementing emergency relief programs in post-conflict settings. These organizations possess skilled individuals, are well organized and funded, and can rapidly mobilize resources. In addition, our recommendations do not directly address how to deal with Iraqi officials accused of war crimes or crimes against humanity. That said, according to media reports, the U.S. government has been building cases against Saddam Hussein and a dozen or so of the most notorious members of his inner circle and is certain to make the prosecution of these officials a top priority if the Iraqi government is ousted. Given the egregious nature of the alleged crimes, it is difficult to imagine a scenario in which coalition forces would not make an immediate and concerted effort to apprehend and extricate the alleged perpetrators. We also do not highlight the issue of a truth and reconciliation process for Iraq, but this too will be critical. Although the Bush Administration reportedly is considering proposing a Truth and Reconciliation Commission modeled on South Africa's, any reconciliation process must be Iraqi-driven, not imposed from the outside. A national dialogue process such as that recommended below would be one venue for Iraqis to address this question.

Swift deployment of adequate, experienced security forces mandated in constabulary duties is essential to avoid a civil security vacuum in conjunction with regime change in Iraq. The United States must immediately identify and train a core force of U.S. military troops to perform constabulary (i.e. joint military and law enforcement) duties in Iraq. Working with its coalition partners, the U.S. must also immediately identify and ready other constabulary forces—such as the Italian Carabinieri, the French Gendarmerie, and appropriate regional forces—to ensure their timely arrival in theater.

It is equally imperative that coalition leaders begin plans for using the existing Iraqi police force to the maximum extent possible to minimize any gaps in routine law enforcement functions. Although senior Ba'ath party functionaries and members of the security forces will presumably be removed from the police force as part of a de-Ba'athification process, at less senior levels, there should be a significant number of Iraqi police officers who could be used by coalition constabulary forces to help maintain law and order in the immediate post-conflict period. After 1991, the Kurds successfully converted parts of this same force into a useful local civilian police force, once officers loyal to Saddam had been removed.

Coalition force planning must include pre-conflict coordination with the designated transitional administrator in order to ensure a common mandate with respect to post-conflict civil security requirements, and to establish effective lines of communication that will be critical once the transitional security force and the international civilian mission are on the ground in Iraq. The coalition force also should begin liaising with humanitarian relief organizations and NGOs in order to establish a workable foundation for communication, coordination, and security in a post-conflict Iraq.

2. *Develop a comprehensive plan for securing and eliminating weapons of mass destruction.*

Weapons of mass destruction (WMD) pose a grave threat to allied forces, the Iraqi people, and regional and global security. Iraq has a long and well-documented history of WMD development and use, including at least ten chemical attacks against Iranians and Kurds. A collapsed Iraqi regime could lead to a massive proliferation disaster if Iraq's WMD, delivery systems, and scientific and industrial infrastructure are not immediately secured.

Eradicating the WMD threat will require detailed planning and coordination across the U.S. government and international spectrum, including UN Monitoring, Verification and Inspection Commission (UNMOVIC) inspectors currently in Iraq. Success in planning and execution will rely on an unprecedented degree of information gathering and intelligence sharing to identify potential weapons sites and relevant scientists and technicians.

A task force involving all relevant U.S. government agencies—in particular, the Defense, State, and Energy Departments and the intelligence community—must develop comprehensive plans for:

- Tracking down WMD (the fact that UNMOVIC has not yet publicly confirmed specific WMD locations suggests the need for a detailed and dynamic search during both the combat and post-conflict periods);
- Securing facilities (combat forces will have to hold WMD sites and storage/production facilities until the weapons can be inspected and destroyed);
- Making sure Iraqis involved in the weapons programs are contained (the scientists and technicians responsible for the Iraqi WMD program must be identified and prevented from fleeing the country); and
- Destroying or removing WMD from Iraq.

