Iraq: One Year After

Report of an Independent Task Force on Post-Conflict Iraq

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INTRODUCTION

On March 20, 2003, the United States launched Operation Iraqi Freedom, designed to remove the regime of Saddam Hussein. By mid-April, major fighting was essentially over, and on May 1, the United States declared an end to major combat operations. With that declaration, the United States faced the daunting challenge of ensuring stability in the post-conflict period and encouraging a peaceful political transition to a new and democratic Iraqi government.

Even before the onset of the war, public discussion in the United States about Iraq had begun to shift away from the question of whether to go to war to the challenge of the post-conflict transition. As the prospect of war became more imminent through the fall of 2002, a wide range of analysts, within and outside government, argued that the post-conflict requirements would be far more demanding than the task of removing the regime of Saddam Hussein. Throughout the 1990s, U.S. involvement in post-conflict reconstruction efforts—from Haiti to the Balkans to East Timor—had revealed that addressing public security, interim governance, economic development, and a political transition process was an enormously complex challenge requiring resources that severely stretched the capabilities of the United States and the international community. And the challenges for U.S. policy in postwar Iraq, given the geopolitical stakes, the threat of ethnic conflict and armed resistance, and the political complexities of administering an occupation, were far more formidable than those that had confronted U.S. officials in previous cases.

In December 2002, in light of these critical post-conflict policy issues, the Council on Foreign Relations established an Independent Task Force on Post-Conflict Iraq. The first report of the Task Force, *Iraq: The Day After*,[1] was issued shortly before

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[1] Independent Task Force on Post-Conflict Iraq, "Iraq: The Day After," March 2003, at http://www.cfr.org/pdf/Iraq_DayAfter_TF.pdf. Many of the recommendations in the Task Force report were reaffirmed and sharpened in a subsequent "Chair's Update," issued by the Task Force in June 2003, at http://www.cfr.org/pdf/Iraq_Memo.pdf. Some of the historical information in this section is drawn directly from the two prior reports. The Task Force reports followed a joint study by an independent working group convened by the Council on Foreign Relations and the James A. Baker III Institute for Public Policy, "Guiding Principles for Post-Conflict Policy in Iraq," January 2003, available at http://www.cfr.org/pdf/Post-War_Iraq.pdf.

the war. During the press conference that accompanied the report's release, Task Force Co-Chair James Schlesinger described the administration's intention to go to war as a "fateful decision" due to the burdens that certain victory would impose: "The future image of the United States will be affected; whether it is seen as the shining city on the hill or as a new imperial power [d]epends on the effectiveness with which we carry out phase two after the military operation."

Promoting that effectiveness was the major objective of the first Task Force report, which contained the following key recommendations:

- *Staying the course*. The Task Force recommended that the president make clear to the U.S. Congress, to the American people, and to the people of Iraq that the United States would "stay the course" after a war in Iraq. In particular, the Task Force recommended that the president explain to the American people the vital interest of the United States in Iraq's future, so they would be willing to bear the cost of stabilization and reconstruction; and to make a multiyear, multibillion-dollar public commitment to the rebuilding of Iraq, so that Iraqis would understand that the United States did not intend to walk out before vital tasks were completed.

- *Public security*. The Task Force emphasized the critical role of public security, and indicated that "none of the other U.S. objectives in rebuilding Iraq would be realized in the absence of public security." Noting that force requirements could range from between 75,000 and 200,000 troops, the Task Force recommended that the size of deployments for peace stabilization err on the side of robustness. The Task Force encouraged deployment of U.S. forces to prevent acts of reprisal and other lawlessness, and recommended that the administration sustain this public security mission throughout the transition by actively recruiting international civilian police (civpol) and constabulary forces to assist U.S. forces and to train Iraqis.

- *The role of the UN and other governments*. The Task Force encouraged the administration to move quickly to involve international organizations and other governments in post-conflict Iraq—and in particular, urged that the UN "take responsibility in organizing (with U.S. support and assistance) the political consultative process leading to a transition to a new Iraqi government."

- *The role of Iraqis*. The Task Force recommended that Iraqis play key roles in the administration of public institutions and recommended that the administration move quickly to establish Iraqi consultative groups on political, constitutional, and legal issues, to limit the period of interim governance.

The Task Force report also expressed concern about gaps in the pre-war planning effort for the postwar period and noted that as late as February 2003 administration officials acknowledged that they were just beginning to address coordination issues. Nonetheless, in the immediate postwar period there were grounds for optimism about the prospects for rebuilding Iraq both economically and politically. In an address to the Council on Foreign Relations on May 27, 2003, Secretary of Defense Donald Rumsfeld noted that the speed and success of the administration's war plan helped to create conditions conducive to a successful postwar reconstruction effort.[2] The large majority of Iraq's oil facilities had not been destroyed; bridges, roads, and rail lines had been preserved; and the country's infrastructure was largely intact. In addition, large-scale refugee flight had been avoided and the coalition had taken great care in protecting civilians from conflict.

Today, nearly one year after the start of the war (and about ten months into the postwar period) the Bush administration can report significant progress in the reconstruction and political transition effort. Iraqi ministries are functioning, laws regulating business and finance have been promulgated, and there is considerable economic activity in Baghdad as well as provincial cities. Moreover, Iraqis are engaged in free and vigorous debate about their collective political future, and the adoption of a Transitional Administrative Law represents a major success both for U.S. policy and for

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[2] Council on Foreign Relations, "A Meeting with Secretary of Defense Donald H. Rumsfeld," May 27, 2003, at http://www.cfr.org/publication.php?id=6001.

the people of Iraq. Finally, many tens of thousands of Iraqi officials—from politicians to civil servants to security personnel—are committed to working toward a stable and democratic Iraq.

Nonetheless, the coalition and the Iraqi people face formidable obstacles that threaten a peaceful and democratic transition. Most important, the coalition has been unable to ensure a safe and secure environment within critical areas of Iraq. This lack of security has created widespread fear among Iraqis, inhibited growth of private-sector economic activity, distorted the initial development of a robust and open civil society, and placed important limitations on the normal routines of life for most Iraqis. In addition, the United States has had only limited success in gaining the support of other governments in the postwar transition process and thus faces the prospect of considerable burdens in the months and years to come. Finally, although Iraqis will assume sovereignty on June 30, 2004, there is currently no consensus on how an Iraqi transitional authority will be established.

It is in this context that the Independent Task Force on Post-Conflict Iraq reconvened in late January 2004. In this update report, published nearly one year after the onset of the war, the Task Force finds that most of the critical issues that occupied its attention one year ago remain the most relevant today. These issues include the political will to sustain a commitment to the future of Iraq, the effectiveness of U.S. assistance efforts, public security, and the challenge of ensuring an inclusive political transition process that provides a leading role for the UN. Meaningful progress in each of these areas will be critical to helping promote a brighter future for the Iraqi people.

SUMMARY OF RECOMMENDATIONS

In brief, the Task Force makes the following recommendations:

1. *Sustaining political will and reaffirming a political commitment to the future of Iraq.* As Iraqis approach critical transitions and as the United States approaches a presidential election, President George W. Bush, Senator John Kerry (the presumptive Democratic nominee for president), and senior members of Congress should reaffirm their commitment to key elements of U.S. engagement in Iraq, notwithstanding disagreements on other aspects of Iraq policy. They should clearly articulate the following propositions:

    - The United States has vital interests in assisting in the formation of a post-transition Iraqi government that can govern fairly and inclusively, provide public security, and maintain the country's territorial integrity and independence while contributing to regional stability.

    - The transfer of sovereignty on June 30, 2004, is designed to meet Iraqi national aspirations and promote progress toward democracy, but it does not signal a diminished U.S. commitment to supporting stability, reconstruction, and a peaceful political transition in Iraq.

    - The United States is prepared to sustain a multibillion-dollar commitment to Iraq for at least the next several years, and U.S. officials are prepared to outline the magnitude of resources that will be necessary, even if they cannot identify all of the specific requirements at this point.

    - Coalition forces will continue to provide essential security in Iraq until the Iraqi security forces are in a position to do so on their own.

2. *Enhancing U.S. aid efforts.* The Bush administration should sustain the magnitude and enhance the effectiveness of the U.S. civilian assistance effort. It should:

- Substantially increase incentives for service in Iraq by U.S. civil servants and foreign service officers, especially those with language and area knowledge, beyond existing differentials and danger-pay allowances.

- Hold cabinet officers accountable for providing seconded personnel from their agencies for critical post-conflict requirements.

- Ensure unity of effort in U.S. assistance after June 30, by appointing an on-the-ground assistance coordinator charged with developing, in coordination with Washington officials, a politico-military plan for the U.S. contribution to post-conflict assistance. The plan would incorporate essential reconstruction, political, and security components.

- Move quickly to structure the administration and staffing of a new U.S. embassy.

- Increase the emphasis on direct job creation in Iraq in the near term, as well as "Iraqification" of economic activity.

- Continue to promote the empowerment of women in Iraq, through assistance programs and diplomatic efforts, to ensure their participation in political decision-making.

- Strengthen the public diplomacy effort in Iraq and throughout the region.

