

## BAGHDAD: A RACE AGAINST THE CLOCK

### I. OVERVIEW

Eight weeks after victoriously entering Baghdad, American forces are in a race against the clock. If they are unable to restore both personal security and public services and establish a better rapport with Iraqis before the blistering heat of summer sets in, there is a genuine risk that serious trouble will break out. That would make it difficult for genuine political reforms to take hold, and the political liberation from the Saddam Hussein dictatorship would then become for a majority of the country's citizens a true foreign occupation. With all eyes in the Middle East focused on Iraq, the coming weeks and months will be critical for shaping regional perceptions of the U.S. as well.

Ordinary Iraqis, political activists, international aid workers and U.S. officials alike expressed concern to ICG that as temperatures rise during the summer as high as 60° C (140° F), so, too, will the tempers of Baghdadis who have been much tested by the hardships and uncertainty that followed the collapse of Saddam Hussein's hated regime, and whose cooperation is essential to an orderly political transition in Iraq. Two months into the new era, however, the U.S. and associated forces have dealt poorly with the issues that affect Baghdadis most immediately. They must quickly give people a feeling of greater safety in streets and homes and of improving services. They need also to move more out of their isolated headquarters in order to get in touch with average Iraqis and explain better policies on sensitive issues that are causing considerable resentment. These include the disposition of Saddam's Baathist Party, demobilisation of security forces, and delay in the turn over of meaningful political power.

It is too early to reach a conclusion on post-conflict Iraq. The speed of the regime's collapse, the near-total power vacuum that ensued and sharp international divisions regarding the decision to go

to war have all complicated the task facing the new rulers, but Saddam's fall has already brought some immensely positive changes. For the first time in a generation, Iraqis can express themselves without fear. Not surprisingly, they have begun exercising their newly gained liberties, including via protest marches against some of the policies of the very forces that made such manifestations of discontent possible in the first place. They have started to elect, or select, new leaderships in ministries, national institutions, municipal councils and professional associations. These are rudimentary forms of participatory democracy that, if sustained, hold promise of yielding a new legitimate national leadership and laying the foundation for a vibrant open society.

Yet ICG found Baghdad a city in distress, chaos and ferment. It is on issues that concern its citizens the most that the occupying forces have done least, and anger is palpable on the ground. While keenly aware of these realities, the Coalition Provisional Authority (CPA) was only starting to make a tangible difference in the lives of ordinary Iraqis eight weeks into the occupation. Electricity, for example, has only just begun to be available for longer periods, and its supply is still unreliable. Time-consuming queues at gasoline stations and a pervasive sense of insecurity remain particularly aggravating for a population that has seen its government buildings and national institutions stripped bare, vandalised and in some cases destroyed in a frenzy involving a combination of looters and (apparently) saboteurs. Not safe even in their own homes from the crime wave unleashed by the sudden power vacuum in the capital after 9 April, Baghdadis move about gingerly when they can or, more likely, stay home waiting for a degree of normalcy to return, all the while complaining about their situation or exchanging horror stories about the latest killings, rapes, carjacks and robberies that may or may not have taken place in their neighbourhood.

Even senior American civilians in Baghdad express consternation at the near-total absence of advance preparations for dealing with post-war needs. They

are among the first to acknowledge that they are virtually cut off from the society they have been charged with helping back to its feet. Concerned about their personal safety, permitted to move about the city only with a military escort, preoccupied with turf battles, and largely unknowing of Iraq and Iraqis, they venture from the grounds of the former Saddam Hussein palace that is their main headquarters only infrequently and have minimal interaction with the population. This disconnect is compounded by the delay in restoring broadcasting facilities that has deprived the administration of the ability to communicate its plans and even its achievements to ordinary Iraqis.

The CPA's summary edicts are communicated through Iraqi newspapers that are more numerous but also unaffordable to most and via radio. These accounts, which are embellished and distorted as they spread through word of mouth, are received with a mixture of outrage, resignation, puzzlement, and profound disempowerment. The proclamation of 16 May on "disestablishment" of the Baath Party, for example, was applauded by some as an essential first step for rebuilding political life but was more widely criticised as disregarding due process and too sweeping. It has the potential to unify opposition to the U.S. among three distinct categories of Baathists – those who were loyal to Saddam; those who joined out of expediency, and those who joined early out of ideological conviction – when the goal ought to have been to marginalise the first by co-opting the latter two.

The more recent order disbanding the military and other security forces has been received with even greater anger, as it threatens to put hundreds of thousands of mostly young men on the streets without serious prospect of work or, thus far, promise of a pension. Many, it is feared, will join the gangs of thieves who roam the streets virtually unchecked or form the nuclei for future armed resistance to what is referred to as the American occupation.

Resentment is also mounting among Iraqis who aspire to political power, both those who are slowly emerging from the shadows of the old regime and those who came from abroad and today feel betrayed by the U.S. endorsement of UN Security Council Resolution 1483 that offers them considerably less than the Iraqi-run and sovereign interim government for which they had clamoured.

The absence of security, failure to restore collapsed basic services quickly and misfiring of the political process are intimately interwoven. Insecurity keeps Iraqis off the streets and away from jobs. It is futile to repair key infrastructure if it is unguarded and so likely to be looted anew. The removal of top management in ministries because of Baath Party membership has led to confusion, deprived the CPA of technocratic help and further delayed resumption of normal activity. Inequities in payment of salaries (caused by pervasive Iraqi corruption) lead to slow-downs at power plants and other facilities, and so complete the vicious cycle by providing further incentives for desperate individuals to resort to crime.