3. *Plan and train for other critical post-conflict missions necessary to lay the foundation for a peaceful and secure Iraq that will enhance regional security.*

In addition to the critical mission of securing and destroying WMD, U.S.-led coalition combat forces will be integrally involved in at least six major areas necessary to securing Iraq and enhancing regional security. These mission tasks cannot be delegated to constabulary or local police/security forces.

- *Parole, Retraining, and Reintegration of the Regular Army.* Coalition forces must begin the extensive preparations necessary for the parole (return to civilian life) and/or retraining of the Iraqi Army, which will be an important part of the reconciliation process. Soldiers must be returned to garrison, fed, and clothed. Each soldier must also be identified, photographed, and provided with paperwork validating a legitimate parole. Their arms and equipment must be collected and stored securely. Many will be transported home. This must be done in conjunction with the implementation of civil retraining and reintegration programs. Failure to promote former combatants' reintegration into a legitimate security organization or their return to civilian life leads to long-term difficulties for reconstruction and development efforts and can cause serious security problems. Based on historical precedents, military planners should allow at least 120 days to complete the demilitarization process and begin an aggressive re-training and reintegration program for Iraqi combatants.

Long-term security challenges and requirements for defensive self-sufficiency are too great in Iraq to justify completely demobilizing the military. Long-standing regional grievances and animosities pose a significant threat to a defenseless Iraq. Based on legitimate security concerns, the need to secure 3650 kilometers of border area (including nearly 1500 kilometers with Iran) and the size of neighboring military forces, the Iraqi National Army—

currently 350,000 strong—should be restructured and retrained as a defensive force of no fewer than 150,000 regular troops, with a capacity for reserve augmentation.⁶ If a coherent, credible Iraqi army is not quickly recreated, the United States will bear the burden of defending the borders indefinitely. It will be imperative to instill a new, apolitical culture within Iraq's restructured military as part of the effort to break the political and leadership role the military has traditionally played in Iraq.

- *Protecting Iraq's Oil Infrastructure.* Iraq is thought to have the second or third largest oil reserves in the world, and the petroleum industry could be harnessed over time to fund much of the reconstruction effort and provide capital to a post-conflict government. It is therefore essential that Saddam be prevented from destroying the country's oil infrastructure as he attempted to do in Kuwait after the 1991 rout by U.S. and coalition forces. Coalition forces must also identify appropriate units that can safeguard that infrastructure from potential takeover attempts once it is no longer protected by Saddam's forces.
- *Protecting Iraq's Territorial Integrity.* Coalition leaders must obtain credible border guarantees from Iraq's neighbors, particularly Turkey and Iran, and be prepared to use intelligence assets and combat forces in a deterrent role. Similar guarantees must be obtained from the Kurdish opposition parties that they will not declare an independent state of Kurdistan or move militarily on Kirkuk or Baghdad in the wake of regime collapse. While many regional actors have a stake in a post-Saddam Iraq, unilateral actions or influence by such actors will undermine a cohesive and coordinated reconstruction effort.
- *Demilitarization and Elimination of the Republican Guards and Special Republican Guards.* The Republican Guard and Special Republican Guard are distinct entities created to protect Saddam and provide a counterweight to the Regular Army. These units have received enough funding and training to be a threat to a new government and have been sufficiently compromised from a human rights standpoint to be unusable as a viable security force in the future. It is imperative that this force be demobilized quickly and thoroughly. Some members may be eligible for parole after being cleared of potential war crimes or serious human rights violations; others may be subject to war crimes trials or a local reconciliation process and will need to be segregated from the rest of the population until these proceedings take place.

⁶ The number of troops needed for Iraq to maintain a defensive force was derived according to an analysis of the size and relative capabilities of regional nations' military forces. 150,000 regular troops augmented by reserve forces would be sufficient to maintain Iraq's territorial integrity and prevent an offensive war without the need for significant assistance from allied forces.