- Make much greater efforts to ensure transparency and accountability in the oil industry, in part by linking international financial institution assistance to Iraq

with professionalized management procedures that include financial controls on revenues, independent auditing, and certification of oil exports.

- Develop a long-term plan to improve U.S. capacity to manage postwar transitions.

3. *Safeguarding public security.* Public security remains the critical enabler for the political transition. The administration should undertake the following range of actions:

- In light of recent attacks on Iraqi civilians and security elements, the administration should review apparent plans for reducing the U.S. troop presence and troop patrols in major Iraqi cities, making sure to avoid critical security gaps.

- The U.S. military should accelerate its partnering with Iraqi security (including law enforcement) forces and should link the pace of any U.S. troop reductions to clear criteria that include the rate of violent crime and Iraqi perceptions of their own security. The coalition should begin collecting and disseminating data on these issues. Troop reductions should not be linked to arbitrary dates or timelines.

- Coalition troops and the Coalition Provisional Authority (CPA) should unify and standardize training efforts for Iraqi military, civil guard, and police elements, increase resources devoted to this objective, and recognize that effective training is a long-term exercise that must include a focus on institution-building. The administration should ensure an agile system of providing necessary assistance that is responsive to the urgency of emerging situations.

- The coalition should take further measures to enhance intelligence collection and to create Iraqi capacity in this area, while ensuring the Iraqi intelligence community is accountable to the Iraqi political leadership.

- The administration should seek the support of the UN in the recruitment of constabulary forces, international police trainers and monitors, as well as international civilian police who could assume executive policing functions. Constabulary duties could be assumed by troops of the North Atlantic Treaty Organization (NATO) or the European Union (EU). Overall, the Task Force strongly supports an expanded NATO role.

4. *Promoting a successful political transition process.* The Bush administration should secure a meaningful and effective role in Iraq for the UN and promote a broad process of consultation among Iraqis in the political transition process.

- *UN lead in creating transitional authority.* The administration should accept the UN's offer of assistance "to help build consensus among Iraqis on the specific powers, structure, and composition of a provisional governance body and the process through which it could be established."[3] In particular, the UN should take responsibility for developing, with U.S. support and assistance and in conjunction with Iraqis, the process for creating a transitional authority, procedures for elections, and other institutions related to the transition. This will help to ensure a more credible exercise that is accepted by most, if not all, important Iraqi political actors.

- *Transitional authority model that the UN should promote.* The UN, with the support of U.S. officials, should convene a roundtable meeting of Iraqis representing a broad cross-section of the population, with a view toward

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[3] "The Political Transition in Iraq: Report of the Fact-Finding Mission," annex of submission from the secretary-general of the UN to the president of the UN Security Council, February 23, 2004, p. 13. Available at http://www.un.org/News/dh/iraq/rpt-fact-finding-mission.pdf.

establishing a transitional executive body that could manage basic government functions, coordinate security arrangements, and begin the process of preparing Iraq for elections.

- *New Security Council resolutions*. The administration should work closely with other governments and UN officials to promote a UN Security Council (UNSC) resolution that would authorize a UN role in creating a transitional authority. The UNSC should also endorse, possibly in a subsequent resolution, the transitional authority, as well as the process leading to adoption of a constitution and elections. Such a resolution could also address the continuing security role played by coalition forces after June 30, 2004; address the relationship between foreign governments and the Iraqi transitional authority; provide for executive policing authority for international civilian police; and endorse protection of the fundamental human rights of all Iraqis.

- *Other areas of UN involvement.* The administration should take advantage of the improved climate in U.S. relations with the UN to actively promote the re-engagement of the UN on issues such as technical assistance relating to the administration of justice and human rights, including the rights of women.

There is a general consensus among American political leaders about the critical importance of substantial U.S. engagement in Iraq, but the Task Force is concerned about the fragility of that consensus, as well as reports that Iraqis may now be questioning the determination of the United States to "stay the course" over time.

It is not difficult to find signs of support for U.S. engagement among political leaders in the United States and the American public. In September 2003, President Bush submitted an $87 billion supplemental assistance request for Iraq, a bold statement of the U.S. commitment that included not only monies for the U.S. troop presence, but also substantial funds for economic reconstruction. In his State of the Union address on January 20, 2004, the president reaffirmed his administration's commitment to the work of building a new Iraq. Similarly, in a speech to the National Endowment for Democracy on November 6, 2003, the president described building democracy in Iraq as "a massive and difficult undertaking," but one "worth our effort [and] sacrifice." He went on to say that "failure of Iraqi democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region."[4] Similarly, most Democratic leaders have strongly supported U.S. engagement in postwar Iraq.[5]

In addition, over the past year, polling data have generally suggested continued support among the American public for U.S. postwar efforts in Iraq. However, this support may be broader than it is deep and appears to be accompanied by some degree of impatience. In a nationwide poll taken in November 2003, for example, 60 percent of respondents said that the process of creating an Iraqi government was going too slowly. And although more than 60 percent indicated they thought the United States should not withdraw troops until a government had been elected, that figure was down fourteen

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[4] See "Remarks by the President at the 20th Anniversary of the National Endowment for Democracy," United States Chamber of Commerce, Washington, D.C., November 6, 2003, at http://www.whitehouse.gov/news/releases/2003/11/20031106-3.html.
[5] See, e.g., Wright and Ricks, "New Urgency, New Risks in 'Iraqification,'" *Washington Post,* November 14, 2003, p. A1.

points from a similar poll in April 2003.[6] Moreover, debate over the rationale for going to war is likely to have a negative impact on public views about persevering in Iraq. In a February 2004 ABC/*Washington Post* poll, respondents indicated by a 50 percent to 48 percent margin that they did not think the war in Iraq had been worth fighting. When the poll was first taken in April 2003, 70 percent of those polled indicated they felt the war had been worth fighting and only 27 percent indicated it had not been worth the effort.[7]

This shift in public perceptions has been accompanied by several recent official measures that have created some uncertainty about the nature of long-term U.S. engagement in Iraq. By themselves, each one of these measures can be explained in terms other than a diminution of American commitment. But taken together, they raise questions about the determination of the United States to sustain a robust commitment over time.

The most significant of these developments may be the planned transfer of sovereignty, on June 30, 2004, from the Coalition Provisional Authority (CPA) to an Iraqi transitional administration, pursuant to the November 15, 2003, "Agreement on Political Process" between the CPA and the Iraqi Governing Council.[8] Administration officials have stated that this agreement was designed to respond to Iraqi desires to assume authority more quickly and have indicated privately that the effort is also aimed at removing, or at least diminishing, the specter of U.S. occupation. Reports suggest that Iraqis strongly support the June deadline for the transfer of sovereignty, which the Task Force also endorses.[9]

American interests will be well served if the transfer is seen by Iraqis as a U.S. effort to respond to their concerns, as this would, in turn, facilitate a continued and effective U.S. presence. Such a presence is critical, as the planned hand-over to an Iraqi provisional government will be the beginning, not the end, of Iraq's political and

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[6] "Public Impatient with Iraq Reconstruction: 7 in 10 Now Say UN Should Take Lead," PIPA/Knowledge Networks Poll, December 3, 2003 (press release), at
http://www.pipa.org/OnlineReports/Iraq/press_12_03.pdf.
[7] See Morin and Milbank, "Most Think Truth Was Stretched to Justify Iraq War," *Washington Post*, February 13, 2004, p. A1; and "Washington Post–ABC News Poll: Iraq," June 24, 2003, at
http://www.washingtonpost.com/wp-srv/politics/polls/vault/stories/data062403.htm.
[8] See "Agreement on Political Process," at http://www.cpa-iraq.org/audio/20031115_Nov-15-GC-CPA-Final_Agreement-post.htm.
[9] See "The Political Transition in Iraq: Report of the Fact-Finding Mission."

constitutional development. It will produce, at best, a government with limited legitimacy, relatively weak institutions, and incomplete control over the country. If the transfer of sovereignty is instead seen as the first stage of a phase-out of U.S. engagement, it will weaken tenuous Iraqi democratic forces and embolden those who seek to foment chaos and instability.[10]

At this moment in the transition process, the Task Force believes it essential that the Bush administration avoid measures that could be interpreted as a lack of resolve, especially by Iraqis. We note that one recent visitor to Iraq reported that Secretary of Defense Rumsfeld's announcement last fall of a drawdown of some 30,000 U.S. troops caused "a virtual panic among many Iraqis that the United States intended to withdraw altogether."[11] Similarly, we note reports that U.S. commanders have ordered reductions in coalition troops in Baghdad, reportedly from sixty operating locations down to only eight by mid-April 2004.[12] Although the Task Force strongly supports efforts at "Iraqification," this change in approach comes at a time when the capabilities of Iraqi security forces are still extremely limited and in the context of administration ambiguity about the roles, responsibilities, and magnitude of a continuing troop presence in Iraq in the months and years to come.