This cycle, and the hopelessness it engenders for the vast majority of the population, is the challenge the U.S. administration in Iraq must address most urgently. Facing a serious credibility gap and hobbled by frequent staff rotations and reorganisations of its rapidly growing bureaucracy, it is banking on the prowess of its military forces, the talents of its hard-working staff and a bit of luck to turn the situation around in the few weeks left before the full summer heat descends. If the gamble fails, U.S. legitimacy for many Iraqis may suffer a defeat that could prove difficult to reverse and deal a serious, if not fatal, blow to the political transition that today still holds out the prospect of significant material change in the lives of all Iraqis.

Time is running short. To win this race against the clock, the CPA will need to implement the following urgent measures, discussed in the subsequent sections of this briefing:<sup>1</sup>

- *Restore public order.* This requires immediately placing armed guards around the clock in front of all public institutions and key infrastructure (power plants, oil refineries,

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<sup>1</sup> This briefing paper focuses primarily on the immediate aftermath of the war, reconstruction and humanitarian assistance and is based on fieldwork that ICG began in the latter part of May 2003 within the city limits of Baghdad. While it therefore gives only a partial perspective, the widespread view among Iraqis and international representatives is that the problems of the country can be adequately addressed only if those of the capital are successfully tackled first. The situation witnessed by ICG in Baghdad also appears largely consistent with reports from the northern and southern parts of the country. The political transition will be analysed more thoroughly in forthcoming ICG studies.

water and sewage treatment stations, hospitals); a more extensive U.S. military presence; and getting more Iraqi police on the street by speeding up training of credible, vetted elements of the old force, giving Iraqi officers greater latitude to work, albeit under the ultimate supervision of the CPA, and re-appointing senior officers untainted by corruption and regime-related criminality. The CPA should fund and dispatch an experienced international constabulary force trained for civilian policing duties to conduct joint patrols with Iraqi counterparts. And, using existing police files, the CPA should implement a procedure by which, after a careful review by qualified Iraqi judges, many criminals amnestied by the previous regime can be identified and rearrested.

- *Repair basic infrastructure and restore essential services.* While the priority in this respect is to move forward with a regular and reliable supply of electricity and gasoline, an effort also should be made to speed up the payment of salaries.
- *Improve the CPA's broadcasting capabilities and public profile.* The CPA should use the full range of media to communicate its progress and plans to the Iraqi people and organise public discussions in these media so that issues and concerns can be aired. It should, in the same spirit, establish walk-in centres at the neighbourhood level (providing the minimum necessary security), where Iraqis can both receive and convey information and lodge complaints. And the CPA should improve communications with non-governmental organisations and UN agencies, including via weekly briefings convened by the directors of its various branches.
- *Reconsider the sweeping de-Baathification edict.* The CPA should retain in, or return to, their positions qualified senior managers who do not have a proven record of corruption and abuse, even if they were members of the Baath Party, and especially if they were not senior members. At the same time, it should set up a vetting mechanism consisting of independent Iraqis and legally-trained non-Iraqis to screen methodically the upper echelons of ministries and national institutions for elements suspected of committing crimes under the previous regime, irrespective of Baath Party

membership and in keeping with principles of due process. And, for those Iraqis who are dismissed or demobilised, the CPA should hold out the possibility of re-recruitment, pension benefits or other forms of compensation.

- *Empower Iraqis.* This should be done by handing over as much as possible of the administration, day-to-day policy-making and planning powers at the various ministries. The CPA also should accelerate the holding of elections at the local and institutional level, ensuring that they are as transparent and widely publicised as possible in order to maximise popular support and participation. Above all, it is imperative that Iraqis feel that they have a stake in the CPA's success and that they cease holding it responsible for every problem they face. This can only be achieved by ensuring that they have an important role in running their country so that Saddam's ouster is not perceived as the substitution of one alien authority for another but rather as the Iraqi people's chance, finally, to govern themselves.

## II. THE LAG IN THE RESTORATION OF SERVICES

Since several days before its fall on 9 April 2003, the Iraqi capital was largely without power. Unlike during the first Gulf War, in 1991, when coalition forces destroyed much infrastructure, including power generating facilities and electrical grids, the U.S. Air Force left power installations largely intact. Significant damage was done instead to transmission lines, partly from air strikes that hit electricity pylons and partly as a result of vandalism.<sup>2</sup> Iraqi officials, apparently acting on orders, "turned off the lights" as they abandoned their positions and went home in the face of the U.S. approach. To turn them back on again proved far more complicated than simply throwing a switch.

On 26 May, L. Paul Bremer, the U.S. civilian administrator, declared that most power and water

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<sup>2</sup> ICG interview with UN Assistant Secretary-General Ramiro Lopes da Silva, UN Humanitarian Coordinator for Iraq, 25 May 2003.

supplies were up and running.<sup>3</sup> From the perspective of Baghdad residents, though, the situation remained difficult. They reported prolonged blackouts, with power returned sporadically and not necessarily at convenient hours (for example, in the middle of the night) and insufficient to keep food refrigerated, houses cooled and tempers under control. In one bad stretch during the last week of May, ICG heard accounts of Baghdadis not receiving any electric power at home for several days running. In the searing heat of the city, which barely subsides after nightfall, this did little to enamour them of the foreign forces. Reports suggested that power plants were working at only 40 per cent of their pre-war capacity.<sup>4</sup> Power availability in fact did not begin to approach fairly reliable levels until June and even now, while considerably improved, it remains subject to major interruptions and local variations.

Although vital installations, major establishments such as hotels and some restaurants, as well as many wealthy residents have been using generators to keep electricity on for significant portions of the day, available equipment can obviously cover only part of the city's energy needs, and powerful new generators cannot be ordered off the shelf or quickly built abroad specifically for this purpose.<sup>5</sup> Moreover, the generators require large quantities of fuel that are not yet sufficiently available.

