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Post-War Iraq: Potential Issues Raised by Previous Occupation and Peacekeeping Experiences

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Summary

In the immediate aftermath of the coalition victory in Iraq, U.S. policymakers face a number of decisions regarding security and government in post-war Iraq. While there are significant differences between the Iraq situation and other post-war experiences, observations and “lessons learned” from such experiences might be relevant. This report will discuss six security and governance issues raised by previous experiences, with particular reference to U.S. post-World War II occupation experiences and also peacekeeping experiences in the Balkans and Afghanistan. It may be updated as new issues arise for which assessments of previous experiences might be useful.

Previous experience suggests three key decisions on security in post-war Iraq which policymakers must take. These are: (1) what security tasks must be performed, (2) who should perform them, and (3) how large should an occupation military force be, and how long should it remain? Many tasks must be performed in order to guarantee the security of citizens and property in the post-conflict environment, several of which require “constabulary” forces, i.e., those possessing both military and policing skills. In previous major U.S. occupations, U.S. soldiers initially performed most policing tasks, turning them over to indigenous police as the situation allowed. In the 1990s, peacekeepers increasingly assumed policing functions as the need to guarantee security for property and citizens in the aftermath of conflict became apparent. Many analysts have argued that policing functions are not appropriate for U.S. forces, as they can erode warfighting and many also believe that appropriately trained civilian police are often preferable. The lack of such personnel, however, has been a problem in current peacekeeping operations. The size of an occupation force, and the length of time that it should remain in place during an occupation government depends on many factors, including in particular the tasks it undertakes and the cooperation it receives from Iraqis.

Policymakers must also decide what type of assistance to provide Iraq in creating a new government and supporting institutions to fill the power vacuum left by the fall of the Hussein government. Three issues are: (1) who should form a post-war government for Iraq, (2) what are the possibilities of and means to achieving democracy in Iraq, and (3) how long is a peacebuilding presence necessary? While the U.S. government has taken charge of the formation of a new Iraqi government, with the intent of encouraging the creation of democratic institutions and practices, some analysts believe that the possibilities for creating a viable and democratic Iraqi government would be enhanced if the United Nations were to assume that role. Some senior U.S. officials had contemplated an occupation of some two years, which some experience suggests may be inadequate to create stable institutions. Studies of past peacekeeping experiences point to the special need for considerable attention to building capacities to assure the rule of law, conducting elections at an appropriate time, and possibly providing for interim powersharing arrangements. Some have also advocated creating or supporting channels for political participation by civic society and local groups.

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Post-War Iraq: Potential Issues Raised by Previous Occupation and Peacekeeping Experiences

In the immediate aftermath of a coalition victory against the government of Saddam Hussein, U.S. policymakers are faced with decisions for which experiences from past U.S. occupations and international peacekeeping — more specifically “peacebuilding” — may provide some guidance.¹ The Iraq case, as all cases, is in many ways unique, and the conditions that will prevail in a post-conflict Iraq are as yet unclear. Still, there may be similarities in the requirements for and problems inherent in (1) ensuring stability and (2) building a new government in post-war Iraq.²

For the transition to a new Iraqi government, analysts have looked at a variety of experiences to inform policies and implementing organizations, and to anticipate possible outcomes. Some analysts have examined United States occupation experiences, in particular the successful democratization experiences after World War II in Japan and Germany as examples of what the United States can accomplish when a repressive government has been defeated and the United States has the power to fill the political vacuum. Other analysts believe that comparisons to recent

¹ “Peacekeeping” is often used as a broad, generic term to describe the many activities that the United Nations and other international and national organizations or coalitions undertake to promote, maintain, enforce, or enhance the possibilities for peace, and it is generally used as such in CRS products. As defined in the 2000 U.N. “Brahimi Report,” the term “peacekeeping” refers to one subset of peace operations, i.e., “a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars.” Another subset, “peacebuilding,” is defined in the same report as “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.” These activities include but are not limited to “reintegrating former combatants into civilian society, strengthening the rule of law (for example through training and restructuring of local police, and judicial and penal reform); improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development (including electoral assistance and support for the free media); and promoting conflict resolution and reconciliation techniques.” United Nations. Secretary General. Report of the Panel on United Nations Peace Operations. Identical letters [transmitting the report] dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council. (United Nations document A/55/305-S/2000/809). pp 2-3.

² Two other immediate tasks are the delivery of massive humanitarian aid to Iraqis, and the development of plans and funding sources for economic reconstruction. For information on these subjects, see CRS Report RL31814, *Humanitarian Issues in Post-War Iraq: An Overview for Congress*, by (name redacted), and CRS Report RS21454, *Iraq: Potential Post-War Foreign Aid Issues*, by (name redacted).

international peacekeeping operations, from the 1990s to the present are more relevant. Most peacekeeping operations have been conducted as part of the settlement of a civil war, unlike in Iraq, but many of them have grappled with the problems of resolving deep rooted sectarian differences. The existence of such ethnic, tribal, and religious differences in Iraq, among Arabs of the Sunni and Shiite Muslim sects, Muslims of Kurdish ethnic origin, and Christians, lead some analysts to believe that policymakers will have much to learn in formulating security and governance policies for post-Hussein Iraq from experiences in Bosnia and Kosovo, where ethnic tensions triggered a civil war after the breakup of Yugoslavia in 1991. Many also look to Afghanistan, where longstanding ethnic tensions have continued to produce armed conflict, even after U.S. military action in 2001 installed a new multi-ethnic interim government. Some analysts also believe that lessons from efforts to promote democracy — often undertaken as a peacebuilding component of a peacekeeping operation — may help planners enhance the possibilities for a stable and representative, if not democratic Iraqi government.

This paper will discuss six salient issues raised by past occupation and peacekeeping operations for current decisionmaking in Iraq, with particular reference to the post World War II U.S. occupation experiences and to peacekeeping operations in the Balkans and Afghanistan. Three security issues that need to be addressed are: (1) what security tasks must be performed, (2) who should perform them, and (3) how large should an occupation military force be, and how long should it remain? Three governance issues that also must be decided are: (1) who should form a post-war government for Iraq, (2) how long is a peacekeeping presence necessary, and (3) what are the possibilities of and means to achieving democracy in Iraq?

Experience from previous peacekeeping operations suggests that policymakers may wish to address these issues quickly. A 2002 top level United Nations review of its peacekeeping operations concluded that the first six to 12 weeks after a ceasefire or peace accord took effect were “often the most critical ones for establishing both a stable peace and the credibility of a new operation. Opportunities lost during that period are hard to regain.”³

Security Issues

One of the most important and contentious issues of any post-conflict operation is who will undertake what security tasks. The importance of immediately ensuring adequate security is a constant theme of post-conflict literature. There is considerable acknowledgment that a failure to provide enough properly equipped troops and police, with an appropriate use of force mandate, can complicate post-conflict operations enormously and usually prolong them. Most importantly, a failure to guarantee stability is often viewed as a serious impediment the establishment of a legitimate and effective government.⁴ According to one analyst, “the security

³ The Brahimi Report. op.cit., p xi.

⁴ A recent report cites security as the “sine qua non” of a successful post-conflict operation.
(continued...)

dilemma remains a major problem, both in the short term during the transition from war to building shared political institutions, and later, as the new government tries to cope with its very substantial problems.”⁵

In Iraq, some citizens have already expressed disillusionment with the United States, faulting the U.S. military for failing to assign personnel immediately to prevent the looting and killings of Iraqis by Iraqis that accompanied the coalition takeovers of Baghdad and some other major cities.⁶ In the weeks before the coalition action in Iraq, many analysts pointed to a need to place a high priority on providing security in a post-conflict Iraq. One “think tank” report on Iraq stated that security needs in the post-war period “cannot be underestimated.”⁷ Another stated that U.S. and coalition forces would need “to pivot quickly from combat to peacekeeping operations in order to prevent post-conflict Iraq from descending into anarchy.”⁸

Lack of adequate security has been cited as a key problem in many peacekeeping operations. Most recently, many analysts have faulted the ad hoc coalition peacekeeping force in Afghanistan, where a vice president was assassinated in July 2002. There, many analysts argue, the legitimacy of the interim government of Hamid Karzai has been substantially eroded as the relatively small peacekeeping force of 7,000 troops (from a fluctuating group of about 20 nations) deployed only in and around Kabul, has been unable to protect the Afghani population against bandits and warlords. Earlier, the lack of adequate military force, complicated by the lack of a mandate to use force except in self-defense, also has been cited as an important factor in the failure of the 1992-1995 U.N. peacekeeping operation in Bosnia,⁹ where Serbian forces slaughtered Muslims who had sought refuge in UN-established “safe havens.” The lack of security, in particular a lack of constabulary

⁴ (...continued)

Bi-Partisan Commission on Post-Conflict Reconstruction. Final Report. *Play to Win*. Center for Strategic and International Studies (CSIS) and the Association of the U.S. Army (AUSA), January 2003. Available through the CSIS website.

⁵ Roy Licklider. Obstacles to Peace Settlements, in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, eds., *Turbulent Peace: The Challenges of Managing International Conflict*. Washington, D.C.: United States Institute of Peace, 2001. p 705.