We are also concerned about U.S. funding, despite the very large supplemental appropriation approved last year. The fiscal year (FY) 2005 budget request, just released by the administration, is notable for its absence of any special request for funding for the U.S. military presence or reconstruction assistance in Iraq. Administration officials have indicated that they expect to make a request for the military in early 2005 and have noted that monies for war-related activities have generally been funded through "after-the-fact" supplemental appropriations. They also point out that the $18.4 billion in reconstruction assistance approved for FY 2004 is very substantial and, moreover, that it is unclear what requirements will exist in 2005. At the same time, the absence of any clear projection of anticipated medium-term military or economic commitments creates uncertainty and

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[10] See Daniel Williams, "Fallujah Insurgents Find a New Focus," *Washington Post,* February 9, 2004, p. A20.

[11] Kenneth M. Pollack, "After Saddam: Assessing the Reconstruction of Iraq," Analysis Paper Number 1, Saban Center for Middle East Policy, Brookings Institution, January 2004, p. 2.

[12] Thom Shanker, "G.I.'s to Pull Back in Baghdad, Leaving Its Policing to Iraqis," *New York Times,* February 2, 2004, p. A11. Also see Seawell Chan, "Rumsfeld Praises New Iraqi Forces," *Washington Post,* February 24, 2004, p. A16, which offers somewhat different figures in describing this troop shift.

enables officials to defer the process of building a public consensus in support of continued U.S. engagement.

The Task Force believes that sustaining this public consensus is essential, especially as the political will of the United States will continue to be tested in the months and years to come in Iraq. These tests, which could include more high-profile attacks on U.S. troops, could come at a time of heightened political debate in the United States, as we enter the final phase of the 2004 election campaign.

Iraq will unavoidably be a subject of debate during the U.S. presidential campaign. This debate will almost certainly encompass the original decision to go to war as well as postwar political transition and reconstruction efforts in Iraq. Nonetheless, Task Force members, who represent broadly diverse political perspectives, are united in their position that the United States has a critical interest in a stable Iraq whose leadership represents the will of its people. Civil conflict in Iraq, the alternative to peaceful political competition, would risk intervention by and competition for influence among Iraq's neighbors, long-term instability in the production and supply of oil, and the emergence of a failed state that could offer a haven to terrorists. It would also represent a monumental policy failure for the United States, with an attendant loss of power and influence in the region.

Although U.S. engagement cannot guarantee success, a diminished U.S. commitment to Iraq during a transfer of sovereignty would increase the likelihood of policy failure. In fact, in the months ahead, the U.S. government will have to sharpen its approach and increase its commitment of resources in several critical areas. As one analyst has written, the United States government must "recognize that the future of Iraq (and through it, the future of the entire Middle East) is very much in our hands. …[I]f the United States is unwilling to shoulder the burden of leading the reconstruction—economically, politically, and militarily—for years to come, it will fail."[13]

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[13] Pollack, "After Saddam," p. 1.

Recommendations

Sustaining political will and reaffirming a political commitment to the future of Iraq as Iraqis approach critical transitions. As Iraqis approach critical transitions and as the United States approaches a presidential election, the president, Senator John Kerry (the presumptive Democratic nominee for president), and senior members of Congress should reaffirm the following propositions, notwithstanding other disagreements they may have on Iraq policy:

- The United States has vital interests in ensuring that a post-transition Iraqi government can govern fairly and inclusively, provide public security, and maintain the country's territorial integrity and independence while contributing to regional stability.

- The transfer of sovereignty is designed to meet Iraqi national aspirations but does not signal a diminished U.S. commitment to supporting stability, reconstruction, and a peaceful political transition to a democratic Iraq.

- The United States is prepared to sustain a multibillion-dollar commitment to Iraq for at least the next several years, and U.S. officials are prepared to outline the magnitude of resources that will be required, even if they cannot identify all of the specific requirements at this point.

- The United States is prepared to enhance the effectiveness of a reconstruction effort that has lacked organization and coherence.

- Coalition soldiers will continue to provide essential security in Iraq until the Iraqi security forces are in a position to do so on their own.

The transfer of sovereignty on June 30, 2004, will hardly bring an end to U.S and coalition engagement in Iraq. Moreover, the Task Force believes that, in some respects, the tasks for the United States will become more complicated after Iraqis assume sovereign responsibilities.

The structure of the U.S. assistance effort was initially defined by a national security presidential directive issued shortly before the war last year. Pursuant to that directive, the responsibility for post-conflict reconstruction was lodged in the newly created Office of Reconstruction and Humanitarian Assistance for Iraq, led by retired Lieutenant General Jay Garner. His small staff was divided into functional groups dealing with issues such as humanitarian assistance, civil administration, reconstruction coordination, and operational support. As indicated above, early prewar planning for the postwar period was not well coordinated, putting General Garner and his new operation at a disadvantage.[14] General Garner lacked definitive policy guidance on critical postwar issues, such as the role of the U.S. military in the provision of public security, and the organization and roles of the U.S.-led postwar civil administration. This uncertainty caused early delays in the rehabilitation effort and undermined U.S. efforts to build broad support among the Iraqi people.

In early May 2003, President Bush acted to sharpen the U.S. commitment to postwar Iraq by appointing L. Paul Bremer as civilian administrator and by providing him with greater authority to develop a comprehensive approach toward the rebuilding process. In a regulation issued in Iraq on May 16, 2003, the United States established the Coalition Provisional Authority (CPA) the governing body that exercises sovereignty pending the reestablishment of indigenous authority in Iraq. CPA officials describe the CPA role as "protecting the Iraqi territorial integrity and working to provide security to the Iraqi people," and "rebuilding all aspects of Iraqi infrastructure so that, upon turnover to the first democratically elected government Iraq has ever known, that government will

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[14] This issue has been the subject of a number of official and think tank studies, including scholars at institutions that have been strongly supportive of the administration. See, e.g., James Carafano, "After Iraq: Learning the War's Lessons," Heritage Foundation Backgrounder No. 1664, July 3, 2003, available at http://www.heritage.org/Research/MiddleEast/bg1664.cfm.

assume authority over a country ready, both internally and externally, to function economically, provide basic services to its citizens, provide for its own defense, and to play a responsible role in the international community of nations."[15]

Setting out these ambitious objectives has been far easier than developing the capacity to implement them comprehensively. CPA officials have made substantial progress in a number of critical areas, but the responsibilities they have taken on are extremely broad. These include implementation of assistance projects stemming from the $18.4 billion aid portion of the Bush administration's supplemental appropriation for Iraq and Afghanistan, managing grants to sectors covering electricity, oil, public works, security, transportation, communications, buildings, and health; currency, tax, and tariff reform, as well as privatization; promotion of civic education and grass-roots development projects throughout Iraq; electoral assistance and political development; public diplomacy; donor coordination; and debt relief—among a range of other programs.[16]

The CPA has faced a number of serious obstacles in its effort to implement assistance programs. First, a number of observers have reported that it is seriously understaffed, with reports suggesting it has only about 1,000 staff working in Baghdad.[17] In January 2004, one specialist familiar with the CPA operation indicated that Ambassador Bremer never had more than 58 percent of the staff in his authorized "manning document." Recent reports indicate that manning levels may have improved to about 70 percent, but even this trend leaves many positions unfilled just when the CPA should be achieving maximum momentum. In addition, most CPA staff members are in Iraq on a very short-term basis, typically several months. Thus, the time between orienting themselves to their new environment and readying themselves to leave—that is, the time when they can undertake meaningful work for the coalition—is severely limited. Finally, due to security concerns, CPA staff members have been seriously constrained in their ability to interact freely with Iraqis, especially outside of Baghdad.

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[15] CPA, see Overview at http://www.iraqcoalition.org/bremerbio.html.

[16] E. Anthony Wayne's testimony before the Senate Subcommittee on International Trade and Finance, "Economic and Financial Reconstruction in Iraq," February 11, 2004, available at http://www.state.gov/e/eb/rls/rm/29288pf.htm. Also see "Statement of Objectives for the Coalition Provisional Authority Program Management Office and Sector Program Management Offices," January 6, 2004, at http://renovation.pentagon.mil/IIRO/Attach1.doc.

[17] Estimates of the total number of staff have varied, from under 1,000 to 1,500.

Difficulties in staffing and managing the Iraqi effort not only necessitate urgent remedial action but also point to the need for the United States to conduct more effective post-conflict missions in the future. Iraq is the sixth major U.S.-led nation-building effort in a decade (and the fifth in a Muslim country). It is unlikely to be the last. Only if both the State and Defense Departments make substantial and enduring investments in their capacities to perform these missions, develop a clear division of labor, reflect on and integrate in a methodical fashion lessons learned from former missions, and develop a cadre of trained personnel will the United States be able to undertake nation-building tasks more effectively in the future and avoid repeating the many mistakes that have marred its performance in Iraq to date.

After the transfer of sovereignty, accomplishing the goals of reconstruction assistance may become even more challenging. U.S. officials will have to implement a broad range of programs without the untrammeled power of an occupation authority. In addition, the incorporation of CPA activities into a new U.S. embassy will be accompanied by a further transition from military to civilian leadership in the aid effort, which will impose an additional managerial burden.