Breakdowns in one part of the infrastructure can lead to disruptions or even collapse of other parts, with the impact rippling throughout a society already weakened by more than twelve years of debilitating international sanctions.<sup>6</sup> The lengthy

power shortage has affected water and sewage pumping stations, the refrigeration of medicines, the operation of laboratories (involved, for example, in testing for water-borne diseases), and even the production of oil, itself necessary to fuel the power plants.<sup>7</sup> Piped water has been reaching Baghdad homes most of the time (though pressure is low in many areas) but only 37 per cent of water pumped from rivers is being treated, increasing the risk of diarrhoea, cholera and typhoid.<sup>8</sup> With the onset of summer, extra disinfectant must be added, but the chlorine dose must be carefully calibrated to prevent a health hazard of a different kind. This process is made difficult by the absence of ways to test systematically, while available chlorine only covers needs for several months.<sup>9</sup> Moreover, because of the destruction of telecommunications facilities during the war and subsequent (ongoing) vandalism, the Baghdad Water Authority has no effective way of communicating with pumping and treatment stations and other essential projects,

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infrastructure, leading to a one-third deficit in the power supply. In the subsequent five years, and largely as a result of the sanctions, the economy went to pieces, few salaries were paid, spares or truck batteries were available only with difficulty, and technical staff left their jobs in search of more remunerative activities or escaped from the country. The 1996 Oil-for-Food deal arrested the decline. But, according to Paul Sherlock of Oxfam, stocks had depleted and countries of origin no longer were eager to provide high-quality spares because they backed the sanctions regime; materials from Russia and China, such as pumps, were of poor make and soon became defective; varied provenance, moreover, resulted in incompatibility, requiring modification. Because the Oil-for-Food program had no cash component that would have allowed for the payment of contractors, imported parts could not easily be installed. Non-governmental organisations covered some of the gap, but a "a lot of kit went into stock". By 2003, Iraq had over U.S.\$500 million of spares in stock that could not be installed. ICG interview, 23 May 2003.

<sup>7</sup> Oil refineries are operating below capacity as a result of power cuts. Maher Chmaytelli, "Main refinery still hampered by erratic power supply", Agence France-Presse, in *Daily Star*, 26 May 2003.

<sup>8</sup> ICG interview with Paul Sherlock, seconded to UNICEF by Oxfam, Baghdad, 23 May 2003. The rivers themselves are the repositories of tons of raw sewage, untreated as long as treatment stations remain idle due to lack of electricity and essential repairs. In 1990, 96 per cent of Iraq's urban population and 75 per cent of its rural population had access to piped treated water. In 2003, just before the war, these figures had declined to 91 per cent and 43 per cent, respectively.

<sup>9</sup> ICG interview with Ahmad Al-Yassin, a water engineer with UNICEF, Baghdad, 25 May 2003.

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<sup>3</sup> "U.S. troops seize gold in north Iraq", *The New York Times*, 27 May 2003. Colonel Nick Clissitt, Chief of Staff to General Tim Cross of the Office of Reconstruction and Humanitarian Assistance (ORHA) in Baghdad, told ICG that power was up 50 to 60 per cent of the time. According to Colonel Clissitt, the shortfall in the capital merely reflected a new nation-wide equity. Under the past regime, he said, Baghdad used to be allocated a disproportionate share of electricity during the summer months, and this was no longer the case. ICG interview, 27 May 2003.

<sup>4</sup> Maher Chmaytelli, "Main refinery still hampered by erratic power supply", Agence France-Presse, in *Daily Star*, 26 May 2003, basing itself on UN estimates.

<sup>5</sup> ICG interview with Paul Sherlock, seconded to UNICEF by Oxfam, Baghdad, 23 May 2003.

<sup>6</sup> To give an example of the reverberating and cumulative impact of war, sanctions and more war: Allied bombing in 1991 destroyed a significant chunk of Iraq's electricity

causing further bottlenecks in rehabilitating the network.<sup>10</sup>

The reasons for the delays in bringing power back on stream are manifold. Turning the system back on is a complex procedure, requiring close cooperation between the new U.S. authorities (CPA and the military) and Baghdad municipality technicians. At least one report suggests, however, that relations frayed when the Americans showed impatience with their Iraqi counterparts, who then threw up their hands and withheld support.<sup>11</sup> But other problems have also led to delays, most critically the absence of security, which has limited critical pylon and power transmission line repairs.<sup>12</sup> Furthermore, by early June many workers had still not received more than a single emergency payment of U.S.\$20 in addition to April salaries, and were reportedly resorting to work slow-downs in protest.

“Baghdad, a city of five million, is the hub of Iraq, its heart,” said one NGO official and long-time resident. “If you don’t get Baghdad up and running, then you won’t get the rest of the country back in shape either. It has a powerful knock-on effect.”<sup>13</sup> However, this requires turning around the security situation.

### III. THE SECURITY VACUUM

It has become conventional wisdom that American commanders blundered by failing to impose public order and protect vital installations in the critical first days after fighting ended. In the security vacuum that was allowed to emerge, rampaging mobs looted virtually every public building in Baghdad, Basra and

other major towns<sup>14</sup>, carting away not only furniture and equipment, but also sockets, faucets and window frames, and in many cases burning documents, if not the entire building.<sup>15</sup> Some vandalism bore the hallmark of criminal intent to destroy evidence, for example, the systematic burning of case files and legal documents in Baghdad’s court houses, and Passport Administration files. Other acts seemed more random, if even more damaging, such as the torching of the National Library, where priceless collections detailing Iraq’s rich cultural heritage were lost.

If the initial neglect can be ascribed to a lapse in war planning, the subsequent failure to impose order once the extent of the problem became clear can only be considered a reckless abdication of the occupying powers’ obligation to protect the population (a point that senior U.S. officials in Baghdad interviewed by ICG acknowledged). Lawlessness on the streets of the capital even today not only poses a constant physical threat to law-abiding citizens and their property, but also inhibits the swift rehabilitation of the city’s destroyed infrastructure.