- *Security of Ba'ath Party Headquarters and Saddam's Palaces.* Coalition forces must prepare in advance to stop destruction of Ba'ath party headquarters and presidential palaces and secure these premises after Saddam falls. It is likely that Ba'ath party headquarters and presidential palaces house information that will be relevant to war crimes and WMD. It is also likely that Ba'ath party officials will attempt to destroy much of this information.
- *Dismantling of Internal Security and Intelligence Apparatus.* Finally, the coalition forces must lay preparations now for dismantling Iraq's internal security and intelligence apparatus after a conflict. The internal security forces and intelligence structure infiltrate every part of Iraqi society and permeate every Iraqi government institution. They must be completely dismantled in order to eradicate the climate of fear and oppression that currently marks Iraqi society.

GOVERNANCE AND PARTICIPATION

4. *Establish an international transitional administration and name a transitional administrator.*

The United States has indicated a possible desire to see the United Nations run an international civilian administration in Iraq. The United Nations must begin setting up such an administration now so that it is prepared to stand-up a mission by the time the conflict ends. Although preparing a post-conflict mission in a member state would place the United Nations in a politically delicate situation, failure to do so only invites a repeat of past problems associated with hastily planned post-conflict civilian missions that were painfully slow to arrive in the field, and could lead to a destabilizing vacuum of political authority. It also would mean a longer initial period of U.S. military occupation of Iraq, which would heighten anti-American sentiment in Iraq and throughout the Islamic world and may be difficult to sustain when the United States simultaneously is pursuing a war on terrorism and dealing with a provocative North Korea.

Other options for post-conflict governance in Iraq have been considered, but all have serious drawbacks. New leadership from inside Saddam's regime or a new Iraqi military government would continue the status quo, provide no hope for a different future, and potentially lead to erosion of the central government's control and a breakdown in national unity. The possibility that high-level Iraqi government officials and military leaders have engaged in war crimes, human rights violations, or crimes against humanity would call into serious question their legitimacy. The Iraqi opposition, meanwhile, is split along religious, ethnic, tribal, and ideological lines and has not proved able to coalesce around any one candidate or group of leaders, let alone offer a specific vision of how Iraq should be governed after regime change. It commands questionable legitimacy inside Iraq because it has ties to Washington and has been cut off from daily realities in Iraq. But Saddam has systematically killed or

destroyed any potential leaders inside the country, leaving a political void that may take some time to fill.

In the interim, a multinational civilian administration in Iraq would avoid pitfalls attached to military occupation and the absence of broadly acceptable Iraqi leaders, while carrying with it the legitimacy of international approval.

The UN Security Council must appoint a transitional administrator as early as possible to allow him to immediately begin planning his administration, working with core staff members, and liaising with military officials and humanitarian organizations. If political concerns preclude appointing an administrator before the conflict begins, the United Nations should appoint a coordinator to oversee the immediate process of setting up the transitional administration.⁷ Waiting until the conflict is over would be a waste of valuable time, increasing the risk for Iraqis and the challenge for the international community. Similarly, core staff members—including 18 provincial transitional administrators—should be recruited now, and should make any necessary preparations so they can immediately deploy to Iraq as needed. The United Nations should solicit funds now to spend on planning the civilian administration, to pay its salaries and other necessary expenses, and to support “quick start” reconstruction projects—such as reopening schools, providing access to clean water, and rebuilding ports—that could begin right away.

The UN Security Council members must begin discussions of the transitional administration’s mandate and should draft the necessary Chapter VII resolution so that it could be passed as soon as it is needed. The mandate must be robust, flexible, and unambiguous; it must provide the mission full executive, legislative, judicial, and financial authority. At the same time, the administration should be streamlined, relying on existing Iraqi infrastructure and technocratic talent rather than importing an international cadre.