Economic Reconstruction

The most comprehensive assessment to date of Iraqi economic needs was conducted jointly by the World Bank and the UN. In addition to $19.8 billion in costs that were assessed by the CPA (primarily in the oil, security, and environmental sectors), the UN–World Bank study identified $35.8 billion in requirements, for a total of $55.8 billion through 2007.[18] Of this total, some $17.5 billion was identified for immediate needs. The U.S. aid appropriation of $18.4 billion could go a long way toward meeting these totals, as could money from other donors, who pledged nearly $15 billion at the International Donors Conference for Iraq in October 2003.[19]

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[18] See "Joint United Nations/World Bank Iraq Needs Assessment," October 2003, available at http://lnweb18.worldbank.org/mna/mena.nsf/Attachments/Iraq+Joint+Needs+Assessment/$File/Joint+Needs+Assessment.pdf. Also, for an analysis of this study, see the Congressional Budget Office report, "Paying for Iraq's Reconstruction," January 2004, available at http://www.cbo.gov/showdoc.cfm?index=4983&sequence=2.

[19] Of course, there may not be a direct relationship between the amount pledged from other donors and the amount to be delivered in a timely manner.

There are, however, several obstacles to effective implementation of these resources, the most significant of which is the security situation. Even if all the other preconditions for economic development are met, the uncertain environment on the ground may prevent significant progress in this area. Additionally, although the new Ministry of Planning and Development Cooperation has the lead on donor coordination on the ground (in cooperation with the Ministry of Finance and other ministries),[20] U.S. officials will have to play a major role in helping Iraqis to manage an exceptionally broad range of donor activities.

Working with Iraqis, CPA officials have made progress in developing new laws relating to investment, taxation, tariffs, and other areas of economic activity, as well as in making credit available to Iraqis. But efforts will have to be sustained and intensified, and in the near term should focus, in particular, on direct job creation programs to address widespread unemployment.

Promoting the Inclusion of Women

In his recent visit to Iraq, Deputy Secretary of Defense Paul Wolfowitz pointed to Washington's support of $27 million for women's programs in Iraq. The CPA is working with local women's groups to ensure efforts throughout Iraq's provinces aimed at women's educational programs, job skills training, rights awareness, and mentoring. The Task Force strongly supports these measures, which recognize the contributions that women can continue to make to the economic and political life of Iraq.

Public Diplomacy

The coalition has yet to devise broad and effective means of informing Iraqis of basic information about services, security conditions, and other issues that impact their lives directly. Efforts to communicate effectively coalition perspectives to the Iraqi people have been disappointing. The problem is compounded by restrictions on freedom of movement (and interaction with Iraqis on the ground) for CPA officials. In its previous reporting, the Task Force urged a range of improvements in communications strategy, including a broadening of interaction with leadership at the local, regional, and national

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[20] See testimony of Anthony Wayne.

levels; a reorientation of public diplomacy broadcast programming to focus on political dialogue and the free flow of ideas; and broader interaction between U.S. troops and the Iraqi public. These recommendations remain pertinent.

The CPA has taken a range of actions to address public diplomacy issues, including the creation of a television broadcast network, initially called the Iraqi Media Network and subsequently re-created as al-Iraqqiyyah. In addition, there are increases in "people-to-people" contacts, such as the recent arrival in the United States of the first group of Iraqi Fulbright scholars. But reports and polling data indicate that the public diplomacy issue continues to bedevil the coalition.

Oil Policy

Although progress has been made in restoring prewar oil capacity by raising production toward 2.5 million barrels per day, the situation remains fragile and facilities remain vulnerable to attack. Moreover, the challenge of long-term rehabilitation of the oil industry has yet to be confronted and is not likely to begin in earnest until the establishment of an elected government, thus limiting immediate expansion of capacity.

In view of the impending transfer of sovereignty, managing of the oil sector is as critical as rehabilitation of oil facilities. During the Task Force's deliberations, Task Force oil experts expressed concern that, despite a broad international consensus on the need for accountability, there has been insufficient progress in 1) establishing mechanisms for transparency and financial controls on revenues, 2) ensuring a system for appointment of senior officials based on qualifications and merit (and avoiding preferential appointments that reflect Iraq's sectarian or ethnic groupings), 3) modifying procurement procedures to ensure that purchases of foreign fuel are at competitive prices, and 4) giving priority, in allocating funds, to payment of salaries to Iraqi oil professionals.

The June 30, 2004, return of sovereignty puts these issues into stark relief. Moreover, the limited progress in this area, including the long delay in the appointment of auditors for the Development Fund for Iraq (established by UN Security Council Resolution 1483),[21] suggests that instituting appropriate safeguards for transparency and

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[21] See "Watchdog Presses U.S. to Appoint Oil Auditors," *The Age* (Melbourne)*,* February 14, 2004.

accountability for the period after a transition will be a formidable task. Nonetheless, such safeguards are critical to closing opportunities for mismanagement and corruption and enhancing the value of this vital national resource.

Recommendations

The coalition's civilian assistance effort, including economic reconstruction, women's rights, communications, and oil policy. The administration should commit to sustaining the magnitude and enhancing the effectiveness of the U.S. civilian assistance effort in Iraq by taking the following actions:

- *Increase incentives for service in Iraq.* Given the stakes for U.S. national security interests and the unusual risks faced by civilian employees, the administration should consider an extraordinary incentive program, involving monetary and career advancement benefits, for those willing to perform long service (defined as one year or more) in Iraq. A focus of the effort, which would go beyond current differentials and danger pay allowances, should be those with language and area knowledge. The Task Force estimates that an allocation of between $20 million and $40 million for this purpose could make a significant difference in the ability of departments to recruit personnel.

- *Hold cabinet officers accountable for providing seconded personnel.* The president should hold cabinet officers personally responsible for meeting targets for secondments from their agencies. In this respect, the Task Force was concerned by reports that even minimal requirements for technical assistance in Iraq (in areas such as administration of justice and law reform) are going unmet.

- *Unify effort in the provision of assistance.* A post-transition, U.S. assistance effort should ensure more effective coordination between the Department of State, the U.S. Agency for International Development, and the military, which currently

have varied and overlapping economic, civic assistance, and security responsibilities. The Task Force believes that the most viable solution may be an on-the-ground, interagency, executive committee structure, under the authority of an assistance coordinator who would be charged with developing a politico-military plan for the U.S. contribution to post-conflict assistance. The plan, developed in cooperation with Washington officials, would incorporate essential reconstruction, political, and security components.

- *Move quickly to structure the administration and staffing of a new U.S. embassy.* If, as expected, the State Department is to take on additional responsibilities for assistance after a transfer of sovereignty, then it should seek to ensure that the process of staffing the effort gets underway now—to avoid gaps after July 1, 2004.

- *Put greater emphasis on direct job creation in the near term, as well as on "Iraqification" of economic activity in Iraq.* Job creation efforts would address not only the pervasive unemployment problem in Iraq but also demonstrate to Iraqis that there are tangible benefits to the new political dispensation in their country. On the "Iraqification" of economic activity, the CPA has taken some measures to implement micro-lending programs and to ensure that credit is available to larger Iraqi concerns that might bid for sub-contracts under the FY 2004 supplemental appropriation,[22] but the collective impact of such efforts is still limited. There is a strong economic and political imperative for U.S. officials to move more quickly in these areas.

- *Promote the participation of women in economic planning, decision-making processes, and policymaking.* This should include efforts to encourage the appointment of qualified women to key positions in finance and planning ministries.

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[22] See "CPA: Private Sector Development," at http://www.cpa-iraq.org/economy/priv_sect_dvlpt.html.

- *Take additional steps to enhance the public diplomacy effort in Iraq.* There are no simple answers here, but the Task Force believes the administration should 1) focus on consolidation of U.S. media–related assistance operations in Iraq to promote more coherence in the public diplomacy effort; 2) emphasize programs that build bridges with Iraqis, such as those in the area of education; 3) seek to expand the very limited contact and interaction between U.S. personnel and Iraqis; and 4) make concerted efforts to monitor the effectiveness of public diplomacy through polling.[23] In addition, the administration should consider the establishment of an Iraqi advisory council on the media and public diplomacy, whose members could advise U.S. officials on programs to support indigenous Iraqi media, as well as on the effectiveness of U.S. public diplomacy efforts.

- *In the lead-up to the restoration of sovereignty, U.S. officials should make much greater efforts to ensure the development and entrenchment of transparency and accountability in the oil industry.* Given limited progress to date and the diminished U.S. role after June 30, 2004, this will be a very difficult challenge. For this reason, U.S. officials should work with international financial institutions, including the International Bank for Reconstruction and Development and the International Monetary Fund, to ensure that assistance to Iraq is conditioned on the development and implementation of professionalized management structures and procedures. This would include financial controls on revenues, agreements to subject accounts and processes to independent auditing, and certification of Iraqi oil exports.

- *A presidential initiative on postwar planning and reconstruction.* In its June 2003 "Chairs' Update," the Task Force recommended that the president commit the U.S. government (possibly through a national security presidential directive) to improving its ability to manage political, economic, and military dimensions of

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[23] See Edward P. Djerejian's testimony before the subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, February 4, 2004, available at http://appropriations.house.gov/index.cfm?Fuseaction=Hearings.Testimony&HearingID=284&WitnessID= 442, and Christopher Marquis, "Effort to Promote U.S. Falls Short, Critics Say," *New York Times*, December 23, 2003, p. A7.

post-conflict transitions.[24] We reiterate that recommendation and believe that any such effort should examine enhancements in the training of troops for the kinds of constabulary functions that are common to peace stabilization operations. The administration should also engage on this issue with members of Congress, who are now considering legislation in this area.