The example of water is telling. Employees of the Baghdad Water Authority stayed at their reservoirs and projects during the war so the city’s water supply was uninterrupted. Once Baghdad fell and the pillaging started, said one official, “we took our guns and tried to protect our projects. We were among the first to contact the Americans”, beckoning them in the streets as they passed and via meetings at the offices of the International Committee of the Red Cross (ICRC). Yet help was insufficient, and the officials were unable to prevent their facilities from being ransacked. The

<sup>10</sup> ICG interview with Sa’ad Behnam Abdullah, Director General of Operations and Maintenance at the Baghdad Water Authority, and Haidar Sa’id, his deputy, Baghdad, 25 May 2003.

<sup>11</sup> ICG interview with an NGO official, Baghdad, 27 May 2003.

<sup>12</sup> ICG interview with Sa’ad Behnam Abdullah, Director General of Operations and Maintenance at the Baghdad Water Authority, and Haidar Sa’id, his deputy, Baghdad, 25 May 2003. They claimed that on more than one occasion electricity workers had sought to fix downed power lines, only to have their vehicles and equipment stolen from under their noses. They returned home, scared of being attacked by the robbers.

<sup>13</sup> ICG interview with Margaret Hassan, Baghdad, 27 May 2003.

<sup>14</sup> All public buildings were targeted by the looters except for those very few that enjoyed immediate protection from U.S. military forces, including the Ministry of Oil, the Baghdad Municipality and the Police Academy.

<sup>15</sup> Commander Ahmad Abbas Ahmad, who was director of the Detention and Deportation Centre in Baghdad, explained to ICG: “On the night of 8 April, we learned that the Americans had crossed the Baghdad Canal and had reached Saddam City. The 110 police officers under my authority panicked and decided to go home. The roughly 3,000 detainees we had at the time had to be released! In fact, insecurity already had begun to spread at the beginning of the war even though the [Baathist] regime still controlled the capital; criminal gangs started to organise and to operate in certain neighbourhoods. Don’t forget that Saddam had amnestied all criminals at the end of 2002”. ICG interview, Baghdad, 3 June 2003.

main victims were the Al-Rashid water treatment plant, a civilian facility in the middle of an Iraqi Army base, and the Abu Nuwwas water pumping station that feeds the Al-Thawra district (a huge impoverished and largely Shiite neighbourhood). Main stores (containing supplies and spares) were also emptied and burned, while large chlorinators and valves were destroyed in what officials saw as acts of sabotage by elements belonging to the former regime.<sup>16</sup>

The same Abu Nuwwas pumping station, struck by looters after the war, was targeted again in mid-May. Indeed, many installations have been visited routinely by armed persons in search of further spoils, making repairs futile, if not dangerous. In one extreme case, thieves auctioned off stolen cars inside a water plant. The manager did not know whom to call – not knowing which authority was responsible – and was then instructed by his supervisors at the Water Authority to step aside to prevent harm to himself and his employees.<sup>17</sup>

Sewage treatment plants have suffered a similar fate. The Rustumiyya facility, the largest of its kind in Baghdad, was pilfered despite guards, and thieves removed even the engines and cables, leaving nothing but the shell of the building. The guards were powerless and reduced to photographing the rampage.<sup>18</sup> Likewise, oil refineries and other installations critical for reconstruction were taken out of production or forced to curtail it sharply as a result of being plundered. That happened, for example, to the water injection plant at Garimat Ali and filtration units and pumps at the Rumaila oil field in the south. Iraqi officials also said that the theft of gas compressors, additives and field equipment at all facilities was impeding oil production. Overall, the absence of security reduced output at refineries to about three-fourths of domestic petroleum demand, a fact that accounts for the long lines in front of gas

stations in Baghdad and elsewhere.<sup>19</sup> Meanwhile, while security overall shows gradual improvement, it is worsening in some areas. An Oil Ministry official declared that, “What we anticipate on production may not be attainable if the security situation makes repairs impossible”. And Thamer Ghabban, Iraq’s de facto Oil Minister, said: “This is more than a restoration process. People’s lives are at risk”.<sup>20</sup>

Health infrastructure has also been severely affected by the general collapse of public order. Apart from the looting spree that shut many hospitals and health care centres right after the war, a return to regular operations has been delayed because health workers face difficulties reaching their workplaces due to transportation disruptions (lack of gas) and ongoing insecurity.<sup>21</sup> This particularly affects women – heavily represented in laboratories and government offices – who, terrified by widespread rumours of kidnapping and sale into prostitution and the constant fear of carjacking, have in many instances largely stopped driving.<sup>22</sup>

Buildings of UN agencies, including UNICEF, the UNDP, and the World Health Organization, were also gutted and vital documents, electronic equipment, furniture and more than 200 vehicles lost. The offices were only slowly being brought back into operation.<sup>23</sup>

The looters seem to be of three kinds: members of Iraq’s underclass, impoverished by years of sanctions, unemployment and discrimination; thousands of criminals released by the regime in a 2002 amnesty; and remnants of that regime itself, Saddam’s “orphans”, who, still armed, funded and

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<sup>16</sup> ICG interview with Haidar Sa’id, Director of Operations and Maintenance at the Baghdad Water Authority, Baghdad, 25 May 2003. The Water Authority, a building located next to the Baghdad Municipality, was also completely looted. On the day of ICG’s visit, it was empty of furniture and other amenities. Documents were strewn about on the top floors, which had not yet been cleaned.

<sup>17</sup> ICG interview with Ahmad Al-Yassin, a water engineer with UNICEF, Baghdad, 25 May 2003.

<sup>18</sup> ICG interview with an official at the NGO Care International, Baghdad, 27 May 2003.

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<sup>19</sup> Nicolas Pelham and Kevin Morrison, “Iraq will be able to export oil ‘within two weeks’”, *Financial Times*, 23 May 2003.