To ensure that Iraqis play the key role in their country’s reconstruction, the mandate should emphasize maximum use of the existing Iraqi civil service at the local and national levels and call for Iraqi heads of government ministries and the use of Iraqi advisory councils wherever useful. The United Nations should develop a “de-Ba’athification” process for vetting the various Iraqi government ministries and institutions that could begin as soon as the transitional administration hits the ground. The United Nations could start now to identify potential Iraqi ministers—drawing on the pool of talent throughout Iraq, Kurds, opposition figures, and others

⁷ In a January 14 press conference, Annan noted that the United Nations is “doing some thinking, without assuming anything” about putting together post-conflict structures for Iraq. But he stated that it would be “premature” to start discussing the appointment of a Special Representative to the Secretary-General (SRSG) for Iraq. (In Kosovo and East Timor, the SRSGs doubled as the transitional administrators.) Annan, *Press Conference*, UN Headquarters, Jan. 14, 2003, at <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/62824daecd7167ef49256caf001e2a9a?OpenDocument>.

in the Iraqi diaspora—perhaps working with existing structures such as the coordinating committee of 65 Iraqi opposition members or the various working groups of the State Department’s Future of Iraq Project.

The mandate also should call for maximum decentralization of government services, and should stress paying salaries at the municipal level, which could have an immediate beneficial effect. A high degree of decentralization will increase the influence of suppressed regional voices and speed the de-Ba’athification process and the identification and cultivation of Iraqis who will become the future leaders of Iraq.

5. *Develop a national dialogue process and recruit a national dialogue coordinator.*

The viability of any new government in Iraq depends on giving all Iraqis a tangible role and stake in its formulation. One effective means is a national dialogue process similar to the *Loya Jirga* in Afghanistan. This would involve a graduated selection of delegates from throughout Iraq and the diaspora, starting at the grassroots level in all of Iraq’s 18 provinces, who would deliberate on issues key to the future of Iraq—such as whether Iraq should be a federal democracy and a national process for reconciliation and dealing with past wrongs. A national dialogue would maximize Iraqi input into the nature of their future state; open up a political process in Iraq; create an environment in which local talent and capacity can be developed and thrive; and encourage civil society development. It would ensure that the framework, timetable, and overall structure of Iraq’s future government and political systems are Iraqi-driven and directed.

The United Nations should appoint a special coordinator for the national dialogue process—ideally an Iraqi—who could begin developing the outlines of a model now. The coordinator could work with the coalition force command and the nascent transitional administration to begin planning for municipal and provincial level meetings that would lead to selection of delegates to a national assembly. In collaboration first with Iraqis in the diaspora and then with Iraqis throughout the country, the coordinator could begin to define the timing, form, and agenda of a national dialogue process. The agenda might include defining a new political and government system for Iraq; setting a timetable for elections; setting a timeline for phased withdrawal of the international transitional administration; revising or drafting a new Iraqi Constitution and legal codes; and devising a process for dealing with past wrongs, such as a truth and reconciliation commission or a general amnesty.

JUSTICE AND RECONCILIATION

6. *Recruit a rapidly deployable justice team of international legal experts, judges, prosecutors, defense attorneys, corrections officers, and public information experts.*

The United Nations should recruit standby teams of justice sector specialists—international legal experts, judges, prosecutors, defense attorneys, and corrections officers—who could rapidly be deployed to Iraq’s 18 provinces, to work with and train existing Iraqi personnel as well as to supplement their capabilities as needed. Another appropriate body—such as the European Union or an experienced NGO—could also be called on to assist in creating these teams. Although there is a significant amount of human and physical judicial infrastructure that can be built on when re-constituting the Iraqi justice system, there will be undoubtedly be gaps. It is likely, for example, that critical actors in the judicial arena will be seen as tainted as a result of having enforced Saddam’s laws for so long. It may be necessary for international officials to fill their positions temporarily until additional local talent can be harnessed.

These teams should be given intensive pre-deployment language, culture, and situational training—in addition to being educated in the body of applicable law in Iraq, once that has been decided. The United Nations should draw on regional and Iraqi talent and expertise to ensure greater grounding in local traditions, including language and customs.

In addition to designating teams for the field, the United Nations should create a team of Iraqi expatriate lawyers and international lawyers to vet Iraq’s existing laws and Constitution for consistency with international human rights laws and to decide on the interim body of law to be applied in Iraq after the conflict.