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[24] See "Chairs' Update," p. 19.

As the Task Force indicated in its March 2003 report, security is a critical enabler for all of the coalition's goals in Iraq, including free political debate, reconstruction and other economic activity, and a successful political transition. However, after almost one year of intense efforts, including the ongoing deployment within Iraq of nearly 150,000 coalition troops, a stable and secure environment remains elusive. Moreover, despite recent and encouraging reports of Iraqi-coalition joint patrolling, there is a widespread perception within Iraq that U.S. force protection concerns are impeding attainment of vital stability objectives. In fact, when U.S. troops have been observed, they have often not been on foot patrols, but rather in heavily protected convoys speeding through towns and cities.[25]

Task Force members appreciate that a focus on force protection is critically important. Nonetheless, the U.S. mission in Iraq is to help make the country safe for Iraqi civilians, and that objective has yet to be achieved. Between December 2003 and February 2004, Iraqi civilians were believed to be the victims of some 150 separate attacks by insurgents.[26] This figure does not include the far larger number of attacks due to common criminal activity. This situation puts the political transition at risk, as a stable and secure environment is essential if pluralism is to flourish and democratic reforms are to take root.

Regrettably, the Bush administration has not been in a position to rely heavily on help from other governments for public security. As of late January 2004, there were some 25,500 non-U.S. coalition forces in Iraq, nearly half of whom were from the United Kingdom. Lack of support from allies and others has increased the urgency of "Iraqification"—the effort to create and train indigenous forces so they can take responsibility for security over time. The administration reportedly hopes to build a

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[25] See a discussion of these perceptions in Pollack, "After Saddam," p. 8. He notes that in an October poll, 60 percent of Iraqis surveyed said they felt "not very safe" or "not safe at all" in their neighborhoods, and nearly the same percentage had either "not very" [sic] or "no" confidence that the coalition would make their cities safe. These survey results can be found at Iraq Center for Research and Strategic Studies, "Results of Public Opinion Poll #3," International Republican Institute, October 23, 2003, at http://www.iri.org/pdfs/Iraq_poll_3.pdf.

[26] This is an estimate based on an extrapolation of CPA briefings; see "Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq," updated February 27, 2004, Brookings Institution, at http://www.brook.edu/iraqindex, p. 7.

combination of Iraqi security forces that will number 226,700, including 71,000 police, 40,000 Iraqi Civil Defense Corps (ICDC) personnel, 40,000 army personnel, 25,700 border patrol personnel, and 50,000 for facilities protection. In January 2004, reports indicated that the security forces had about 206,600 persons and were near or over complement in every category except the ICDC (which numbered 27,900) and the army (which numbered 2,000).[27]

As indicated above, the U.S. military has already begun the process of moving troops from cities to outlying areas and turning over many security tasks to Iraqis.[28] Although the Task Force supports the principle of Iraqification, we are concerned that some of these withdrawals may be premature. Great care must be given to judgments about the capacity of the Iraqis to do this job.[29] Iraqi police units are constrained in undertaking basic law and order functions.[30] Historically, they have suffered from low morale, a lack of training and equipment, and have been poorly regarded by the Iraqi population. Moreover, efforts to promote institutional development, including the creation of a management structure for the police, have begun only recently.

Members of the ICDC have assumed significant responsibilities relating to internal security. ICDC personnel are U.S.-trained Iraqi "citizen-soldiers" who remain in their communities and are to "partner" with coalition military units. But the ICDC's ability at this point to act effectively and consistently in support of the police is far from certain.

In fact, the ICDC represents a cornerstone of U.S. policy for meeting Iraqi security requirements. Proponents of the ICDC role emphasize the ability of such troops to "read" the local situation and population in ways that foreign troops cannot[31] and urge that the U.S. military shift priorities to focus much greater efforts on training the ICDC.

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[27] See "Iraq Index," based on a compilation of sources, p. 11.

[28] Seawell Chan, "Rumsfeld: Insurgency May Alter Troop Shift," *Washington Post*, February 23, 2003, p. A15.

[29] For a comprehensive description of the challenges in building capacity in the Iraqi security forces, see International Crisis Group, *Iraq: Building a New Security Structure,* ICG Middle East Report No. 20, December 23, 2003, available at www.crisisweb.org. Robert Malley, the Director of the ICG's Middle East/North Africa Program, is a member of the Task Force.

[30] In this section of the report, portions of the information and analysis on policing and other security issues are informed by work on this issue conducted by the United States Institute of Peace.

[31] Donna Miles, "Iraqi Civil Defense Corps Grows in Numbers and Role," American Forces Press Services, at http://www.defenselink.mil/cgi-bin/dlprint.cgi?http://www.defenselink.mil/news/Oct2003/n10292003_200310293.html.

At the same time, there are concerns about the possibility that these regionally based units could serve as a source of fragmentation in the months to come. In addition, current training efforts are not comprehensive and do not yet represent a serious, long-term plan to create a viable security entity.

Thus, with regard to creating and enhancing ICDC capability, Task Force members believe the administration should be guided by the following propositions:

- Any training of paramilitary or constabulary forces should be more thorough, reflect greater unity of U.S. effort, and be standardized between regions.

- Sustained efforts should be made in orienting ICDC units toward national objectives and discouraging the identification of units along ethnic or religious lines.

- Payment and career advancement should be subject to supervision from the center and not the exclusive domain of regional leaders.

- U.S. troops should be deeply engaged on the ground with ICDC units.

- There should be a process of reintegration into society for demobilized ICDC troops when their services are no longer required.

Notwithstanding the current progress and potential role for the ICDC, there is little question that the current security challenges in Iraq dwarf the capabilities of the nascent Iraqi security forces. Moreover, recent attacks reveal that resistance to the coalition presence, as well as to efforts to promote a peaceful and democratic transformation in Iraq, is less a guerilla war against an occupation military force than it is a campaign of terror against Iraqi civilians. This underscores the need for enhanced intelligence collection efforts, as well as the development of intelligence capacity for Iraqi forces. In view of reports that terrorists have operated across borders, these incidents also highlight the need for a regional approach toward security. In its first report, the Task Force urged consideration of a regional forum for discussion of security issues,[32] and the Task Force continues to believe that the CPA should work with Iraqi officials in promoting such dialogue.

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[32] "Iraq: The Day After," p. 45.

These threats also mean that coalition forces must continue to play a key role in creating safe and secure environments where reconstruction and political transitional activities can take place. Such efforts must go beyond the provision of perimeter security and should include partnering with Iraqi forces and establishing and maintaining a presence in towns and cities. Such deployments should also include substantial civil affairs components.

In addition, the coalition—working with Iraqi law enforcement personnel—will have to sustain major responsibilities for a wide array of law enforcement functions. These include basic community-level conflict resolution, counter-terrorism, detention of security detainees, crowd control, specialized criminal investigation, surveillance, combating organized crime, close protection of senior officials, high-risk arrests, and force protection for Iraqi and international police units that are at risk. Finally, in the context of a transfer of sovereignty to a new Iraqi government in June 2004, the coalition will have to consider post-transition legal arrangements to ensure a continuing effective security role.

Recommendations

- *In light of recent attacks on Iraqi civilians, the administration should review apparent plans for reducing the U.S. troop presence and troop patrols in Iraqi cities, with a view toward ensuring against critical security gaps.* As Ambassador Bremer indicated after a major attack on a police station in Falluja on February 14, 2004, it is now "quite clear the Iraqi security forces, brave as they are, and beaten and attacked as they are, are not going to be ready by July 1."[33]

- *The U.S. military should continue and accelerate partnering with Iraqi forces and should link the pace of any U.S. troop withdrawals to clear criteria that includes ongoing risks to Iraqi civilians as well as their perceptions of their own security.* It is unclear whether these criteria have been a major factor in decisions thus far.

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[33] Neela Banerjee, "After Attacks, Iraqi Security Looks Unready," *New York Times,* February 16, 2004, p. A8.

The coalition should establish clear benchmarks for success on security issues, including a lowering of the violent crime rate and increasing public perceptions of security, and begin collecting and disseminating data on these issues. Troop withdrawals should not be linked to arbitrary dates or deadlines.

- *Training for Iraqis is a priority task. Coalition troops and the CPA should unify and standardize training efforts for Iraqi military and civil guard elements, increase resources devoted to this objective, and recognize that effective training is a long-term exercise that should include a focus on institution-building.*

    It is the Task Force's understanding that the CPA sets strategic policy and allocates resources for the fledgling Iraqi security forces. However, it is the Joint Task Force (JTF) military commander who is responsible for the performance of those forces. The administration should delegate to the JTF commander, in close consultation with or under the general authority of the administrator of the CPA, responsibility for allocation of these resources.