<sup>20</sup> Peg Mackey, “Poor security, looting force rollback of crude-production targets”, Reuters, in *Daily Star*, 20 May 2003.

<sup>21</sup> ICG interview with Karel de Rooy, UNICEF’s director in Baghdad, 23 May 2003. He said that the organisation’s vaccination campaign, health education, and writing materials for school children would proceed, more or less, despite the absence of security.

<sup>22</sup> ICG interview with Ahmad Al-Yassin, a water engineer with UNICEF, Baghdad, 25 May 2003. He said that in late May only two or three women were showing up for work at the Water Authority and Sewage Authority in Baghdad. Before the war women constituted 60 per cent of the work force of these institutions.

<sup>23</sup> ICG interview with UN Assistant Secretary-General Ramiro Lopes da Silva, UN Humanitarian Coordinator for Iraq, 25 May 2003.

organized, appear set on sabotaging reconstruction and a smooth political transition (possibly with the fanciful idea of restoring the Baath Party to power as a reaction to the prevailing chaos). None of these groups will be deterred unless the victors assume a policing role on top of their military one. In the longer term, of course, poverty alleviation and employment creation are more effective and sustainable ways of reducing criminality, but the predominant street sentiment appears to be that the U.S. should show more muscle by firing at looters rather than seeking to detain them, as they have increasingly begun to do.<sup>24</sup>

After weeks of hesitation, the U.S. did signal that it realises the importance of security. "Without order, little else will be possible", U.S. Secretary of Defense Donald Rumsfeld declared in an opinion piece in the *Wall Street Journal* in late May.<sup>25</sup> ICG found no one in Baghdad with a different view.<sup>26</sup> Paul Bremer has introduced an assertive, muscular style that is more in tune with the needs of the population. So far, however, though the trend is more positive, there has not yet been a decisive difference in the street. Help from allies who have offered "stabilisation" forces or civil police has also yet to materialise to any significant degree;<sup>27</sup> the lack of advance planning means the U.S. must go hat-in-hand to try urgently to recruit police from willing countries.<sup>28</sup>

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<sup>24</sup> The Kurdistan Democratic Party, one of the two main Kurdish groups in Iraq, offered to deploy its forces in Baghdad to guard key buildings, a proposal its officials say was turned down by their American allies – wisely perhaps, given the strong anti-Kurdish animosity one comes across in Iraq's Arab heartland. Interview with KDP official Hoshiyar Zeibari, Baghdad, 23 May 2003.

<sup>25</sup> Donald H. Rumsfeld, "Core Principles for a Free Iraq", *Wall Street Journal*, 27 May 2003.

<sup>26</sup> As the top UN official put it, "Fix the security situation, and you have fixed 80 per cent of the problem." ICG interview with UN Assistant Secretary-General Ramiro Lopes da Silva, UN Humanitarian Coordinator for Iraq, 25 May 2003.

<sup>27</sup> For example, Poland, a potential contributor to a 7,000-man strong peacekeeping force, apparently was still seeking funds at the end of May to send about 1,500 troops. Barry James, "U.S. forces formally abolish Iraqi Army", *International Herald Tribune*, 24-25 May 2003. A few Canadian and Italian troops have been seen on Baghdad streets in early June.

<sup>28</sup> This has been a recurring problem in post-conflict situations, including Haiti, Bosnia, Kosovo and Afghanistan to name a few. See ICG Balkans Report N°130, *Policing the Police in Bosnia*, 10 May 2002; ICG

Recent decrees that disband the Iraqi military and security services, as well as the defence, information and interior ministries,<sup>29</sup> threaten to aggravate the problem, as they put on the street tens of thousands of tough young men – unpaid for months, newly unemployed, still armed and bearing a serious grudge. Senior police officers have been dismissed, vetting and training of a new Iraqi police force is taking time and Iraqi police officers cannot patrol without CPA authorisation: all this makes it far more difficult to achieve what Baghdadis feel ought to be the priority – taking the street away from criminals and restoring a sense of safety.<sup>30</sup>

#### IV. DECOMMISSIONING WITHOUT REINTEGRATION

UN officials and Iraqi political groups, including those clamouring for de-Baathification, have warned against the summary dismissal of 400,000 in tainted institutions, such as the military and police, without even the semblance of vetting or an explicit promise of a future in the new Iraq.<sup>31</sup> In

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Balkans Report No. 79, *Waiting for UNMIK: Local Administrations in Kosovo*, 18 October 1999 and ICG Balkans Report No. 74, *The Policing Gap: Law and Order in the New Kosovo* 6 August 1999. It was also highlighted as a problem in the Report of the Panel on United Nations Peace Operations. See: [http://www.un.org/peace/reports/peace\\_operations/report.htm](http://www.un.org/peace/reports/peace_operations/report.htm)

<sup>29</sup> See Barry James, "U.S. forces formally abolish Iraqi Army", *International Herald Tribune*, 24-25 May 2003.

<sup>30</sup> Iraqi police officers told ICG they wanted greater latitude to work without having to check everything beforehand with the CPA. In the words of a senior police officer in Baghdad: "A week after the fall of Baghdad, the Americans called on all Iraqi police officers to join their units. Many did and went to their headquarters wearing their police uniforms. We were then asked to wear civilian clothes and to wait! Iraqi police officers were given a number of badges by the Americans: one that allows them to enter and exit the police station, one to carry a firearm, one to patrol on a motorcycle and yet another to be able to receive a salary. We have to address this lack of trust between the Americans and us. The Americans are trying very hard, they are competent and well organised, but they must understand that they will not be able to restore order alone. They need our help." ICG interview, Baghdad, 4 June 2003.