When stripped of arbitrary Saddam-era decrees and amendments, the existing Iraqi legal codes should be partially salvageable. The near-total absence of rule of law in Iraq probably has less to do with the content of existing statutes than it does with discriminatory, arbitrary, and lackluster enforcement. If the existing codes can be salvaged once vetted, they could be used as the interim body of applicable law in Iraq immediately after the conflict. If not, the United Nations should develop a framework of model laws that could be used as the interim applicable law in Iraq. A careful and thorough vetting—and a firm, advance decision on an interim body of law—is needed to preempt the applicable law debate that has undermined the reconstruction of Kosovo’s justice sector.

The past twenty years have eroded the Iraqi peoples’ trust in their judiciary and law enforcement organizations. In order for Iraqis to begin to trust the transformation of these institutions from mechanisms of repression to defenders of human rights

and rule of law, the international community must undertake a massive outreach and education initiative.

To that end, the United Nations should assemble a team of Iraqi and international legal and public information specialists, charged with educating the Iraqi populace about the importance of the rule of law and human rights and the role of the international justice teams. These specialists would educate Iraqis about reforms to the legal code and promote dialogue between international personnel, community leaders, and the public.

7. *Identify and recruit international civilian police officers.*

Building on existing local capacity, international civilian police (CIVPOL) will most likely play the role of advisors, supplementing rather than replacing a sizable Iraqi civilian force. The United Nations should immediately begin a recruitment process to organize a limited force of well-trained, well-equipped international civilian police to be utilized as police supervisors, mentors, and trainers in the immediate post-conflict environment.

The record of recent large-scale CIVPOL deployments in Bosnia, Kosovo, and East Timor has been mixed, at best. Bringing in substantial numbers of CIVPOL to bolster local law enforcement capacity has been resource-intensive and extremely slow going. International CIVPOL have generally tended to be poorly trained, poorly equipped, undermanned, and under-resourced. Deploying limited numbers of CIVPOL, while relying primarily on existing Iraqi personnel and infrastructure, could alleviate some of these problems.

Iraq has between 35,000-58,000 civilian police. A mechanism must be developed to vet the existing police force in order to cleanse it of the political remnants of Saddam's regime. The top tiers of the police force likely will be removed from their positions either as part of this de-Ba'athification process or because they may choose to leave on their own accord. The remaining officers could be employed under the supervision of international authorities—most likely the transitional security force, until CIVPOL is deployed in force.

Decentralization should be the first step in revamping the existing force. Police officers should be paid at the local level by municipal authorities in order to break down the overly centralized command and control structure.

The United Nations also should begin developing plans for the reconfiguration and standardized retraining of the Iraqi police, the reconstitution of Iraqi police academies, and the administrative decentralization of the police. The transitional administration will need to institute a re-training program in order to instill the new chain of command, reinforce the principles of civilian control of the police, and educate and train Iraqi police on human rights standards and any changes in Iraqi laws.

SOCIAL AND ECONOMIC WELL-BEING

8. *Call for a debt restructuring meeting and push the United Nations Security Council to begin a review of past war-related claims against Iraq.*

Iraq's financial burden is an estimated \$383 billion, including foreign debt, compensation claims, and pending contracts. Even if this figure were massively discounted, Iraq would have a debt-to-export ratio that would place it in the World Bank's most burdened category, far surpassing the average of 3:1 for highly indebted poor countries (HIPC). Iraq must be freed from this overwhelming debt and claims burden so that its oil revenues can be used to help pay for reconstruction—estimated to cost tens of billions in the first year alone, and as much as \$25 billion to \$100 billion overall.

Saddam has amassed \$62 to \$130 billion in foreign debt, most of it in short-term loans from commercial banks but including some long-term debt to foreign governments. Iraq has not been paying its debt throughout the period of the UN sanctions regime. Protection from debt repayment should be included as part of a formal renegotiation of Iraq's external debt. The U.S. government should lead the call for convening a meeting of sovereign claimants and creditors to discuss a speedy and effective debt renegotiation. This could be done as a formal Paris Club restructuring, through the International Monetary Fund, or through a specifically created debt forgiveness/reduction mechanism. Development of a sovereign bankruptcy mechanism for Iraq could also be considered. Major creditors and claimants should agree to a five-year moratorium on Iraq's external debt, similar to what the Paris Club creditors agreed to for Yugoslavia in 2001.