⁶ Many analysts, and human rights groups, state that the United States, as an occupying power, is bound by the Fourth Geneva Convention to provide security in Iraq.

⁷ Frederick D. Barton and Bathsheba N. Crocker. *A Wiser Peace: An Action Strategy for a Post-Conflict Iraq*. Center for Strategic and International Studies. January 2003. Available through the CSIS website.

⁸ Edward P. Djerejian and Frank G. Wisner, co-chairs, Independent Working Group. *Guiding Principles for U.S. Post-Conflict Policy in Iraq*. Cosponsored by the Council on Foreign Relations and the James A. Baker III Institute for Public Policy of Rice University. January 2003. p 5. Available through the Council on Foreign Relations website.

⁹ Dennis C. Jett. *Why Peacekeeping Fails*. New York: St. Martin’s Press, 1999. p 40; Michael W. Doyle, *War Making, Peace Making, and the United Nations*, in *Turbulent Peace, op.cit.*, pp 535-536.

forces (i.e., military police or policemen with military training) is also cited as a problem with the current NATO peacekeeping operations in Bosnia and Kosovo.¹⁰

What Security Tasks Must Be Performed?

In post-conflict situations, military forces — including U.S. forces — have performed many different kinds of security tasks,¹¹ most of which would apply to Iraq. At least 12 broad tasks (each of which has many different components) have been cited as necessary to ensure security in post conflict settings. About five of these are considered largely military tasks, including to 1) protect humanitarian relief workers; (2) disarm and demobilize unwanted or unneeded military personnel; (3) demine national territory; (4) protect borders against intruders; and (5) contain the ambitions for power of armed local, regional, religious, or ethnic leaders (known in some cases as “warlords”) who would seek to disrupt the establishment of the new regime.

The remaining seven tasks are viewed as mainly requiring police skills, although military might, influence, organizational structure, matériel, and skills are often required to carry them out in the immediate aftermath of conflict, when violence is still high.¹² Of these, the three that most often require a combination of military and police attributes are to: (1) block reprisal killings and recrimination actions, the latter

¹⁰ For instance, according to one analyst: “In some cases, notably Bosnia, East Timor, Kosovo, and Sierra Leone, maintaining a proactive and flexible military and police presence is critical to the creation of a durable peace. Bosnia has shown, for example, that sustaining the peace process can require peacekeeping troops to engage in what might be termed non-military activities, for example, arresting indicted war criminals and combating organized crime syndicates that had their roots in the war economy. Similarly, in countries where ‘negotiated’ settlements have essentially been imposed on warring parties — Angola, Bosnia, Kosovo, and Sierra Leone — events have demonstrated that peacekeepers must be prepared to actively keep the peace in order to promote the rule of law in post-conflict societies.” Nicolle Ball, *The Challenge of Rebuilding War-Torn Societies*, in *Turbulent Peace*, *op. cit.*, pp 727-728.

¹¹ There are also tasks that may be related to security, such as rebuilding vital infrastructure, which the U.S. military may be called upon to perform, especially in the early post-conflict period. The U.S. Army War College has compiled a matrix of 135 individual “essential tasks” for an occupation, about 100 of which would be carried out at least initially by the coalition military forces. See Conrad C. Crane and W. Andrew Terrill. *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post-Conflict Scenario*. Carlisle Barracks, PA: U.S. Army War College Strategic Studies Institute. February 2003. Available through the U.S. Army War College website.

¹² The military’s organizational and matériel advantages were detailed by one analyst: “Soldiers....arrive in organized groups with vehicles, communications and their own security. They can cover an area like a blanket with a systematic command, control and intelligence network. And they have the capacity to stifle violence, permitting cooperation to take root. However they are not effective at cultivating cooperation, because they lack the core therapeutic peacebuilding skills that will help relationships grow again between hostile communities.” David Last. *Organizing for Effective Peacebuilding*, in Tom Woodhouse and Oliver Ramsbotham. *Peacekeeping and Conflict Resolution*. London: Frank Cass, 2000. p 90.

of which may require crowd control; (2) control arms and confiscate illegal weapons; and (3) arrest and try war criminals. Four other tasks which usually fall to the police, although military intelligence and trainers may assist in their performance, are: (1) dismantle criminal networks (sometimes involving local police and government officials); (2) undertake police and security force reform; (3) promote concepts of human rights, and (4) protect civilians and property from common crime.¹³ Especially in early post-conflict situations, protecting civilians and property from common crime may require a mix of military and policing skills.

Analysts cite most of these tasks as necessary for maintaining security in post-conflict Iraq. The exception, thus far, is that no one has reported the existence within the Iraq security forces and in Hussein's Baath political party of the type of organized criminal network that exists in Bosnia. There, some political leaders and alleged war criminals are believed to belong to the network, which engages in counterband smuggling. Also, at times, local police have refused requests to act against criminals because, some analysts believe, the police are accomplices. This linkage between political and criminal groups did not develop, or at least surface, however, until after Bosnia's nationalist leaders had attained power. Only now, over seven years after NATO forces initiated peacekeeping operations in Bosnia, are the intelligence and legal systems in place to begin to crack this network.¹⁴

Who Should Perform Them?

One crucial issue for U.S. policymakers will be who is to perform these tasks, particularly if U.S. armed forces do not? The Bush Administration's repeated assertions that the U.S. military will remain only as long as necessary, preferably for a limited period, and the possibility that U.S. forces might be needed in other theaters, raises the question of whether the United States military might leave while a military force is still required. Related questions are when and to what degree Iraqi military and police, and possibly U.S. contracted or international police, partner with U.S. forces or take over the various security tasks. (Within days after the fall of Baghdad, the United States called for Iraqi police to register themselves for a possible return to duty after vetting.)

Military Forces. In past occupations and peace operations, these security tasks have been handled in different ways. In Germany and Japan, for instance U.S. and allied military forces provided total security at the outset, gradually handing policing tasks over to vetted indigenous police forces, who took over both normal policing and constabulary roles. Over the past decade, however, there has been some controversy over the use of U.S. forces in peacekeeping operations for any tasks

¹³ One analyst noted that the short-run social and economic dislocations resulting from economic liberalization and structural adjustment programs introduced by international organizations in post-conflict societies led to sharp increases in criminal violence. In El Salvador, he stated, society experienced greater violence during post-war years than war years, due to the high levels of criminal activity. Roland Paris. *Wilson's Ghost: The Faulty Assumptions of Postconflict Peacebuilding*, in *Turbulent Peace. op.cit.*, pp 770-771.

¹⁴ Michael Dziedzic, in remarks before the United Nations Association of the National Capital Area, April 8, 2003.

except the protection of humanitarian relief workers and the containment of warlords.¹⁵

In the early 1990s, the United Nations organized peacekeeping forces with troop (and later police) contributions from member states to undertake several of these tasks. The UN's inability to establish a stable environment in several operations, most particularly in the Balkans in the early 1990s, led most analysts to conclude that the United Nations, as currently structured, lacks the capacity to carry out the type of military activities that are necessary to keep the peace in hostile and potentially hostile environments.

Since 1995, operations in such environments have been carried out by the military forces of NATO, as in Bosnia and Kosovo, or "coalitions of the willing," i.e., U.N. sanctioned multilateral forces, as in Afghanistan. Some analysts have suggested that NATO might take on a security role in Iraq. Given international tensions surrounding U.S. military action in Iraq, particularly disagreements with NATO members France and Germany, however, other nations may prove unwilling, even in the long-term, to provide troops to supplement or replace U.S. forces in the post-war period.

Police Forces. The potential disadvantages of a continuing use of military forces have led military planners to give special consideration to determining the point when conditions existed for constabulary and police forces to begin to assume security tasks. While military forces are viewed as necessary in the early post-conflict periods, they can sometimes prove counterproductive. "If a single soldier errs by using excessive force, the entire mission can be placed in jeopardy because local consent may be squandered," wrote one military officer.¹⁶ According to another analyst, an "excessive security presence or the wrong type of presence can be provocative and dangerous. After violence has been contained the visibility of armed security forces indicates problems and dysfunction."¹⁷

Over the past decade, experiences in peacekeeping operations have been combed for lessons that might be learned regarding the appropriate timing and mix of forces to use to perform security tasks. Increasingly, those analyzing and planning peacekeeping operations have argued for a range of different kinds of forces carrying out different roles. In the words of one analyst: "Military forces are effective at guaranteeing security against military opposition. They are much less effective against riots and civilian disturbances like the ones experienced in Bosnia as the refugees tried to go home....They are impotent in the face of bricks through windows

¹⁵ Since the early 1990s, the performance of many of these tasks by U.S. troops has been highly controversial. Some military analysts argue that they are inappropriate for U.S. soldiers because such tasks dull their warfighting edge. See CRS Issue Brief IB94040 (Peacekeeping: Issues of U.S. Military Involvement) for more information on this debate.

¹⁶ Michael Dziedzic. *Introduction* in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg. *Policing the New World Disorder: Peace Operations and Public Security*. Washington, D.C.: National Defense University Press, 1998. p 9.