<sup>31</sup> In response to protests by hundreds of dismissed Iraqi soldiers on 2 June, Administrator Bremer declared that former soldiers would be eligible to join a new military force, yet to be created. Brian Knowlton, "U.S. offers new

other post-conflict situations such as East Timor, Kosovo, Angola and El Salvador, decommissioning or demobilisation has been accompanied by programs aimed at reintegrating the newly-released elements into society to minimise the risk of violent crime. Those efforts have met with only mixed success, but the complete absence of even an attempt to address the concerns of dismissed Iraqis sets up a host of new problems that, given the prevailing insecurity, the CPA is ill-equipped to tackle.

While Bremer's orders may be understandable given the record of the security services in Saddam's crimes and abuses and their pervasive corruption, the message that has been sent – and been received by ordinary Iraqis – is that their simple employment in suspect agencies or membership in the Baath Party is considered a better indicator of their eligibility for a role in rebuilding Iraq than their personal character and actual past behaviour. Iraqis see the measure, in other words, as an act of collective punishment.<sup>32</sup>

This is both counter-intuitive and counter-productive. For example, Iraqis repeatedly point to senior police officers not tainted by the Baathist regime, who in fact may have suffered from its cruelties.<sup>33</sup> With a careful screening process, they might be well-placed to lead the police into the new era, assisted by office workers similarly found free of blemish.<sup>34</sup> At a minimum, they ought to be

afforded a trial period to demonstrate that they can work effectively and honestly in the new environment. In light of the absence of public order, the reinstatement of “clean” police officers cannot occur early enough. Iraq faces a dangerous shortage of active security personnel and an abundance of inactive, restless ones as the ex-servicemen and ex-employees are reduced to selling their weapons on the black market and organising protest demonstrations.<sup>35</sup> The expectation in Baghdad seems to be that if they fail to find jobs in the private or informal sectors, these men and women may eventually swell the ranks of either the organised opposition that is slowly emerging or of a resurgent, though underground, Baath Party, or resort to petty crime.

A related edict that spawned similar fury when issued by Bremer in mid-May “disestablished” the Baath Party and removed senior party members from public positions. In a particularly sweeping, and therefore galling, move, the order also called for screening the top three managerial layers in all ministries and other government institutions with the purpose of purging them of anyone who was a party member, regardless of rank or record.<sup>36</sup> This

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role for Iraq's ex-soldiers”, *International Herald Tribune*, 3 June 2003.

<sup>32</sup> Many Iraqis were equally offended by the requirement that they sign pledges that they were renouncing membership in the Baath Party.

<sup>33</sup> ICG interview with Goran Talabani, a member of the Central Council of the Iraqi National Congress (INC), Baghdad, 22 May 2003. The army has traditionally been the least politicised of Iraq's security services, and its rank and file is made up largely of Iraq's Shiite underclass, which has suffered from repression and discrimination and whose loyalty to the past regime should therefore be considered highly questionable. In a previous report, ICG underscored that “important distinctions need to be made regarding the degree of loyalty to the regime and capacity to play a post-Saddam role” among members of the armed forces and warned against steps that would “deliberately humiliat[e]” them. See ICG Middle East Report No. 11, *War in Iraq: Political Challenges after the Conflict*, 25 March 2003, p. 7.

<sup>34</sup> ICG found a number of newly laid-off office workers outside the General Directorate of Police in Baghdad on 26 May, including the head of the accounting department.

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They complained of corruption at the hands of senior managers appointed by ORHA and accountants who were paying out salaries on the basis of what they claimed were handwritten and doctored employee lists (lacking some names and including a number of long-time retirees). They, too, made the point that qualified and competent officers were available to take the place of those tarnished by the past, usually pointing to technocrats without whose expertise the political appointees could not have fulfilled their managerial roles.

<sup>35</sup> For example, former employees of the Information Ministry demonstrated in Baghdad on 28 and 31 May. “Sacked civil servants demand reinstatement”, Agence France-Presse, in *Daily Star*, 29 May 2003; and “Saddam's sacked media workers demand jobs back”, Reuters, in *Jordan Times*, 1 June 2003. See also, Wafa Amr, “Colonel says coalition may regret dissolving army”, Reuters, in *Daily Star*, 26 May 2003.

<sup>36</sup> “Order of the Administrator of the Coalition Provisional Authority: De-Baathification of Iraqi Society”, 16 May 2003. Baath Party members holding the ranks of *Udw Qutriyya* (Regional Command Member), *Udw Far* (Branch Member), *Udw Shu'bah* (Section Member), and *Udw Far* (Branch Member) are banned from public sector employment. Together these groups are labelled “senior party members”. These senior party members are to be evaluated for criminal conduct or threat to the security of the Coalition. Those suspected of criminal conduct are to be investigated and if deemed a threat to security or a flight risk, detained or placed under house arrest. Individuals



triggered serious discomfort not only among the many party members who now face uncertain futures but also among senior U.S. civilians charged with implementing the directive. Some supported swift, complete evisceration of the party as the only way to set in motion a smooth political transition. Others, however, perceived a negative short-term impact on the reconstruction effort in which they contemplated an important initial role for senior managers who almost by necessity would have been members, however junior their party rank and passive their involvement, and who, for better or worse, they saw as indispensable to get things up and running again. The result has been simmering conflict within the U.S.-run administration in Baghdad and inconsistent application of the edict across ministries and national institutions.<sup>37</sup>

As one senior U.S. official put it, the de-Baathification edict threw the Pentagon-directed Office of Reconstruction and Humanitarian Affairs (ORHA)<sup>38</sup> “into a moral muddle from which we should extricate ourselves. The objective of de-Baathification is to prevent the resurgence of the party, but you cannot do that by simply cutting off its head. There is a huge grey area” of opportunistic

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holding positions in the top three layers of management in every national ministry, affiliated corporations and other government institutions (universities, hospitals and the like) are to be interviewed for possible affiliation with the Baath Party and subject to investigation for criminal conduct and risk to security. Any such persons determined to be full members of the Baath Party are to be removed from their employment. This includes those holding the more junior ranks of *udw* (Member) and *Udw Amil* (Active Member), as well as those determined to be Senior Party Members. The edict contains an important waiver: “The Administrator of the Coalition Provisional Authority or his designees may grant exceptions to the above guidance on a case-by-case basis”.