Iraq's overall financial burden includes \$172 billion in unsettled claims related to the Gulf War, which have been submitted to the United Nations Compensation Commission (UNCC). In addition, there are \$43 billion in claims already resolved by the UNCC, which so far have been paid at a rate of about \$4 billion per year from Iraqi oil revenues as part of the Oil-for-Food mechanism. There are also reported to be \$100 billion in reparations claims related to the Iran-Iraq War, although the UN Security Council has never decided on a formal mechanism for resolving these claims. The United States should begin discussions at the Security Council with regard to calling on the UNCC to cease consideration of all unsettled Gulf War compensation claims. The Security Council also should call on the UNCC to halt or discount further payment of already resolved claims, for which \$27 billion is still owed.

Finally, Saddam Hussein's regime has entered into contractual arrangements that could limit funds available for reconstruction. Iraq has pending contracts with Russian, Dutch, Egyptian, United Arab Emirates, Chinese, and French entities estimated at \$57.2 billion, primarily in the energy and telecommunications sectors.

The United Nations should establish a mechanism for reviewing the legality and legitimacy of these contracts.

9. *Begin an immediate review of sanctions against Iraq and prepare necessary documentation to suspend or partially lift those sanctions.*

In order for the United States to mobilize an effective post-conflict humanitarian and reconstruction response in Iraq, certain provisions of the Iraq Sanctions Act of 1990 (P.L. 101-513) (ISA) will need to be waived. The ISA and certain other U.S. statutory provisions relating to Iraq's status as a terrorism list country and WMD concerns prohibit *inter alia* all U.S. imports from and exports to Iraq (except for certain humanitarian goods as part of the Oil-for-Food program); all foreign military sales to Iraq; all commercial arms sales to Iraq; the exports of dual use items to Iraq; all forms of U.S. assistance under the Foreign Assistance Act and the annual foreign operations appropriations acts, other than emergency medical and humanitarian assistance; and require U.S. opposition to international financial institutions' loans or assistance to Iraq. The ISA also blocks all Iraqi property in the United States—freezing Iraqi bank accounts, for example.

The President can waive the ISA's provisions, upon 15-, 30-, or 60-day advance notice, depending on the sanctions to be waived and the determinations he is required to make. New legislation, or use of extraordinary presidential authorities, would be required to waive certain other sanctions. Although it would probably be desirable to retain certain sanctions even after a regime change—such as restrictions on sales and exports of military items and nuclear regulatory commission licenses—some provisions will have to be waived in order for U.S. government officials, humanitarian organizations, and private citizens to participate in the post-conflict reconstruction effort.

A working group should be convened immediately involving all relevant U.S. government agencies—in particular the Departments of State, Defense, Treasury and Commerce—to begin discussions on which U.S. sanctions should be lifted after a conflict and to start preparing necessary documents. The goal is to prevent undue delay of American humanitarian and reconstruction responses in a post-conflict Iraq.

UN Security Council Resolution 661 (August 1990) is the foundation of the international sanctions regime. Resolution 661 prohibits import of Iraqi goods and most exports to Iraq, and freezes Iraq's funds and assets. Resolution 687 (April 1991) expressly added weapons and military materiel to the list of goods prohibited for export. Subsequent resolutions have built on these and tied lifting the sanctions to satisfaction of demands regarding payment of debt and compensation, weapons of mass destruction, and repudiation of terrorism. Resolution 986 (1995) allowed for limited sale of oil in exchange for humanitarian goods—the Oil-for-Food program—and this remains the only permitted avenue of goods out of and into Iraq. Though it may be possible to continue to provide humanitarian goods through the Oil-for-

Food program, further reconstruction needs will demand at least a partial lifting of the UN sanctions.