¹⁷ Last, *op.cit.*, p 83.

or threatening calls in the night. So we need a spectrum of forces to bring violence under control.”¹⁸

In addition to the military forces and military police contributed by many countries to peacekeeping operations, several other types of forces have been used to provide security. Two types of international forces have been important: (1) the constabulary forces of other countries, in particular the *carabinieri* of Italy and the *gendarmes* of France, and (2) the U.N. CIVPOLs, i.e., police contributed through the U.N. civilian police mechanism that recruits active duty or retired policemen from member states to serve in an international police force. (International CIVPOLs monitor, assist, mentor and train local police. On occasion, they may mediate local disputes, and ensure public order. They may call on military forces when necessary.) Often, vetted local police forces have also been used to provide security under international oversight,¹⁹ and sometimes reconstructed military forces have also been used.

Studies and experiences suggest the importance of a coordinated, overlapping sharing of powers among military, paramilitary, and international and domestic police forces, with the first three phasing out as levels of violence diminish.²⁰ In particular, the need to provide constabulary forces to handle crowds of civilians became more and more recognized in peacekeeping operations. “Organized in platoons and companies along military lines, [such] paramilitary forces deal with large-scale civil disturbances and with armed and organized criminal elements. To avoid embroiling heavily armed troops in crowd control, the U.N. Transitional Authority in Eastern Slavonia (UNTAES) included a Polish riot-control company [i.e., military unit]. In Bosnia, the NATO peacekeeping Stabilization Force (SFOR) developed the Multinational Specialized Unit (MSU) [a paramilitary unit] including police and paramilitary Italian *Carabinieri*.”²¹ Subsequently, in Kosovo, a similar

¹⁸ Last, *op.cit.*, p 84.

¹⁹ In many operations, the U.N. or other international civilian police missions were not granted authority to arrest or detain suspects. This created problems, especially where local police forces would not take action. For instance: “When the local police obstruct the process or violate agreements, as the Serb Republic police did in Banja Luka in 1998 [and subsequently in other places in Bosnia], the international police monitors may call upon the military force to shut down a police station, seize illegal weapons, or take action to ensure public safety. The international military force is the backup that helps to force violence down to levels where effective civilian police can handle it.” Last, *op. cit.*, p 84. The problems created by U.N. CIVPOLs lack of power to detain and arrest crime suspects was addressed in Kosovo, where U.N. CIVPOL forces were mandated such powers.

²⁰ Last, *op cit.*, designed a chart (Figure 3, p 94, based on the concepts of Dziedzic, *op.cit.*) illustrating a sequencing of security force presences. According to Last: “This sequence implies a deliberate but gradual reduction in the international presence. Violence is brought under control early on by a concerted effort from police, paramilitary and military forces. As local institutions develop, local civilian police can take over the control of violence through community policing. Locals gradually take over the process of building relationships between formerly hostile communities.”

²¹ Last. *op.cit.*, p 84.

unit was incorporated into NATO's Kosovo peacekeeping force (KFOR), and the United Nations deployed civilian constabulary Special Police Units (SPU).²²

These experiences also have led many analysts to argue for the strengthening of the UNCIVPOL, or CIVPOL-like units to carry out tasks that are widely viewed as difficult or even inappropriate for military forces, and which local police forces may not be able to carry out. The National Defense University's Institute for International and Strategic Studies (IISS) in 1998 identified a security "deployment gap" resulting from an inadequate law enforcement presence on the ground in several peacekeeping operations. This gap left military forces as the only source of enforcing order early in an intervention, and made CIVPOL dependent for credibility as a capable force on a military backup. The IISS report attributed this gap to the lack of "significant surge capability, international mobility, or experience in operating beyond national borders." It suggested remedies to "narrow" the gap. These included (1) strengthening the capacity of the international community to mobilize CIVPOL personnel, either by creating a standby force of trained CIVPOL personnel and making adjustments in training and organization to make them more effective, and (2) preparing the military to discharge police functions during a transition period "until the security environment has been sufficiently stabilized and the CIVPOL contingent has become operational."²³ Recent recommendations for post-conflict policy in Iraq include military constabulary forces, special police constabulary units, and U.N. CIVPOLs as components of security forces.²⁴

Recent publications note continuing problems with CIVPOL deployments, including "a shortage of properly trained and experienced police officers and the lack of adequate logistical support."²⁵ Presidential Decision Directive 71, issued by the

²² Robert Perito. *Establishing the Rule of Law in Iraq*. Washington, D.C. United States Institute of Peace, April 2003. p 13. This report is accessible through the USIP website.

²³ Oakley, *et al.*, *op.cit.*, pp 513-524.

²⁴ Two think tank reports, *A Wiser Peace*, *op.cit.* (pp 14-15, 22) and *Iraq: The Day After* recommend the deployment of U.N. CIVPOLs. (Eric P. Schwartz, project director. *Iraq: The Day After*. Report of an Independent Task Force on Post-Conflict Iraq sponsored by the Council on Foreign Relations. Thomas R. Pickering and James R. Schlesinger, co-chairs. March 12, 2003. pp 30-31. Accessible through the Council on Foreign Relations website.) *A Wiser Peace* recommends that a vetted Iraqi police force be overseen by a U.N. CIVPOL, which would "supplement" rather than replace the Iraqi police. It also recommends a combination of a special policing force and a transitional security force (TSP), i.e., a core force of U.S. military troops that "is effectively prepared, mandated, and staffed to handle post-conflict civil service security needs, including the need for constabulary forces" and would augment and oversee civil policing efforts at the provincial and local levels, and would assist with security for humanitarian and emergency relief efforts. A third think tank report, Perito, *op.cit.*, recommends the establishment of special civilian police constabulary units such as the United Nations has deployed in Kosovo. "to respond rapidly to major challenges to public order." p 13.

²⁵ William Lewis, Edward Marks, and Robert Perito. *Enhancing International Civilian Police in Peace Operations*. Washington, D.C.: United States Institute of Peace, April 22, 2002, p 1. This USIP special report also discusses PDD-71. It is accessible through the USIP website. Also see *The Clinton Administration White Paper on Peace Operations* at (continued...)

Clinton Administration in February 2000 but never put into effect, attempted to provide a framework for strengthening U.S. and international CIVPOL capabilities and related police and justice institutions. H.R. 1414, introduced by Representatives McGovern and Houghton on March 25, 2003, proposes that the United States encourage negotiations with the United Nations and U.N. member states to establish a U.N. civilian police corps.

Military Occupation Forces: How Large? How Long?

The size of a military occupation force, and the length of time that it should remain in place in support of an occupation government depends on many factors. The situation in Iraq is not yet clear, but two decisive factors may be the range and scope of tasks that military forces will be assigned, and the degree to which the Iraqi citizenry, police forces, and remaining military forces are willing to cooperate with the occupiers.

Numerous estimates of the size of the necessary occupation force have been put forward over the last several months. A February 2003 U.S. Army War College publication cites an initial projection of 100,000 troops, although it cautions that projections “of actual troop numbers remain highly speculative until the actual postwar situation becomes clear.”²⁶ This figure conforms to a mid-2002 estimate of the U.S. Army Center of Military History that 100,000 troops would be needed for a peacekeeping force in Iraq if the peacekeepers were to carry out the full range of tasks of an occupation force such as was provided in Germany and Japan after World War II, throughout the country.²⁷ These tasks would include providing emergency humanitarian relief, assisting with reconstruction, and administering Iraq on an interim basis. Conditions were somewhat different in Germany and Japan than they

²⁵ (...continued)

[<http://www.fas.org/irp/offdocs/pdd/pdd-71-4.htm>]. *A Wiser Peace, op.cit.* (p 22) also notes the difficulties of past U.N. CIVPOLs, assessing the record of “recent, large-scale CIVPOL deployments in Bosnia, Kosovo, and East Timor” as “mixed at best. Bringing in substantial numbers of CIVPOL to bolster local law enforcement capacity has been resource-intensive and extremely slow going. International CIVPOL have generally tended to be poorly trained, poorly equipped, undermanned, and under-resourced.” To address this issue, *Play to Win, op.cit.*, recommends that Congress expand U.S. authority and capacity to train indigenous police forces by replacing Section 660 of the Foreign Assistance Act of 1961, which restricts foreign police training, and that the Administration “should better utilize the often ignored 1996 ‘post-conflict waiver’...” (p 12 of the web version of the executive summary.)

²⁶ Crane and Terrill, *op.cit.*, p 33.

²⁷ The survey was presented in a July 2002 briefing to the Army’s director of transformation. Study: New Demands Could Tax Military. *The Washington Post*, September 23, 2002. The Center based its preliminary estimate on the size and tasks of 16 20th century U.S. military operations, including Japan and Germany. According to the Center’s figures, in Japan, where the United States remained for six years and eight months, the size of the occupation force had a peak level of 386,000 in November 1945, but dropped to 160,000 by May 1946; in Germany, where the United States remained about four years to administer its sector of occupied Germany, the size of the force dropped from 1.6 million in May 1945 to 278,000 in 1946, 119,000 in 1947, and 79,000 by 1950.

may be in Iraq, however, as there was virtually no resistance to the U.S. occupation, and cooperation from local police forces was high.