<sup>37</sup> These contradictory feelings about the order also find reflection among Iraqis. There have been calls in the last month, including in Baghdad, that not enough Baathists have been removed and that the process needs to move quicker. In other words, on the ground, the pressure is going in two directions at the same time: both purge more and purge less. ICG observations in Iraq, May and June 2003. See also

<http://www.nationalreview.com/comment/comment-aydintasbas051903.asp>, which discusses Iraqis at a local school trying to take matters into their own hands because of a lack of action by the U.S.-run administration.

<sup>38</sup> ORHA initially coordinated Iraq’s reconstruction. It has been folded into the CPA since 1 June 2003. See below.

party risers who may not have committed any crimes.<sup>39</sup> The UN Humanitarian Coordinator expressed concern that “when you remove the top layers of the Baath Party from the public sector, you lose an awful lot of know-how, especially about how the various systems work. It *may* be the right decision, but it may also give rise to new problems”.<sup>40</sup> The U.S. official blamed Iraqi former exiles for pushing this “give no quarter” ideological line, which conflicted with the realities in Iraq.<sup>41</sup>

To the extent the decree has been implemented, U.S. civilian officials have, therefore, focused on party membership rather than on individual conduct or character.<sup>42</sup> Because the precise contents of the edict were, in the absence of effective means of communication, known to few and seemed open to interpretation, Iraqis who heard about the order were confused about its coverage and application. Sudden and summary removal of senior management has left ministries and institutions in disarray at a critical time. The situation in Baghdad, as one NGO observer put it, was that directors of plants would go to work “not knowing whether they still had a job, whether they would get paid, whether they still had any authority, or whether they were working in a knowable structure” – all on top of the volatile security situation.<sup>43</sup> In one early example, in Baghdad in April, the short-lived and self-appointed “mayor”, Muhammad alZubaidi, reportedly sent home all top managers of the Water Authority and other municipal agencies under a blanket order. Because the system is so heavily centralised, it immediately began to fall apart. An NGO activist with experience in Iraq explained:

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<sup>39</sup> ICG interview, Baghdad, 21 May 2003.

<sup>40</sup> ICG interview with UN Assistant Secretary-General Ramiro Lopes da Silva, 25 May 2003. Moreover, he said, “if the de-Baathification process isn’t carefully managed, you also risk removing some of the secular tradition of the state, because if there is one thing that Saddam’s regime did that was beneficial, it is that it maintained a strict separation between state and religion”.

<sup>41</sup> Goran Talabani of the Iraqi National Congress claimed credit for the edict: “It was our initiative. We are not worried about the consequences. We are talking only about 30,000 people, which is not a very large number.” ICG interview, Baghdad, 22 May 2003.

<sup>42</sup> ICG interview with a senior official at ORHA, 24 May 2003.

<sup>43</sup> ICG interview with Paul Sherlock, seconded to UNICEF by Oxfam, Baghdad, 23 May 2003.

The governing structure has collapsed in a way far worse than anyone thought would happen. Decapitation of the institutions has meant severe dysfunction. Start with the physical destruction from vandalism in Baghdad and the absence of Iraq's human resources in the current climate of insecurity. Then consider that Iraqi professionals had a very narrow field of work with a limited view of what others around them were doing. Only the managers at the top, the political appointees, had a broader view, and they are now being removed, probably for the right reasons, but it is causing confusion. The directors general of the specialised services had no line of view or communications with each other. These people cannot easily take over. Hyper-specialisation is emblematic of the police state, as a way of control. Once you remove the managers in such a highly centralised system, it becomes a real challenge to rebuild.<sup>44</sup>

The better solution, say technocrats, would have been to keep these managers at least long enough to rehabilitate the infrastructure, and then set up a fair mechanism by which to determine their future.<sup>45</sup> The UN's assessment was that the Bremer edict, whatever its worth, was setting reconstruction efforts back by several weeks.

The critique extends, however, beyond the functional argument that Baathists are instrumental for rapid reconstruction of broken infrastructure. As observers across the spectrum told ICG, the de-Baathification effort is also misdirected because it considers senior membership, or even mere membership, in the party as more significant an indicator of guilt than actual individual conduct. The more appropriate approach that some were advocating is "de-Saddamisation". A political activist called "Saddamism ... a criminal way of conducting politics".<sup>46</sup> The Tikriti clique that took

power in the late 1970s deployed the Baath Party to further its criminal ends, in the process gutting the party of its ideology and program and corrupting many of its members.<sup>47</sup> While the party remained a regime tool, for all practical purposes it was the only effective means of advancement in a profession. For Iraqis, therefore, the critical difference lies between active and passive Baathists and between members untainted by crimes and those who used their positions to enrich themselves and harm others.<sup>48</sup> Moreover, said another political activist, some Iraqis held senior government positions not because they were top Baathists but because they worked for the security services. These people, he asserted, were well-known because they "harassed, harmed and blackmailed" their employees and therefore could have been dismissed without resort to a blanket approach.<sup>49</sup>

There are broader security and political risks involved in pursuing indiscriminate and wholesale de-Baathification. Undoubtedly it will add to the already significant unemployment problem, and thus possibly to criminality.<sup>50</sup> At least one political party holds that those who are dismissed must receive some form of remuneration. Zuhair Pachachi, nephew of Liberal Democratic Group leader Adnan Pachachi, asked: "What are all these tens of thousands of people going to do? These are doctors, engineers, teachers, officers, university professors, and they all have families. We agree that this stupid party should be disbanded, but this is creating havoc". He suggested that the CPA set up a mechanism to remove Baathists from political life but that all who were found not to have committed crimes should at least be eligible for pension benefits.<sup>51</sup> An official of the Iraqi National Accord, Mazen al-Samarra'i, warned: "Bremer's edict should not become a crusade" because it

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<sup>44</sup> ICG interview with Jean-Bernard Bouvier team leader of the medical NGO Merlin, Baghdad, 23 May 2003.