    Components of effective Iraqification must include:
    - For each U.S. division, a mission statement and commander's intent giving a high priority to training Iraqis.
    - Pairing of Iraqi security forces with deployed U.S. units, with a goal of training several dozen Iraqi battalions over the next several months.
    - Training plans and timetables.
    - Certification exercises for every Iraqi unit at the completion of the operational cycle with a U.S. unit.
    - Organizational security for Iraqi forces in terms of pay, benefits, and career.
    - Management and tracking of a written Iraqification plan, agreed to by the CPA, the JTF, and the emerging Iraqi ministries.
    - Flexibility to increase the Iraqi force size as the situation dictates.

- *Enhancement and Iraqification of intelligence collection.* Reports suggest that U.S. analysts in Iraq are receiving more and better human intelligence. An overall improvement in the security situation would help to ensure a continuation of this positive trend. The challenge is to consolidate these gains and to promote the development of Iraqi capabilities, while ensuring accountability of intelligence officials to the Iraqi political leadership. A starting point could be the establishment of joint coalition-Iraqi operations.

- *Seek the recruitment of thousands of additional constabulary forces and civil police—and in the meantime, partner U.S. troops with Iraqi police.* There are reportedly up to 1,500 police advisers in Iraq.[34] In Kosovo, by contrast, there were some 4,000 international civilian police for an area about 10 percent the size of Iraq.

    The coalition should seek the support of the UN in the recruitment of constabulary forces, international police trainers and monitors, and international civilian police who could assume executive policing functions. Such functions could also be assumed by NATO or EU troops (overall, the Task Force strongly supports an expanded NATO role).

    The Task Force appreciates that the U.S. military does not regard the training of local police as a priority military function. Moreover, we support an expansion of current police training exercises, such as those agreed to by the government of Jordan (which intends to train as many as 35,000 police over two years). However, given current limitations in Iraqi capabilities, we believe that the administration should consider having U.S. troops take on some policing roles (including deployments with Iraqi police)—and should couple that decision with a greater general commitment to preparing U.S. troops for such roles.

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[34] This figure, based on one unpublished report reviewed by the Task Force, is uncertain. Some reporting suggests that the total is far less than 1,500, and that this figure represents an unmet target.

There is strong sentiment among Task Force members that the primary problem in Iraq is political and not military: that if the United States helps the Iraqis facilitate a political construct and process that has legitimacy, then the military challenges will be far more manageable. Conversely, if we do not skillfully address the politics, no amount of improved military measures will be able to quell unrest.

In considering the nature of the political transition process, U.S. officials have confronted conflicting imperatives in Iraq, many of which have played out in other post-conflict environments in recent years. In many cases, a rapid political transition, which could include quick elections and the rapid adoption of a constitution, is not conducive to democratic development. This is because an effective political transition and a durable constitution should be the product of a careful and inclusive process of consensus-building. Such a process does not occur quickly, especially in the uncertain security environment that often follows war, and rushing the process creates a number of risks.[35] In some cases, important parties without easy access to the political process will feel excluded and may resort to violence to upset an arrangement that does not address their concerns. In other circumstances, particularly where the society is not homogeneous, the absence of a long process of consultation and consensus-building will encourage political actors to identify themselves along ethnic or religious lines.

These factors should drive policymakers to encourage an often time-consuming process of indigenous consensus-building. As a Task Force member wrote last year, "it will be up to the Iraqis themselves to establish a state after Saddam Hussein's regime falls.…[t]hey must take ownership of the constitutional outcomes before their respective polities rather than hide behind the notion of an American or UN diktat."[36] On the other hand, the United States and its coalition partners have an understandable interest in limiting the duration of the occupation. The key question is whether this can be done in a

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[35] For a detailed and sophisticated treatment of these kinds of challenges in the political transition process, see International Crisis Group, *Iraq's Constitutional Challenge,* ICG Middle East Report No. 19, November 13, 2003, available at www.crisisweb.org.

[36] John C. Hulsman and James Phillips, "Forging a Durable Post-War Political Settlement in Iraq," Heritage Foundation, Backgrounder No. 1638, updated March 7, 2003, available at http://www.heritage.org/research/middleeast/bg1632.cfm.

manner that neither rushes the overall transition process nor creates outcomes that are seen as illegitimate by many Iraqis.

This issue has bedeviled coalition officials from the outset of the post-conflict period, and the approach of the CPA has undergone a series of modifications from the first efforts in April of last year. On April 28, 2003, at a meeting organized by the United States, some 300 Iraqis agreed on a four-week timeline for a national conference to select an Iraqi interim authority. This process was strongly supported by U.S. officials, including the two senior representatives who were in attendance at the April gathering: Retired General Jay Garner (who then headed the Pentagon's Office of Reconstruction and Humanitarian Assistance and was serving as the senior U.S. civilian official in Iraq), and U.S. envoy Zalmay Khalilzad. In late May 2003, Ambassador Bremer, newly appointed as head of the CPA, indicated that the conference would be delayed until July. Then, on June 1, he said that the conference would not be held at all. He indicated that the CPA would instead appoint a political council of Iraqis.

In explaining his rationale, Ambassador Bremer indicated that his alternative would respond to the desire of Iraqis to move quickly to obtain a deal on the establishment of an interim authority. He told journalists that the "best way to get that to move ahead was to step up the pace of discussions and get to a deal fairly quickly."[37] On July 13, 2003, the Governing Council was appointed, composed of 25 Iraqis. Under the circumstances (that is, the predominant role of the CPA in choosing the new council and the speed with which Ambassador Bremer acted), the path of least resistance in deciding the Governing Council's composition was to ensure an ethnic and religious breakdown that broadly reflected Iraq as a whole. Thus, thirteen Shi'ite representatives were appointed, as well as five Sunni, five Kurds, one Christian, and one Turkmen. Women were given three seats.

By this time, the special representative of the UN secretary-general, Sergio Vieira de Mello, had arrived in Baghdad and had begun to play a significant role in the transition process. As a veteran of many UN post-conflict peace operations, Vieira de Mello was very sympathetic to the need not to rush the political process. But he also had a keen awareness that the transition, especially if it were not accompanied by early

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[37] Charles Clover, "Bremer Defends 'Big Tent' Cancellation," *Financial Times*, June 2, 2003, p. 9.

elections, would have to be seen by Iraqis as inclusive. By all accounts, he pressed Ambassador Bremer on these issues, in part by urging broader representation in the Governing Council. In addition, he effectively engaged a wide array of Iraqi actors, some of whom (such as Grand Ayatollah Ali al-Sistani) refused to meet with U.S. officials. The bombing at the UN compound in Baghdad on August 19, the tragic death of Vieira de Mello and others[38] associated with the UN presence, and the removal (if only for a temporary period) of the UN from the process complicated the tasks faced by the CPA in building support among the Iraqi people.

In the aftermath of the Baghdad bombing and in the face of continuing challenges to U.S. authority and disagreements within the Governing Council about the constitution-drafting process, U.S. officials sought to hasten the transfer of sovereignty to Iraqis. On November 15, 2003, Ambassador Bremer and the Iraqi Governing Council reached a new accord on a process for a political transition.[39] The agreement contains the following elements:

- By February 28, 2004, the Governing Council would draft a transitional law to establish basic rights and describe the structure of transitional administration.

- By the end of March 2004 the Governing Council would agree to a formal security arrangement with coalition forces.

- By the end of May 2004 Iraqis would select a Transitional National Assembly by a system of regional caucuses, pursuant to selection procedures described in the November 15 agreement.

- By the end of June 2004 the Transitional Assembly would appoint a government.

- By March 15, 2005, the transitional government would hold elections for delegates to a constitutional convention.

- By December 31, 2005, national elections would be held in accordance with the provisions of the constitution.

The plan to choose a Transitional Assembly through regional caucuses was opposed by the Shi'ite religious leader, Ayatollah Sistani, who supported early and direct elections. At the same time, aides to Ayatollah Sistani suggested his position on this issue

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[38] Among those killed in the attack was Task Force observer and Council Senior Fellow Arthur Helton, a highly effective humanitarian advocate who was deeply committed to a stable and democratic Iraq.
[39] See the CPA "Agreement on Political Process."

would be informed by the views of UN election specialists, underscoring the importance of talks between U.S. officials and the UN secretary-general about a renewed UN role in the political transition process. Such talks took place on January 19, 2004, when Ambassador Bremer and members of the Governing Council and cabinet met with UN Secretary-General Kofi Annan to discuss a further UN role. Following those discussions, the secretary-general dispatched a UN team, led by Lakhdar Brahimi, to Iraq to meet with Ayatollah Sistani and other Iraqis, as well as CPA officials, to determine what electoral and related arrangements were possible.

The report of the UN's fact-finding mission, published on February 23, 2004, addresses most of the key issues of the November 15, 2003, agreement and in the view of Task Force, fairly balances a range of difficult questions. First, the report notes that "Iraqis wholeheartedly believe that the sooner an Iraqi government is in place, the better. They do not wish to see any delay in the restoration of Iraqi sovereignty." The report further states that "[v]irtually every Iraqi with whom the mission met stressed that the date of 30 June 2004 [for the transfer of sovereignty] is a deadline that must be respected."[40] The Task Force shares this view, as the transfer of sovereignty has taken on profound political importance among Iraqis and it need not suggest any diminished U.S. commitment to engagement in postwar reconstruction and public security efforts.