Because these sanctions can only be lifted through a Security Council resolution, a UN working group should be convened immediately to begin discussions and drafting language to lift those sanctions necessary to allow a robust humanitarian and reconstruction response.

10. *Convene a donors' conference for Iraq.*

Funds will be needed right away for at least three critical objectives—to meet emergency humanitarian needs; to start up the international civilian mission; and to launch “quick start” reconstruction projects. The United States should work with major donors, the World Bank, the International Monetary Fund, and the United Nations to convene a donors' conference to these ends.

Having humanitarian resources available will allow the NGO community to begin its preparations at the earliest date and also could free up some of the Oil-for-Food funds for other purposes, such as restoring local government services (police, lights, trash, and schools) and other tangible community needs.

Funds also should be raised ahead of time to pay for the international civilian administration, to ensure that at least the core administration can be inserted into Iraq immediately after a conflict. Previous UN post-conflict missions have been painfully slow to arrive in the field, due in part to a lack of sufficient, immediately available funding.

Even assuming that Iraqi-generated funds could be used for reconstruction projects soon, the potential to use such funds will not be realized in the immediate term. Funds should therefore be raised for reconstruction projects that the international civilian administration could undertake right away. The lack of such funds in East Timor led to protests in front of UN buildings to complain that the UN mission was not “doing anything.” It took over a year for critical reconstruction projects (such as road rebuilding) to get started in Afghanistan, leading to major frustration on the part of the Afghan government with UN agencies and major donor countries.

CONCLUSION

Winning the peace in Iraq will be critical—for the Iraqi people; for the prospects of a peaceful and secure Iraq free from weapons of mass destruction; for regional stability; and for perceptions of America throughout the Middle East and among Muslims worldwide. Getting post-conflict reconstruction in Iraq wrong could prove devastating to the interests of the United States, Iraqis, and the international community more broadly.

Lessons learned from previous post-conflict reconstruction efforts highlight a number of consistent mistakes and pitfalls that can and should be avoided. One clear lesson is the importance of pre-conflict planning, preparation, communication, and coordination. Anticipating and preparing for the myriad tasks that must be performed in countries emerging from conflict is an arduous task, but one that must be undertaken *before* the fighting starts if post-conflict reconstruction efforts are to be effective once the shooting stops.

Simply talking about planning is not enough. The United States and the United Nations must immediately take the concrete actions outlined here if we hope to be successful in what will be a long and costly process of reconstructing Iraq. Ad hoc, under-funded, and delayed efforts driven by unrealistic timelines and political considerations will not work. The United States and the international community must commit the resources, military might, manpower, and time that will be required in Iraq—and we must start doing so *now*.

ABOUT THE PROJECT DIRECTORS

Frederick Barton currently serves as a Senior Adviser in the International Security Program and Co-Director of the Post-Conflict Reconstruction Project at CSIS. Concurrently, Mr. Barton teaches as a visiting lecturer at the Woodrow Wilson School at Princeton University, where he was previously the Frederick H. Schultz Professor of Economic Policy. Previously, as UN deputy high commissioner for refugees in Geneva, Mr. Barton worked to protect 22 million uprooted people in 130 countries. He was the first director of the Office of Transition Initiatives at the U.S. Agency for International Development in Washington, D.C., where he helped to start political development programs in over 20 war-torn regions, from the Philippines to Rwanda, from Bosnia to Haiti. He was also president of Barton & Gingold in Portland, Maine, providing services in strategic planning, marketing, crisis management, and organizational development to commercial, governmental, and nonprofit clients. Mr. Barton served Secretaries Joseph Califano and Patricia Roberts Harris (HEW and HHS, respectively) as New England director of public affairs in Boston. He has served as chairman of the Maine Democratic Party and on the Democratic National Committee. A graduate of Harvard College, Mr. Barton earned his M.B.A. from Boston University, with an emphasis on public management, and received an honorary doctor of humane letters from Wheaton College of Massachusetts.

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