Other estimates span a wide range above and below that figure. In testimony before the Senate Foreign Relations Committee (August 1, 2002), retired U.S. Army Colonel Scott Feil suggested 75,000 as the number of forces that should remain. The Heritage Foundation, which argues that U.S. troops should be deployed only to secure three circumscribed war aims, estimates that the United States should contribute 40,000 troops to a 60,000-member coalition occupation force.²⁸ In testimony before the Senate Armed Services Committee (February 25, 2003), General Eric Shinseki, Chief of Staff of the U.S. Army, estimated that “something on the order of several hundred thousand soldiers” would probably be required for an occupation force to control Iraq. Department of Defense civilian officials rebutted that estimate, some citing 100,000 as the appropriate number.²⁹ The Congressional Budget Office (CBO) has estimated the annual cost of maintaining a military occupation force of 75,000-200,000 at \$17 billion to \$46 billion per year, based on the average cost of maintaining a U.S. Army peacekeeper.³⁰

Several factors will be important in determining the size of the U.S. and coalition occupation forces in Iraq and the amount of time the forces will remain. With regard to internal security, important factors will be the degree to which the Iraqi population accepts them, whether and how many troops from other nations and U.S. or international civilian policemen are deployed, and the extent to which the United States has confidence in Iraqi police to handle the task.

(As of late April, the State Department was reportedly seeking bids for a contract to send 1,000 former police officers and lawyers to work with the Iraqi police, as well as the justice and prison systems.³¹ Several other countries, mostly

²⁸ Baker Spring and Jack Spencer. *In Post War Iraq, Use Military Forces to Secure Vital U.S. Interests, Not for Nation-Building*. The Heritage Foundation. September 18, 2002. (This is accessible through the Heritage Foundation website.) The three war aims cited were: to find and destroy the Hussein “regime’s WMD arsenal and its infrastructure of support for terrorism;” “to secure Iraq and the region against Iranian ambitions;” and “to provide physical protection to Iraq’s energy infrastructure.”

²⁹ Eric Schmitt. *Pentagon Contradicts General on Iraq Occupation Force’s Size*. The New York Times. February 28, 2003. p A1.

³⁰ United States. Congressional Budget Office. *Estimated Costs of a Potential Conflict with Iraq*. September 2002. Table 4. Attached to a letter addressed to the Honorable Kent Conrad and the Honorable John M. Spratt, Jr. September 30, 2002. According to the CBO, “This estimate could be significantly larger if the occupation included heavy construction, such as building bases, bridges, and roads. If the United States limited its role to providing logistical support to other nations’ occupying forces, costs could be significantly lower.” Table 4, footnote f. [<http://www.cbo.gov/showdoc.cfm?index+3822&sequence=0>].

³¹ Colum Lynch and Vernon Loeb. *U.S. Seeks Bids for Iraq Peacekeeping*. The Washington Post. April 17, 2003. p A31. According to this report, DynCorp, which has organized police missions to other peacekeeping operations, has already sent a team of 150 former police officers to work with the Iraq police.

European, have pledged to send small numbers of troops to perform security, patrolling, and humanitarian tasks.³²⁾

Among other factors are the perceived threat from one or more of Iraq's neighbors, which may be manifested as threats to territorial integrity through incursions across Iraq's borders, requiring considerable forces patrolling those borders, or more likely, as attempts to influence political events in Iraq by funding armed Iraqi groups. Such external "spoilers" have been identified as at least partially responsible for the breakdown of the U.N. peacekeeping operation in Bosnia and of several operations in Africa.

The difficulty of disarming and demobilizing Iraqi military, paramilitary, and Baath party forces may be another significant determinant of the size of the occupying force and the length of time it remains. Demobilization, disarmament, and reintegration (often referred to as DDR) processes in peacekeeping operations have been cited as complex and costly, but essential to the success of any peace mission.³³ According to one analyst, large numbers of forces can be required to accomplish the task, but still may not be sufficient to guarantee a successful operation.³⁴ Some believe that the DDR problems presented in Iraq will surpass the problems elsewhere. For example, in his Senate Foreign Relations Committee testimony, Col. Feil testified that DDR "requirements will dwarf previous efforts" because of the huge size of Iraqi security forces.³⁵ One recent report estimated, "based on historical precedents," that U.S. military planners should allow at least four months for a "demilitarization" phase (apparently corresponding to demobilization and disarmament), during which "aggressive re-training" and reintegration would begin.³⁶

The size of a coalition force and length of time it must remain will also depend on the degree to which the United States believes local security forces can be used. (Two recent reports recommended retaining Iraqi security forces in some form and

³² Reuters News. *Contributions to Peacekeeping and Rebuilding Iraq*. April 20, 2003. The countries cited were Albania, Italy, Denmark, the Czech Republic, Bulgaria, Poland, Romania, and Turkey.

³³ From a study of 16 civil wars between 1980 and 1997, one analyst concludes that the first of six priorities for successful implementation of a peace agreement is the demobilization of combatants (i.e., "taking those people who have weapons, who were soldiers that carried out the violence, and convincing them that they have a future without violence and that they will be reintegrated into society"). Stephen John Stedman. *Reflections on Implementing Peace Agreements in Civil Wars*. Paper presented in August 2001. [<http://www.glencrecfr.ie/StedmanPaper.htm>].

³⁴ Licklider, *op.cit.* p 705. Licklider points to an alternative that may be considered for those parts of Iraq where local authorities are friendly and cooperative: "an interesting alternative is community-based security, in which arms are retained under the authority of local councils. This approach seems to have worked in Somaliland produced significant disarmament without foreign assistance." p 706.

³⁵ Scott Feil. Testimony before the Senate Foreign Relations Committee. February 11, 2003. He cited the size of the Iraqi military as 400,000 active forces, 300,000 in reserves, and another 60,000 in various security forces.

³⁶ *A Wiser Peace*, *op.cit.*, p 17.

using them, after retraining, in conjunction with U.S. and international forces in the post-war period.³⁷) The use of such forces has varied in previous peacekeeping operations.

Governance Issues

As the United States proceeds to establish an interim Iraqi regime, three issues have emerged regarding the transition to a permanent Iraqi government.³⁸ These are: (1) the appropriate role for the United Nations in the transition; (2) the feasibility of establishing democracy in Iraq; and (3) the appropriate time frame and stages in which a transition to full Iraqi rule would occur, particularly the length of time in which the U.S. military would head an occupation government.

Who Should Form a Post War Government for Iraq?

Even as the United States begins to organize the new structures that will govern Iraq, policymakers are debating the appropriate caretakers for an interim period, and the appropriate means to create Iraq's permanent governing structures. For now, governmental authority in Iraq is exercised by U.S. Army General Tommy Franks, the commander-in-Chief of the U.S. Central Command which directed the war. Retired U.S. Army general, Jay Garner, who heads the Department of Defense's national reconstruction office for Iraq, has assumed the position of civilian administrator, responsible for civilian government functions. The Bush Administration's early plans, as of February 2003, called for a transition phase, during which control of Iraqi government ministries would be gradually transferred from occupation military and civilian administrators to Iraqis. In a final phase Iraqis would draft and ratify a new constitution, which would provide the basis for free elections. In February, Bush Administration officials stated that, under propitious circumstances, the occupation government would last two years.³⁹ Currently, however, the Bush Administration is promoting the organization of an interim Iraqi

³⁷ *Guiding Principles for U.S. Post-Conflict Policy in Iraq, op.cit.* (p 6) argued that once purged of its top leadership and others guilty of serious crimes, the Iraqi Army could "serve as a guarantor of peace and stability if it is retrained in part for constabulary duty and internal security missions." Citing the need to defend Iraq's borders, *A Wiser Peace, op.cit.*, (p 17) argued against disbanding the military but recommended cutting it from 350,000 to 150,000 regular troops for the Army plus reserves, restructuring it, and instilling in it a "new, apolitical culture." This report also envisioned Iraqi police assisting the paramilitary Transitional Security Force (TSP) with "law-and-order" functions even in the immediate post-conflict period. It argued that the 35,000-58,000 civilian police force, once vetted of Saddam supporters by the removal of the top tier of officials, could be reconstituted under the leadership of current less senior Iraqi police officers.

³⁸ The CRS tracking vehicle for developments in the planning and institution of a post-war government in Iraq is CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-War Iraq*, by (name redacted).

³⁹ Testimony of Marc Grossman, Undersecretary of State for Political Affairs, and of Douglas Feith, Undersecretary of Defense for Policy, before the Senate Foreign Relations Committee, February 11, 2003.

“authority,” to be put in place within a short period of time. Its powers and status vis-a-vis the occupation authorities are unclear.

Some policymakers have argued that the United Nations should play a central if not the lead role in designing Iraq’s future government. The process of peacebuilding that the United States envisions for Iraq, with the goal of forming a democratic government, is arguably similar, in a broad brush way, to the democratization processes of the U.S. military occupations of Japan and Germany. Some argue, however, that in key ways it may more closely resemble the multidimensional peacebuilding operations that the United Nations has conducted in several countries since the early 1990s — among them, most recently, Kosovo, Afghanistan, and East Timor, as well as the earlier cases of Namibia, Cambodia, Mozambique, and El Salvador. Unlike the current situation in Iraq, U.N. peacebuilding missions have involved guiding countries from civil war towards a stable peace. Iraq does, however, share some characteristics of the nations involved in many of the peacebuilding missions, i.e., sectarian divisions, which some analysts fear may give way to violence in the absence of a strong, central, Iraqi authority, and a lack of experience with democracy.