Second, the UN report asserts that it would not be possible to hold fair elections before the end of 2004 and encourages the creation of institutions for interim governance in the period prior to elections.[41] Regarding the nature of those institutions, the report notes that "numerous interlocutors expressed the need to develop new ideas for a more inclusive and transparent transitional process to establish a national unity provisional government."[42] The report also indicates that "[t]he United Nations would be willing to offer its assistance to help build consensus among Iraqis on the specific powers, structure, and composition of such a provisional governance body and the process through which it could be established."[43]

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[40] "The Political Transition in Iraq: Report of the Fact-Finding mission," annex of submission from the secretary-general of the UN to the president of the UN Security Council (hereafter, UN Report), February 23, 2004, p. 11, available at http://www.un.org/News/dh/iraq/rpt-fact-finding-mission.pdf.
[41] UN report, pp. 7 and 33 (Appendix III).
[42] UN report, p. 7.
[43] UN report, p.13.

Task Force members believe that the administration should strongly encourage such a UN role and it welcomes indications that there is support for this orientation within the administration. Last year's Task Force report recommended that the UN "take responsibility in organizing (with U.S. support and assistance) the political consultative process leading to a transition to a new Iraqi government."[44] We reiterate that recommendation in this report, as we believe such a UN role could be critical in helping to create a transitional authority that would be seen as legitimate among Iraqis and less a reflection of coalition interests.

The stakes are very high. Iraq's transitional institutions, of which the transitional authority will be a key component, will establish the political framework for all that follows. It is therefore critical that the framework is based on a broad and durable political consensus.[45] To be sure, the Governing Council did reach agreement on a "basic law" in early March 2004, otherwise known as a Transitional Administrative Law. That law, the provisions of which are discussed below, is essentially an interim constitution for the period before the election of a Transitional Assembly (expected in late 2004 or early 2005) and the drafting and adoption of a "permanent" constitution. However, the Transitional Administrative Law does not specify the nature of transitional governance in the period between June 30, 2004, and the establishment of an elected government.

Thus, the UN could play an important role in the process. In considering the nature of a transitional authority, there are several possible models that UN officials, in coordination with the Bush administration, could promote. These include, *inter alia,* expanding the Iraqi Governing Council, convening a large conference of Iraqis to develop a national assembly or an executive council, or organizing a smaller meeting among a range of leaders to develop an interim executive. The Task Force is skeptical about an expansion of the Governing Council, given the limited political following of many of its members, as well as the fact that it is viewed as the creation of the CPA. We also have doubts about the benefits of a large conference, given the organizational challenges and the limited time period leading to a handover of sovereignty. We believe

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[44] "Iraq: The Day After," p. 30.
[45] For a description of this challenge provided by Ahmad Fawzi (who attended the February 12, 2004, meeting between Brahimi and Sistani), see Rajiv Chandrasekaran, "U.N. Envoy Backs Iraqi Vote," *Washington Post*, February 13, 2004, p. A1.

that it may be most advisable for UN officials, working with the CPA, to promote a smaller roundtable forum, with a view toward establishing a transitional body that could manage basic government functions, coordinate security arrangements, begin the process of preparing Iraq for elections, and reaffirm support for the basic law.

Before examining the issue of the basic law, it is useful to consider the UN's international mandate to play a leading role in the creation of a transitional authority. Although existing UN resolutions might, under other circumstances, provide the authority that the secretary-general believes he would need to become more actively involved, the tragedy of August 19 has made the institution more wary about viewing mandates in expansive terms. Thus, to ensure active involvement of the UN, the administration should consider promoting a UN Security Council resolution that authorizes such involvement and sets forth basic principles to guide the transitional process and elections.

In addition to the hand-over of sovereignty on June 30, 2004, adoption of the basic law by February 28, 2004, was another major element of the November 15, 2003, agreement that remained intact as of late February. As specified in the November 15 agreement, the basic law (termed the "fundamental law" in the agreement) was to include, *inter alia,* a bill of rights; a "federal arrangement for Iraq"; and statements on the independence of the judiciary, judicial review, political control over the security forces, and the proscription of amendments. On March 1, 2004, the Governing Council reached agreement on a detailed document with more than sixty articles, designated as the Transitional Administrative Law. Ambassador Bremer approved the Council's agreement and the law was officially signed on March 8. Although a text of the law was not available to the Task Force before publication of this report, a prior Arabic-language draft, information provided by the Bush administration, and press reports indicated that key issues were resolved as follows:[46]

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[46] This information will have been clarified by the time this report is released. The information that follows is based in part on the following press reports: Joseph Logan, "Council Agrees Interim Iraqi Constitution," *Reuters,* March 1, 2004, available at
http://www.reuters.co.uk/newsPackageArticle.jhtml?type=worldNews&storyID=467315&section=news; Rajiv Chandrasekaran, "Iraqi Council Agrees on Terms of Interim Constitution," *Washington Post,* March 1, 2004, p. A1; Reid, "Iraqis Said to Reach Agreement on Text of Interim Constitution," *Associated Press,* March 1, 2004, available at
http://www.boston.com/dailynews/060/world/Iraqis_said_to_reach_agreement:.shtml; Dexter Filkins, "Iraqis Receive U.S. Approval of Constitution," *New York Times,* March 2, 2004, p. A1.

A Federal System of Government in Iraq

The document endorses a federal system of government and provides for extensive self-rule in local areas. (Although press reports reviewed by the Task Force were not specific, a previous draft of the law indicated that the federal system would be based on geographical and historical factors.[47]) While the law prohibits militias not under national control, another provision envisions legislation that would "govern the entry of [militia members] into federal security services or transition to civilian life."[48] This second provision appears to meet Kurdish demands that *peshmerga* militia be permitted to retain their status, at least for the time being.

The document does not meet Kurdish demands for a fixed percentage of oil revenue, but it does retain "compromise language" on the sharing of oil revenue.[49] If a prior draft of the law is an indication, this may constitute a reference to income generally being divided proportionally among regions. The new law also provides for the borders of the Kurdish region to be consistent with the lands occupied by the Kurdish population prior to the outbreak of war last year.

Task Force members believe that the Transitional Administrative Law appears to establish a reasonable framework for the management of issues of concern to the Kurdish population. Although many of the more difficult issues will have to be resolved during the tenure of a transitional authority or, more likely, through the constitutional-drafting process, the law addresses basic concerns of the Kurdish population and preserves other issues (such as land claims and detailed arrangements on revenue sharing) for future negotiation.[50]

Finally, the Transitional Administration Law contains a provision that appears to give the Kurdish population considerable ability to prevent enactment of permanent

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[47] In its first report, the Task Force endorsed a "geographically based, federal system of government in Iraq." See "Iraq: The Day After," p. 30.

[48] See Filkins, "Iraqis Receive U.S. Approval."

[49] See Chandrasekaran, "Iraqi Council Agrees on Terms of Interim Constitution."

[50] For additional analysis underpinning the Task Force's perspectives on issues involving the Kurdish population, see David Phillips, "For Kurds, Peril and Opportunity," *Newsday,* February 19, 2004, available at http://www.cfr.org/publication.php?id=6784; and John Hulsman and David Phillips, "Forging a Durable Post-War Political Settlement in Iraq." (Phillips is a Task Force observer and Hulsman is a member of the Task Force.)

constitutional measures that they would deem inimical to their interests. That provision is discussed in the text accompanying notes 52–54 below.

The Political Transition

Though the document does not specify the form of the transitional authority that will assume sovereignty on June 30, 2004, it does spell out other transitional mechanisms. In particular, a Transitional Assembly, which would be elected by popular vote no later than January 31, 2005, would elect a president and two deputies, who would, in turn, choose a prime minister. The Transitional Assembly would be charged with adopting a permanent constitution. Reports indicate that 25 percent of the seats in the Transitional Assembly would be set aside for women.

The Role of Sharia

The document designates Islam as the official religion of Iraq. It also specifies that Islam will be "a source" of legislation (but not "the" source, as some members of the Governing Council had reportedly advocated).

Human Rights

The transitional law includes strong guarantees such as freedom of religion, speech, and assembly, though human rights advocates have expressed concerns that its provisions on women's rights are not sufficiently broad to prevent discrimination.[51]

The Transitional Administrative Law represents a significant accomplishment for the people of Iraq and for U.S. policy. Major actors in the political system, especially Kurdish leaders, were unprepared to participate in the political transition without some understanding and agreement on basic constitutional parameters. This required a document of some specificity, despite the fact that the Governing Council officials involved in drafting the law were operating with a relatively fragile mandate.

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[51] Human Rights Watch urges that a permanent constitution include more comprehensive provisions. See Human Rights Watch press release, "Iraq: Interim Constitution Shortchanges Women," available at http://hrw.org/english/docs/2004/03/05/iraq7936_txt.htm.

At the same time, a delay of several days in signing the document revealed the need for continued efforts at consensus-building and political flexibility throughout the transition process. Agreement on the Transitional Administrative Law had initially been reached on March 1, 2004, and a signing ceremony had been scheduled for Friday, March 5.[52] However, five Shi'ite members of the Governing Council initially refused to sign the document, after reports that Ayatollah Sistani had objected to two elements in the law.[53] One provides for adoption of a permanent Iraqi constitution if approved by a majority of Iraqi voters, unless a two-thirds majority in each of at least three provinces objects. This was widely seen as a provision designed to ensure Kurdish support for the Transitional Administrative Law. The second provides for a single president and two deputy presidents, and reports indicated that Shi'ite members of the Governing Council were opposed to this provision based on concerns that their power would be diluted. They reportedly preferred a five-member presidency, on the assumption that three of the members would be from the Shi'ite community.[54]

Despite their reservations, the Shi'ite members agreed to the document, and the current expectation is that the Transitional Administrative Law will be in effect until adoption of a permanent constitution. At the same time, as reflected in a statement by Governing Council member Ahmed Chalabi, adoption of the law hardly puts an end to politics during the transition process. After agreeing to sign the document on March 8, Chalabi said, "Our signature is linked to our reservations which must be addressed in the future."[55]

These events demonstrate that management of the transition process between now and elections for a Transitional Assembly will be a very complicated undertaking. The challenge will be to broaden and deepen a relatively fragile political consensus, reflected in the Transitional Administrative Law, in support of the rule of law and human rights,

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[52] A March 3, 2004, signing date had been postponed due to a mourning period after bomb attacks against the Shi'a community resulted in the deaths of more than 180 Iraqis.
[53] Dexter Filkins, "Shi'ites Hold Intense Talks over Impasse on Charter," *New York Times,* March 7, 2004, available at http://www.nytimes.com/2004/03/07/international/middleeast/07IRAQ.html.
[54] Chandrasekaran, "Iraqi Shi'ites Say Agreement Near," *Washington Post,* March 7, 2004, p. A20; also see Chandrasekaran, "Iraq Council Signs Interim Constitution: Powerful Shiite Cleric Criticizes New Law," *Washington Post*, March 8, 2004, available at http://www.washingtonpost.com/wp-dyn/articles/A39476-2004Mar8.html.
[55] See Chandrasekaran, "Iraq Council."

federalism, the sharing of resources among regions, and other elements that will promote democracy, national unity, and stability. As we have indicated, the UN should play a leading role in managing this process, to help ensure its acceptance by the Iraqi people. If this occurs, UN officials will have to make a range of judgments over time about the requirements for an effective and inclusive transition process.

Finally, the November 15, 2003, agreement calls for an agreement between the CPA and the Governing Council on the status of coalition forces after the transfer of sovereignty. However, reports indicate that Governing Council members have said that any such agreement can be made only with the transitional authority, which has yet to be established. The Task Force does not regard this as an insurmountable obstacle, especially given the keen interest of Iraqis in sustaining a coalition troop presence. We believe the issue could be negotiated between the coalition and a newly formed transitional authority prior to a handover of sovereignty and could also be ratified by a UN Security Council resolution.

Members of the Task Force believe that heightened UN involvement in the political transition process, as we recommend, would foster additional UN involvement and support on other important implementation issues. To be sure, full re-engagement would require assurances that UN staff would be provided with adequate security. Nonetheless, the Bush administration should be encouraging UN officials to consider engagement (or re-engagement, in some cases), in areas such as the following:

- *Recruitment of constabulary forces and international civilian police.* As indicated above, the coalition would benefit from constabulary forces, which bridge the gap between military forces and police, as well as by the introduction of international civilian police and police monitors. Thus far, the coalition has had only very limited success in recruitment of such forces. UN officials have developed expertise, as well as contacts with governments, and could be helpful in this area. Officials should explore with the UN officials the possibility of obtaining their assistance.

- *Administration of justice and the rule of law.* Reports indicate that although some progress has been made in this area, ordinary courts are overwhelmed, there are significant requirements for external support, and the CPA is far from recruiting the number of experts necessary for assisting Iraqi institutions. Requirements relate to a broad range of activities, including criminal court operation, prison department supervision, anti-corruption efforts, establishment of a public defender, judicial training, legal and judicial education, and others. UN officials could play a role in assisting the coalition in these and other critical areas.

- *Human rights, including the rights and roles of women.* The late special representative of the UN secretary-general, Sergio Vieira de Mello, was also the UN high commissioner for human rights, and he promoted a broad range of human rights activities during his tenure in Baghdad. Currently, the Office of the High Commissioner is organizing two training programs for officials of the Iraqi Ministry of Human Rights. In conjunction with other UN agencies, the office is also putting together a workshop on the role of human rights in Iraq's reconstruction. U.S. officials should encourage an expansion of such activities, to include the establishment of a National Human Rights Commission and the adoption of an Iraqi national human rights plan of action. In addition, the Bush administration should encourage consultation by the Iraqi Governing Council with relevant ministries, including the Ministry of Human Rights, when drafting decisions impacting human rights. This would empower national institutions. Finally, the High Commissioner's Office should be encouraged to provide advice on issues of transitional justice and, in particular, the Iraqi Tribunal.

The tribunal is likely to assume increasing importance in the weeks and months to come, as how Iraqis deal with past crimes will be very important for establishing the rule of law in Iraq and for portraying effectively the horrific acts of Saddam Hussein. As it should, the law establishing the tribunal provides that Iraqis will play leading roles. But concerns have been raised about certain elements of the law establishing the tribunal, including due process standards that appear to be lacking. The administration should encourage Iraqi authorities to

address these issues and to invite international participation of jurists in trials, as the tribunal law permits. In the context of a judicial system that was compromised and badly damaged during the reign of Saddam Hussein, such participation would both enhance capacity and ensure broader acceptance of the process.

Despite coalition efforts to promote the rights of women in the economic and political life of Iraq,[56] women—who make up about 55 percent of the Iraqi population—are under-represented in institutions that will play the most critical roles in the political transition process. The United Nations has many years of experience in promoting women's involvement in political and economic development and can do so with a degree of international credibility not enjoyed by individual governments. This could include, for example, technical assistance on modification of provisions that act as an impediment to women's employment and participation in the life of their country.

Recommendations

To obtain a meaningful and effective role for the United Nations and ensure a broad process of consultation among Iraqis, the Task Force recommends:

- *UN lead in creating transitional authority.* The administration should accept the UN's offer of assistance "to help build consensus among Iraqis on the specific powers, structure, and composition of a provisional governance body and the process through which it could be established."[57] In particular, the UN should take responsibility for developing, with U.S. support and assistance and in conjunction with Iraqis, the process for creating a transitional authority, procedures for elections, and other institutions related to the transition. This will help to ensure a more credible exercise that is accepted by most, if not all, important Iraqi political actors.

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[56] See, e.g., USAID's efforts in Hilla, at http://www.usaid.gov/stories/iraq/fp_iraq_iraqwomencenter.html.
[57] UN Report, p. 13.

- *Transitional authority model that the UN should promote.* The United Nations, with the support of U.S. officials, should convene a roundtable meeting of Iraqis representing a broad cross-section of the population, with a view toward establishing a transitional executive body that could manage basic government functions, coordinate security arrangements, and begin the process of preparing Iraq for elections.

- *Security Council resolution.* The administration should work closely with other governments and UN officials to promote a UN Security Council resolution that would authorize a UN role in creating a transitional authority. The UNSC should also endorse, possibly in a subsequent resolution, the transitional authority, as well as the process leading to adoption of a constitution and elections. Such a resolution could also address the continuing security role played by coalition forces after June 30, 2004, address the relationship between foreign governments and the Iraqi transitional authority, provide for executive policing authority for international civilian police, and endorse protection of the fundamental human rights of all Iraqis.

- *Other areas of UN involvement.* The administration should take advantage of the improved climate in U.S.-UN relations to promote actively the re-engagement of the UN on issues such as technical assistance relating to the administration of justice and human rights, including the rights of women.

The transfer of sovereignty in Iraq is likely to create the perception among many Americans and among some U.S. political leaders that the United States has turned the corner in Iraq—and can begin to phase out its involvement. In fact, Iraq is entering an exceptionally challenging and dangerous phase, and sustained and determined U.S. engagement will be essential in the months and years to come. At a time when involvement in Iraq risks becoming a partisan political issue, it is incumbent upon President Bush and senior U.S. political leaders to reaffirm the willingness of the U.S. government to sustain its financial as well as military commitment, and to enhance the American performance on important security, political, and economic assistance issues. In doing so, the United States will promote its critical national security interests and keep faith with the Iraqi people.

ADDITIONAL VIEW

Regarding formation of the Governing Council, discussed in the section on the political transition process, the abrupt abandonment of the policy of convening a national conference at which Iraqis would select (or nominate) members of an interim authority, in favor of a U.S.-appointed Governing Council structured along sectarian and ethnic lines, has institutionalized divisions rather than established a political process to surmount them. This structural flaw has hobbled the Governing Council and diluted its effectiveness, just as it has weighed against accomplishing the objectives that the United States set for the transition period ending on June 30, 2004. Future U.S. actions in Iraq should be directed away from entrenching social divisions and toward building political consensus.

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Note: Task Force members participate in their own individual and not institutional capacities.

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Note: Task Force members participate in their own individual and not institutional capacities.   47

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