The Bush Administration envisions a role for the United Nations in post-war Iraq, but argues that the United States should continue to play a lead role, if not the lead role, in shaping Iraq’s future government. As of April 2003, the only role that President Bush had identified for the U.N. regarding a future Iraqi government was a “participation” in the selection — which some analysts interpreted as meaning endorsement — of members of an interim Iraqi government.

The debate on the appropriate role for the United Nations is influenced by (1) considerations as to whether the United Nations Security Council’s resistance to endorsing coalition military action against Iraq is a significant indicator of its behavior in post-Hussein Iraq, (2) the comparative advantages of the United Nations and of the United States in harnessing international support for a future government, and (3) the United Nations’ performance in past and current peacebuilding operations.

Proponents of a continuing U.S. lead in Iraq’s political development believe that the United Nations has previously demonstrated a lack of the political will necessary to deal with security threats posed by the Hussein regime, and would prove an obstacle to securing U.S. security goals if it were to play a deciding role in Iraq’s political future.⁴⁰ Some also voice doubts about the United Nations’ institutional ability to handle a complex transitional administration for a population of 24 million, many times larger than the other two areas in which it currently runs transitional administrations, i.e., Kosovo (five million) and East Timor (approx. 950,000). They would also discount this option based on the United Nations’ reputation, especially throughout the 1990s, as having at best mixed results in its various peacekeeping and peacebuilding enterprises, and argue that the U.N. lacks the capacity to coordinate its operations effectively.

⁴⁰ Nile Gardiner. The Role of the United Nations in Post-War Iraq. Heritage Foundation. Web Memo #246. April 1, 2003.

Proponents of a lead U.N. role argue that U.S. interests in creating a stable and democratic Iraq would be better served if the United Nations were to assume control of the governmental aspects of a peace operation through a transitional authority.⁴¹ For one, they argue that only the United Nations now possess the high degree of international legitimacy that the United States enjoyed when occupying Japan and a sector of Germany in 1945.⁴² Such legitimacy is necessary, they argue, to reap the high levels of international support, including financial assistance for reconstruction that Iraq will need for many years to come.⁴³ (In addition, some doubt that US policymakers would be able to muster enough political support domestically to provide the large amounts of assistance they believe will be needed for a lengthy reconstruction process.) A U.N. authority also would provide, proponents argue, assurances to both Iraqis and the international community of greater impartiality in such intrusive enterprises as purging and reshaping government institutions than would a U.S. occupational authority.⁴⁴ The perception of impartiality might affect the degree to which a broad majority of Iraqis might be willing to support new governmental institutions, and a democratic ethos, proponents believe.

⁴¹ See, for example, International Crisis Group. *War in Iraq: Political Challenges After the Conflict*. March 25, 2003. The International Crisis Group (ICG), a Brussels-based think tank, rejected both the concept of U.S./coalition control, and that of an interim Iraqi authority, the latter on the grounds that “no pre-identifiable, optimal Iraqi candidates exist whom either the United States or the international community can handpick to run an interim authority” and recommended that a United Nations transitional authority be established to run the country until Iraqis could select their own legitimate leaders. p i.

⁴² See CRS Report RS21404, *U.S. Occupation of Iraq? Issues Raised by Experiences in Japan and Germany*, by (name redacted).

⁴³ One analyst, in looking at five cases [studied - Namibia, Cambodia, Angola, El Salvador, Cyprus] concluded that “third parties need other third parties if they are to work efficiently and effectively in nurturing the conditions for peace. No single third party alone had the resources or leverage to make the peace process work.....The United Nations required the backing of great powers. Great powers needed the local support of a country’s neighbors. Regional actors and groups needed the assistance of subregional groups. Governments and international organizations also required the active assistance and involvement of nongovernmental organizations and agencies, particularly during implementation of the agreement Fen Osler Hampson. *Nurturing Peace: Why Peace Settlements Succeed or Fail*. Washington, D.C.: United States Institute of Peace Press, 1996. p 233.

⁴⁴ One analyst, in summing up the U.N. participation in peacekeeping, noted: “None of these intrusions into domestic sovereignty would work were it not for the genuinely multilateral character of the United Nations, which in itself serves as guarantee of nonimperial motivation-and nonimperial capacity. The very multilateralism that makes the United Nations such an effective war maker is what makes it such an acceptable and reliable peace maker.” (Michael W. Doyle. *War Making and Peace Making: The United Nations’ Post-Cold War Record*, in *Turbulent Peace*, *op.cit.*, p 543.)

Proponents also argue that while problems remain and reforms must be made,⁴⁵ the United Nations' has learned from past experiences in running complex peacebuilding operations, and that several operations that seemed highly problematic several years ago have, with time, begun to seem markedly positive.⁴⁶ Some analysts also argue that while some problems of U.N. peacebuilding operations have been due to actions, or lack thereof, of U.N. personnel, the greatest problems have been the result of an insufficient mandate and a lack of resources, which can be attributed to a lack of political will on the part of member countries.⁴⁷

What are the Possibilities of and Means to Achieving Democracy?

Strong differences exist over whether a Western-style democracy in Iraq is feasible.⁴⁸ The establishment of a democratic government in Iraq, which could

⁴⁵ The Brahimi report, *op.cit.* Some progress has been made in adopting the four peacebuilding reforms that the Brahimi panel recommended. These reforms were: (1) a "doctrinal shift" in the use of civilian police and related rule of law elements in peace operations, (2) new budgeting procedures for DDR, (3) "flexibility for heads of United Nations peace operations to fund 'quick impact projects' that make a real difference in the lives of people in the mission area," and (4) improvements in the integration of electoral assistance with the overall governance strategy. p ix. The report also raised the question about whether the U.N. should be continue to be charged with the development of transitional administrations. If the U.N. is to continue to such operations, the report stated a need for a center dedicated to peacebuilding tasks within the U.N. system. p 13.

⁴⁶ According to a recent favorable assessment, the U.N. "has a commendable record of success in second-generation multidimensional peacekeeping operations as diverse as those in Namibia (UNTAG), El Salvador (ONUSAL), Cambodia (UNTAC), Mozambique (ONUMOZ), and Eastern Slavonia/Croatia (UNTAES)." Doyle (*op. cit.*, p 542) noted that the multiple roles of the U.N. in these operations, as peace maker, peacekeeper, peacebuilder, and peace enforcer, created "new dimensions of *transitional authority* for the international community" that require new ways to design peace operations to avoid withdrawing or resorting to the use of force in peace enforcement. This included the cooperation and persuasion of outside actors to get a treaty, the need to work out new ways to define the U.N. mandate to avoid seemingly inevitable problems of providing incentives and capacities to carry out obligations of a treaty, and to resolve problems of implementation, through the flexibility to be innovative.

⁴⁷ Aside from political factors, some analysts have suggested criteria that the United Nations should insist upon before accepting a peacebuilding mission, that, with appropriate adjustments in language for the situation, may well be seen as applying to Iraq. "Before deployment the U.N. should accept only a strong role for itself in implementation of a peace agreement reached and then only after it has convinced itself that the parties in fact want peace and not just a respite from pursuit of their goals by military means. The agreement should include provisions for creating enough political space for an opposition to exist and to have enough of a stake in the system to want to see it preserved rather than feel the only alternative for the loser of an election is to return to war." Jett. *op. cit.* p 194. Jett also states that the U.N. should have a clear and realistic mandate.

⁴⁸ Although the Bush Administration has not provided specifics on what "democracy" in Iraq would entail, many analysts would agree with the list of key attributes described by (continued...)

provide a model for the Middle East, has long been advanced as a goal of Bush Administration officials, and was stated early on as one goal of U.S. military action. Whether Iraq contains inherent institutional and cultural obstacles to democratization, and if so, whether it can overcome them, is subject to debate. Some policymakers and analysts assert the majority of Iraqis aspire to democracy, and many have the education, skills and modern outlook to create, with international assistance, durable democratic institutions. Others, however, point to Iraq's lack of significant prior experience with democratic institutions as a liability. Many analysts perceive significant differences among the Iraqi ethnic and tribal groups that may lead to continuing violence in a post-war Iraq, and are skeptical of the possibility of building democratic institutions and practices on such a shaky foundation in the short, or even the long run. Some also warn of possible anti-democratic attitudes about the character of leadership, and other possible social, cultural, and psychological impediments to democracy.⁴⁹

Since the early 1980s, there has been a growing international interest in assisting the development of democratic institutions and practices, of which assistance through peacebuilding operations has been a recent manifestation.⁵⁰ Literature on democratization and peacebuilding operations highlights the difficulty of establishing democracies in societies with deep and bitter ethnic and religious divisions. Three places currently in the midst of extensive international peacekeeping/peacebuilding

⁴⁸ (...continued)

Larry Diamond in *Developing Democracy: Toward Consolidation*. Baltimore: The Johns Hopkins University Press, 1999. pp 11-12.

In brief, these are: (1) a state controlled by elected officials, who make key decisions and allocations, where executive power is constrained by the autonomous powers of other branches and institutions of government; (2) a political system where electoral outcomes are uncertain, there is a significant opposition vote, and all groups that adhere to constitutional principles are allowed to form a party and contest elections, liberties are protected by decisions of a fair and independent judiciary which are enforced and respected; (3) a citizenry in which all are politically equal under the law, enjoy substantial freedom to express and practice their beliefs and culture and to organize into associations and movements that can express and represent their interests and values, and have unrestricted access to alternative sources of information, including independent media; and (4) a rule of law which "protects citizens from unjustified detention, exile, terror, torture, and undue interference in their personal lives" by both state and organized nonstate and antistate forces.

⁴⁹ See for example, International Crisis Group. *op.cit.*, pp 11-14 (and footnote 62, below), and Ellen Laipson. *Assessing the Long-Term Challenges*, in *How to Build a New Iraq after Saddam*. Washington, D.C.: The Washington Institute for Near East Policy, 2002. p 12. [Accessible through the Stimson Center website.] Laipson perceives "a perhaps excessive degree of respect for authority figures," among some Iraqi exiles and those in liberated northern areas, and cautions that "many Iraqis, acculturated as they are to the strongman model, may revert to nondemocratic behavior, particularly if crime and disorder prevail" in a post-Hussein period.

⁵⁰ Sisk, *op. cit.*, notes that in recent years, "internationally assisted efforts to democratize after internal conflicts have featured prominently in Angola, Bosnia, Croatia, East Timor, El Salvador, Ethiopia, Guatemala, Nicaragua, Northern Ireland, Sierra Leone, South Africa, and Zimbabwe, to name a few. Hopes are pinned on the ballot box replacing the battlefield as the principal way in which social conflicts are waged." p 786.

operations following civil conflict, with aspirations to create functioning democracies, are Afghanistan (since December 2001), Kosovo (since July 1999), and Bosnia (most intensively since 1996). The continuing ethnic, criminal and terrorist violence in these regions provides examples of the durability of such problems.

Even without sectarian differences, establishing the institutions and mores of democratic practices in states with conflictive and authoritarian histories, which often involve overcoming cultures of dependency and mistrust, is a formidable undertaking. One of the stated rationales for U.S. interventions around the turn of the 20th century in the Philippines and throughout the Caribbean region was the establishment of democracy. The United States encouraged democratic constitutional models and laws, and the holding of elections, but real and enduring democracies, in most cases, did not take root. After World War II, the United States was successful in creating democracies during the occupations of Germany and Japan, but conditions there were substantially different than in Iraq today. Despite concerns of policymakers during wartime planning for the occupations that the German and Japanese cultures were inherently anti-democratic, U.S. occupation forces found the populations receptive to the creation of a democratic model and able to build on previous experiences with democratic politics and government, particularly in Germany, to replace the defeated, authoritarian governments. Once on the ground, occupation planners soon became convinced that a primary threat to democracy came from the devastated economies of the defeated countries, where material want and misery might make strongman leaders again attractive.

Recent experiences with conflict resolution and peacebuilding, which emphasize the necessity of a comprehensive approach encompassing all levels of society and politics, may point to some of the inadequacies of early U.S. democracy-building efforts. Since the early 1990s, analysts of international efforts to encourage democracies have increasingly asserted a need to put into place a wide array of institutions, practices, and attitudes, as well as a functioning economy capable of absorbing demobilized soldiers,⁵¹ to make democracy work. One author emphasizes the profound changes necessary to create a culture in which peacebuilding operations can succeed: "If a peacekeeping operation is to leave behind a legitimate and independently viable political sovereign, it must help transform the political landscape by building a new basis for domestic peace....successful contemporary peacebuilding not only changes behavior but, more important, also transforms

⁵¹ There is an extensive literature on disarmament, demobilization, and reintegration (DDR) that notes that the retraining and reintegration of demobilized soldiers is a costly and time consuming process. Scores of separate tasks must be performed by a wide variety of governmental, international and non-governmental agencies in order to successfully integrate military and paramilitary forces into a peaceful society. See U.S. Agency for International Development. *USAID Experience in Disarmament, Demobilization, Reintegration and Reconciliation (DDRR)*, [http://www.usaid.gov/regions/afr/conflictweb/demob_exp.html]; and Kees Kingma. *Demobilization and Reintegration of Ex-combatants in Post-war and Transition Countries: Trends and Challenges of External Support*. Eschborn, Germany: Deutsche Gesellschaft für, 2001. Available through [<http://www.gtz.de>].

identities and institutional context. More than reforming play in an old game, it changes the game.”⁵²

Other analysts of peacebuilding efforts warn that some early attempts at democratization in post-conflict states were counterproductive, generating conditions for renewed warfare. One observation on the vulnerability of such states to the “societal tensions that naturally arise from the process of democratization and marketization”⁵³ may be relevant to Iraq, where some suggest that a sense of national community is at best tenuous and new sources of discord, such as possible growing income disparities, may exacerbate existing frictions.

Depending on how Iraq’s post-conflict situation evolves, “lessons learned” from the implementation of peacebuilding programs in five areas may be of particular interest to policymakers in considering how best to create conditions for success in Iraq. These areas are: (1) guarantees of the rule of law; (2) the role of civic society and local participation; (3) the appropriate timing and conditions for elections; (4) the utility of powersharing arrangements, and (5) the establishment of international norms.

Guaranteeing the Rule of Law. In addition to the security tasks listed in the previous section, some analysts of peacekeeping and peacebuilding operations cite the immediate creation of institutions to guarantee the rule of law as essential to the establishment of a secure climate in which democracy can prosper. While the rule of law starts with a democratic constitution, and requires a representative parliament, analysts have found that the institutions which most directly touch the lives of the citizens, ensuring their rights day-to-day and deeply affecting their perception of their government, are often those which most urgently need to be built or rebuilt in post-conflict situations.

An analysis of seven peacekeeping experiences — Cambodia, El Salvador, Mozambique, Somalia, Haiti, Bosnia, and Panama, — identified two crucial rule of law “gaps” that could create extreme difficulties. The first was an “enforcement gap,” i.e., a lack of police forces capable of dealing with serious lawlessness and violent domestic disorder, as discussed earlier. The second, was an “institutional gap,” i.e., the lack of an adequate number of impartial and competent judges, humane prisons and jailers, and a fair and coherent legal code, in post-conflict societies.⁵⁴

Former U.S. Ambassador William G. Walker, who has played a prominent role in three peace operations, suggests the complexities, and long-term nature, of efforts to strengthen the rule of law by developing the above-mentioned institutions. “All parts of a legal system — the judiciary, the prosecutors, the bar, the police, the prison system, the codes — must work properly and in synchronization. If a single

⁵² Doyle. *op. cit.*, p 544.

⁵³ Paris. *op.cit.*, p 767. Paris recommends: “During this period of institution construction, the international community should *curb* political and economic freedoms in war-shattered states, because failing to do so in the absence of effective domestic institutions risks renewed conflict.”

⁵⁴ Dziedzic, *op.cit.*, pp 11-15.

component is left unreformed, the system will continue to generate injustice. Decades are required to produce a new police, not to mention a transformed judiciary, composed of officials not schooled in the behavior of the past. Few international donors have the patience, long-term commitment, or resources necessary to assume such a burden.”⁵⁵

For Iraq, analysts have recommended a variety of means to help assure the rule of law. In addition to recommendations regarding the police, discussed earlier, analysts have recommended a variety of forms of legal assistance, such as teams of international legal specialists — including lawyers, judges, court administrators and corrections officers — to monitor, train, and supplement Iraqi personnel.⁵⁶ As of late April, 2003, the United States Army had begun to assess the judicial system in Iraq,⁵⁷ and as mentioned earlier, the State Department has begun the bidding process on assistance for the police, and justice and prison systems.

A recent review of rule of law assistance programs since the 1980s indicates that their contribution to strengthening democracy is uncertain. “Rule of law aid practitioners can probably prescribe rule-of-law programs with a safe belief that these initiatives may well be helpful to both economic development and democratization,” according to one analyst, “but they really do not know to what extent there are direct causal connections at work and whether similar resources directed elsewhere might produce greater effect on economic or political conditions.”⁵⁸

The extent to which such assistance would help Iraq establish institutions imbued with a democratic ethos may well depend on how deeply Iraqis desire democratization. In an assessment of many democratization programs since 1989, the same analyst found that the degree of success correlated with a country’s overall progress towards democracy. Concluding that “no dramatic results should be

⁵⁵ Foreword in Manwaring and Joes pp x-xi: As Ambassador to El Salvador (1988-1992) Walker played a role in peacekeeping in El Salvador. He was also Special Representative of the U.N. Secretary General, heading the U.N. Transitional Administration mission to Eastern Slavonia (UNTAES), Croatia, and head of the Organisation for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission.

⁵⁶ *Iraq: The Day After*, *op.cit.* pp. 33-34, and *A Wiser Peace*, *op.cit.*, p 21.

⁵⁷ Bernard Weinraub and Warren Hoge. Trying to Restore a Functioning Legal System to the Land of Hammurabi’s Code. New York Times. April 20, 2003, p B6. For a review of Iraq’s judicial and legal system as it existed during the Hussein Regime, see Robert Perito. *op.cit.*, pp 5-9.

⁵⁸ Thomas Carothers. *Promoting the Rule of Law Aboard: The Problem of Knowledge*. Washington, D.C.: Carnegie Endowment for International Peace, January 2003. Working Paper No. 34. p 7. This report can be accessed through the Carnegie Endowment website. Noting that many rule of law programs focus on improving courts and police, “on the assumption that this is the most direct route to improve compliance with law in the country,” Carothers counters that “some research shows that compliance with law depends most heavily on the perceived fairness and legitimacy of the laws, characteristics that are not established primarily by the courts but by other means, such as the political process. An effort to improve compliance thus might more fruitfully take a completely different approach.” pp 8-9.

expected from democracy promotion effort” as they “can do little to change the fundamental social, economic, and political structures and conditions that shape political life in other countries,” this author argued that nonetheless the United States should not abandon its commitment to advancing democracy, but instead approach democracy promotion “as a long-term, uncertain venture.”⁵⁹

Role of Civic Society and Local Participation. Increasingly, analysts have come to view the establishment of appropriate governmental institutions as a necessary, but insufficient condition for the creation of a well functioning democracy. Also important, many believe, is the development of a culture which fosters tolerance, the exchange of ideas, respect for human rights, and active citizen participation. International democratization efforts include support for an increasing variety of “civic society” groups, non-governmental institutions, the press, particular interest organizations (such as unions, business, professional, and legal associations, and human rights groups). Such efforts were an important component of the U.S. democracy building efforts after World War II in Japan, where such organizations were created or strengthened, and in Germany, where they were revitalized. Recent peacekeeping literature emphasizes the need for a high level of “civil society” participation, particularly at the local level, in the creation of representative institutions from the “bottom up.”⁶⁰ International donors are currently providing assistance to such groups in Afghanistan, where few such organizations existed. Support for such group has also played a role in post-conflict democratization efforts in South Africa, and in the transitions from communism or authoritarianism to democracy in Eastern Europe and Latin America.

One policy institution recently cited a need for the international community to “focus on” the many local groups in Iraq, which may, or may not, provide a basis for local level democratization.⁶¹ Its analysis found that it is still too early to determine whether existing local organizations based on traditional and hierarchical sources of power, such as tribal and religious structures, will contribute to or hinder the development of a Western-style democracy there. It also noted, however, that Iraq “already has a wide range of professional and trade associations that can serve as building blocs for more open and transparent consultations and provide a counterweight to more traditional, ethnic-religious groups.”⁶² Some analysts,

⁵⁹ Thomas Carothers. *Aiding Democracy Abroad: The Learning Curve*. Washington, D.C.: Carnegie Endowment for International Peace, 1999. p 351.

⁶⁰ Sisk, *op.cit.*, p 796: “A useful lens for analyzing tasks of postwar peacemaking is ‘conflict transformation,’ in which coherent efforts are put into place to build democracy and conflict resolution from the bottom up, over time.”

⁶¹ International Crisis Group, *op.cit.*, p 34

⁶² International Crisis Group, *op.cit.*, p 32. According to this report, traditional social forces such as remnants of Iraqi tribal structures and religious establishments “remain vibrant in Iraq’s provincial towns and rural areas. Steady migration has also brought them to the heart of Baghdad and other major cities. These traditional forces should be neither ignored, exaggerated nor empowered. It is important to examine their social functions, as well as the sources and limitations of their power to determine the extent to which they can contribute to — or alternatively obstruct — a transition to a democratic, pluralistic and
(continued...)

however, believe that these groups have been dominated by the Baath party, and thus may not be appropriate vehicles for democratization efforts.

As described by analysts of peace operations, civil society is important in several ways to furthering democratic processes.⁶³ One way support for such groups promotes democracy is that it enables populations to take “ownership” of the process, building cooperation at a grass-roots level, and providing checks on government. Another is that local civil society institutions can address “key issues such as reconciliation, justice, and human rights...that go to the heart of what many consider to be the root causes of civil wars.”⁶⁴ A third is that such institutions can foster a culture that promotes democratic governance.

Whether international assistance to support civil society in Iraq would similarly contribute to democratization is unknown. While it is difficult to judge the effects of democratization aid in general, judging the degree to which assistance to such groups can promote democracy is even more problematic. One extensive study of such groups stated that it could not reach a definitive answer regarding the effect of civil society assistance on overall political change, but found that “evidence fairly consistently indicated that such assistance alone is unlikely to be a major factor” in promoting democratization.⁶⁵ Still, despite noting numerous problems with civil society aid and suggesting reforms, the authors recounted several benefits of such aid, including the establishment of “the important idea that civil society has a rightful role in governance.”⁶⁶

Appropriate Conditions for and Timing of Elections. Carefully structured and internationally supervised elections, at all levels, have been the centerpiece of most peacebuilding and democratization efforts since the early 1990s. They have also been established as the end points of international and U.S. “exit strategies” for peacekeeping and peacebuilding operations. While the Bush Administration and other policymakers are now indicating that elections are the appropriate path to democracy in Iraq, past experience suggests caution concerning the timing and objectives of elections. According to some, elections that are held too soon after a conflict has ended become disruptive rather than contributing to stability.

⁶² (...continued)

inclusive political system.” p 11.

⁶³ Diamond, *op.cit.*, in discussing democratic systems in general, lists 13 separate ways in which a “vibrant civil society serves the development, deepening, and consolidation of democracy...” pp 239-250. He also lists several caveats, including the need for autonomy from the state in financing, operations, and legal standing. pp 250-260. The three contributions cited here are those discussed in post-conflict literature.

⁶⁴ Stephen John Stedman. *Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers*. New York: IPA (International Peace Academy) Policy Paper Series on Peace Implementation, May 2001. p 19.

⁶⁵ Marina Ottaway and Thomas Carothers, eds. *Funding Virtue: Civil Society Aid and Democracy Promotion*. Washington, D.C.: Carnegie Endowment for International Peace. pp 303.

⁶⁶ Ottaway and Carothers, *op.cit.*, p 308.

In the words of one analyst: “Paradoxically, to proceed precipitously with elections may turn out to be the least productive way to build peace and ensure the emergence of democracy.”⁶⁷

Unlike the cases on which this assessment is based, Iraq is not emerging from a civil war. Given, however, the probable weakness of any political alternatives to the Baath party, the observed tendency of elections to consolidate the power of existing organizations and leaders, and to prevent the emergence of new ones, may prove just as problematic in post-Hussein Iraq as it has in countries emerging from civil wars. According to some analysts, early post-conflict elections have entrenched leaders of extremist factions: “not infrequently, early elections influence the balance of societal forces in ways that are inimical to the consolidation of peace. In Bosnia, the elections held under the Dayton accords consolidated and formalized nationalist divisions within society and served to complicate an already complex and highly contentious peace process.”⁶⁸ In addition, some analysts suggest that the political competition inherent to democracy can exacerbate frictions or conflict in deeply divided societies.⁶⁹ Nevertheless, one analyst believes that even “with all their real and perceived flaws,” elections are, in the long run, “imperative,” as they provide the necessary legitimacy “to implement rehabilitation and reconciliation policies.”⁷⁰

To ensure that elections are held under the most propitious circumstances, one study suggests that elections be delayed until certain preconditions can be met, most of which may still be lacking in Iraq. These preconditions are: (1) the “existence of a state capable of performing the essential functions expected of it,” (2) a “working consensus...about national boundaries, the structure and functioning of the government, and relations between national and subnational units,” (3) a “demonstrable political commitment on the part of the major conflicting parties to carry out the agreed-upon peace accord or pact,” and (4) “significant progress toward demobilization and reintegration of ex-combatants.”⁷¹ In the interim, the authors of this study suggest the adoption of coalition arrangements and reconciliation measures that confer legitimacy on a temporary government.⁷²

⁶⁷ Charles-Phillipe David, *Does Peacebuilding Build Peace?* in Ho-Won Jeong, ed. *Approaches to Peacebuilding*. Hampshire, UK: Palgrave MacMillan, 2002., p 74.

⁶⁸ Ball, *op.cit.*, pp 722-723.

⁶⁹ Charles-Philippe David. *op.cit.*, p 35. David cautions that “it is the political competition that sustains democracy that often sharpens conflict instead of muting it in a deeply divided and fragile society,” as , he states, occurred in Angola, Rwanda and Bosnia.”

“Elections, even when supported by external powers, rarely settle the fundamental issue of political competition as a legitimate process, recognised [sic] and accepted by all.... In other words, the electoral process does not ultimately guarantee that political competition will become an institutionalised [sic] practice in the society in question.”

⁷⁰ Sisk, *op.cit.*, p 798.

⁷¹ Krishna Kumar and Marina Ottaway. General Conclusions and Priorities for Policy Research, in Krishna Kumar, ed. *Postconflict Elections, Democratization and International Assistance*. Boulder, CO: Lynne Rienner Publishers, Inc., 1998. pp 234-235.

⁷² The U.N. 2000 “Brahimi Report” on peace operations also states that the context in which
(continued...)

Utility of Powersharing Arrangements. Potential problems with elections as the vehicle to representative government in post-conflict situations has led to new thinking about the utility of powersharing arrangements. Although some analysts will argue that the 1995 Dayton accord's permanent geographical powersharing arrangements in Bosnia, which divided the country into two regions along ethnic lines, were a mistake, temporary solutions have been looked to as providing a bridge to an eventual elected government. In Afghanistan, after the coalition forces ousted the ruling Taliban forces in November 2001, interim powersharing arrangements were put in place to govern Afghanistan through the mediation of the United Nations. In December 2001, delegates of the major Afghan factions signed an agreement in Bonn, Germany, to form an interim administration that would govern for six months, while a traditional national assembly (*loya jirga*) was being organized to choose a national government. In June 2002, the *loya jirga* selected Hamid Karzai, head of the interim administration, to head a national government until elections are held in two years, and it endorsed Karzai's cabinet, which contained leaders and representatives from the various factions. Some analysts now argue that the Afghan arrangements can provide a model for the formation of a government in Iraq.⁷³

Although the concept of such arrangements may seem anti-democratic to many observers, some analysts have seen powersharing arrangements as an essential element in settling or avoiding some civil wars in countries where there sharp division among ethnic or religious groups. And, one fundamental requirement for such effective peacekeeping, according to some analysts, is that such operations include all "local stakeholders — including those who have been the victims of war as well as those who have been the perpetrators of war — [and put them] at the center of external support for rebuilding..."⁷⁴ In Iraq, too, powersharing arrangements

⁷² (...continued)

elections are held is important to the success of peacebuilding efforts. According to the report, elections "need the support of a broader process of democratization and civil society building that includes effective civilian governance and a culture of respect for basic human rights, lest elections merely ratify a tyranny of the majority or be overturned by force after a peace operations leaves. The Brahimi Report. *op.cit.*, p 7.

⁷³ For details on the Bonn conference and subsequent governing arrangements, see CRS Report RL30588, *Afghanistan: Current Issues and U.S. Policy*, pp 9-11.

Two analysts have suggested very specific post-conflict arrangements in Iraq involving a partial power and resource sharing formula for a future Iraqi government, with each of the country's three major subgroups (the Kurds, Sunni Muslims, and Shiite Muslims, roughly corresponding to three separate regions) enjoying a fair degree of autonomy within a decentralized federal system, with authorities granted to the lowest possible levels and strongest power at the regional level, a division of oil revenues among the groups, and a two-chamber legislature with seats in the upper chamber divided among the three regions and the lower chamber elected from the entire population. John C. Hulsman and James Phillips. *Forging a Durable Post-War Political Settlement in Iraq*. The Heritage Foundation. March 7, 2003.

⁷⁴ Ball, *op.cit.*, p 733. The point that it should include all parties is also made by Doyle, *op.cit.*, p. 543: "It needs to discover ways to generate voluntary cooperation from divided local political actors and mobilize existing local resources for *locally legitimate*, collective (continued...)"

may be useful in gaining legitimacy for a new government and in curbing potential strife or violence among contending factions. (Such arrangements may also help to retain capable people in government. Many analysts state that the continuation of Iraqi governmental functions will depend on the retention of bureaucrats, some of whom, particularly at the upper levels, are Baath party members, if not loyalists.) Still, as in the case of Afghanistan, where political violence continues to occur and some analysts believe threatens to undermine the new government, a powersharing arrangement alone may not guarantee a successful transition. According to one study that looked at the settlement of civil wars, third-party security guarantees and enforcement are often necessary as well.⁷⁵

Some analysts have also suggested that some form of power-sharing formula be integrated into an electoral formula as one means of insuring stability in peacebuilding operations. As argued by one analyst, power-sharing provisions for winners and losers in elections can be helpful in some circumstances: "There need to be positions for both winners and losers in a new government. Winner-take-all elections are seen as zero-sum contests. Unless there is some form of compensation, the loser will have strong incentives to take up arms and turn to a renewed campaign of violence in pursuit of political objectives."⁷⁶ Nevertheless, this analyst also notes tensions between powersharing arrangements and the achievement of other goals, such as ensuring human rights and promoting justice.⁷⁷ In addition, one analyst points out that, in some situations, such arrangements may provide only weak incentives to moderate extremist positions, thus making democracy vulnerable to such positions.⁷⁸

⁷⁴ (...continued)

purposes. And it must do so *rapidly*."

⁷⁵ Walters, *op. cit.*, p 106. Also, see David, *op. cit.*, p 37: Concerning the utility of elections vs. powersharing, David noted that an international conference on peacebuilding held in Berlin in 1996 concluded that the U.N. overemphasized election, as elections "within a fragmented society could only lead to further fragmentation. What are required are models of powersharing." David quotes W. Kühne, ed. *Winning the Peace: Concept and Lessons Learned of Post-Conflict Peacebuilding*. Report from an international workshop held in Berlin, July 4-6, 1996. Ebenhausen, Germany: Stiftung Wissenschaft und Politik. p 5.

⁷⁶ Hampson, *op. cit.*, p 218.

⁷⁷ Hampson, *op. cit.*, p 230. "There is an obvious tension between conflict resolution and the promotion of human rights, judicial reform, and the development of legal systems governed by due process....The need to establish power-sharing structures that accommodate rival factions and interests may well clash with the desires of some to root out the perpetrators of human rights abuses. Similarly, the need to reform the security institutions of the state, including the police and military, may be at odd with the practical need to bring into the peace process those groups that wield power and have a monopoly on the instruments of coercion in a society. Without peace there can be no justice. Without justice, democratic institutions, and the development of the rule of law, the peace itself will not last. But the political requirements for reaching a peace settlement may well conflict with the desire to lay the foundations for long-term democratic stability."

⁷⁸ Sisk, *op. cit.*, p 792. The negative example cited was Fiji. Positive examples were Nigeria, South Africa, and Northern Ireland.

Establishing International Norms. Even among analysts of peace operations who acknowledge the difficulties of establishing democracies, some argue that the only solutions to differences are reached through the establishment of democratic practices. Arguing for international organizations to adopt norms and practices that promote democracy, one analyst argued that “Sustained peace in deeply divided societies requires a formula for the recognition and tolerance of ethnic differences, strong legal protections for individual and group rights, and political institutions that encourage bargaining, compromise, and inclusive coalitions.” He urged the continued development of international mediation and monitoring practices, and the establishment of new international norms on democracy, “such as an international right to local freedom of choice.”⁷⁹ Some urge international donors to fund and improve such efforts despite some failures.⁸⁰

How Long Is a Peacebuilding Presence Necessary?

The Bush Administration has not announced any comprehensive plans for peacebuilding activities in Iraq, although it has recently contracted for one peacebuilding activity (see the sections on police and on the rule of law, above). Recent evaluations of peacebuilding missions suggest that a time frame longer than two years may be necessary to put in place and consolidate the basic structures of democracy in an enduring framework. Much will depend, however, on Iraqis’ ability to control sectarian differences, hasten economic recovery and growth, and retain experienced people in government, as well as the length of time it takes Iraqis to agree on a political structure.

In examining several U.N. peacekeeping/peacebuilding missions, one analyst judged the one to two year transition periods (in Angola, Bosnia, Cambodia, El Salvador and Mozambique) to be “too short to record significant progress on even the reforms prescribed by the peace accords, let alone those that are necessary to consolidate the peace but are not mandated by the accords....”⁸¹ She pointed out that time constraints, such as restrictions on the length of mandates, were often due to resource constraints and created difficulties in retaining high quality staff, among other problems.⁸² Another analyst who also notes that the one to three year length of

⁷⁹ Sisk, *op.cit.*, p 799.

⁸⁰ Sisk. *op.cit.*, p 795. “Should relative successes like El Salvador and South Africa inspire our thinking about democratization after civil war, or should the perils revealed by Cambodia (which suffered setbacks to democracy after a period of failed power sharing) and Bosnia inform our views? The answer, of course, is both.”

⁸¹ Ball, *op.cit.* p. 722. “Peace agreements frequently decree that major institutional changes that normally require a significant amount of time to implement — such as developing an electoral system, restructuring the security forces, or reforming the judicial branch of government — be completed in a year or two, before the peacekeeping mandate of the international community expires.” pp 720-721.

⁸² Ball, *op.cit.*, p. 727. According to Ball, “very short mandates, even if the intention of the Security Council is to renew them, create significant problems in recruiting and retraining high-quality staff, as well as give the impression to parties seeking to avoid complying with peace agreements that they can ‘wait out’ the international community.” Ball puts great (continued...)

U.N. missions typical of more recent operations has been too short, recommends linking the termination of peace operations to the accomplishment of specific objectives. He estimates a decade as “probably a minimum in most circumstances.”⁸³ In any case, although the variety of views and precedents, and the unique conditions in Iraq as it other societies, makes it difficult to forecast precise outcomes and timeframes with certainty, the study of past experiences can nonetheless provide valuable guidelines for initiating peacebuilding activities an evaluating their progress.

⁸² (...continued)

emphasis on the need for highly competent people, with a caveat. “High-caliber, experienced individuals are critical to the success of peacebuilding; the right people can often overcome significant institutional and organizational deficits. At the same time, too much continues to depend on individuals...” p. 733.

⁸³ Paris, *op.cit.*, p 780.

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