<sup>45</sup> ICG interview with Ahmad Al-Yassin, UNICEF, Baghdad, 25 May 2003.

<sup>46</sup> ICG interview with Mazen al-Samarra'i of the Iraqi National Accord, Baghdad, 23 May 2003. The INA has been accused of being a haven for members of the Baath Party. The INA itself insists that its members, if they have a Baathist past, belonged to the true Baath Party line unspoiled by the Tikriti gang.

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<sup>47</sup> See ICG Middle East Report No. 6, *Iraq Backgrounder: What Lies Beneath*, 1 October 2002.

<sup>48</sup> See ICG Report, *War in Iraq*, op. cit., p. 6. One political activist, who said he briefly joined the party in the early 1960s, noted, "Most Baathists are patriots and honest men and women, who are not part of the old regime". ICG interview with Mohsen Sheikh Radi, Baghdad, 20 May 2003.

<sup>49</sup> ICG interview with Jasim al-Hilfi, member of the Central Committee of the Iraqi Communist Party, 22 May 2003.

<sup>50</sup> At time of writing in early June, the CPA had not yet taken a decision on whether to extend pension benefits to those dismissed from their positions under one of the Bremer edicts.

<sup>51</sup> ICG interview, Baghdad, 22 May 2003.

might lead to reprisals, theft of homes and the like, while “those suspected of crimes deserve their day in court and a just punishment”.<sup>52</sup>

The current approach also risks strengthening organised hostility to the U.S. The Baath Party has three distinct strands of members: those who were loyal to Saddam; those who joined out of expediency or opportunism (to find employment, advance careers or care for families); and those who joined in the early years out of identification with its ideology before the party was hijacked by Saddam. The goal of U.S. policy ought to have been to co-opt the latter two groups in order to isolate and marginalise the first. Instead, it has made all three feel economically vulnerable, personally threatened and politically disenfranchised. By treating them without distinction, it risks unifying them against the American presence.

This suggests that what is required is a careful process of vetting that goes beyond a person’s rank in the party to dig into his or her past, using documents and eyewitness testimony to substantiate accusations. Such a procedure, if transparent, fair and conducted by knowledgeable independent Iraqis with the aid of international lawyers schooled in investigating war crimes and crimes against humanity, might go a long way toward quieting the strong emotions the de-Baathification order has stirred up. It would also offer a better future for those who joined the party for legitimate reasons and were promoted on merit rather than sycophancy.<sup>53</sup>

To be sure, there are risks in keeping senior Baathists in place, even for the short term. Regardless of whether they committed crimes, many are loathed by their staff and command little respect at a time when the reconstruction process needs everyone to work together.<sup>54</sup> Moreover, some

argue that, especially as long as Saddam Hussein's fate is unknown, Baathists may also be suspected of harbouring the hope of returning to power.<sup>55</sup> These risks are outweighed, though, by the far greater one of growing instability, increased alienation and organised opposition the current approach is provoking.<sup>56</sup>

## V. MYTHOLOGY OF THE MISSING EX-LEADER

On 5 May, Secretary Rumsfeld declared that “If you don’t have evidence he’s dead, you’ve probably got to assume he’s alive”.<sup>57</sup> The inability so far to account for the deposed Saddam Hussein is giving rise to numerous rumours, including persistent reports of sightings, in one disguise or another, in Baghdad or its immediate environs. Most of these reports cannot be taken too seriously, but non-closure of the Saddam file holds out hope to his die-hard supporters that one day he may return and lead them back into the Republican Palace.

The gradual increase in armed attacks against U.S. forces in Baghdad may be attributed to elements of the former regime, as may be the continuing acts of sabotage that according to eyewitnesses seem constantly to afflict unguarded plants and institutions. One top U.S. official told ICG that while security generally seems to be improving, there are also signs that “some resistance to the coalition forces may be coalescing”, and that the failure to capture Saddam is a problem for the

<sup>52</sup> ICG interview, Baghdad, 23 May 2003.

<sup>53</sup> One university professor observed: “The Bremer edict is at once funny, ridiculous and sad. What does it mean that Baathists can no longer work in the public sector? There is nothing *but* the public sector in Iraq’s oil-driven economy. Moreover, de-Baathification should be done the proper way, via a court that hears evidence. The way it is now you are a criminal until proven otherwise”. ICG interview with Wamidh Nadhmi, head of the Iraqi Association of Political Scientists, Baghdad, 24 May 2003.

<sup>54</sup> Municipal employees staged a strike at the Dura power station on 20 May to protest the appointment of a former

Baath party official, Karim Wahid Hassan, to the top post at the Electricity Authority. In a letter to the CPA, the employees wrote: “We were shocked and horrified to see the same old guard come back....We ask you to hear our appeals for help and to sack the clique of corrupt hypocrites....Do not let the excuse of restoring electric power prevent you from carrying out your sacred duty to make Iraq a free country”. Reproduced in “Power workers protest against new ex-Baathist boss”, Agence France-Presse, in *Daily Star*, 21 May 2003.

<sup>55</sup> ICG interview with Tamara Daghistani of the Iraqi National Congress, Baghdad, 21 May 2003.

<sup>56</sup> In a previous report, ICG had recommended the removal of “members of the senior echelons of the Baath Party”, *War in Iraq*, op. cit., p. iii. As this report suggests, that recommendation ought to have been nuanced to target only those senior members found guilty of wrongdoing.

<sup>57</sup> “Rumsfeld: Saddam probably still alive”, CNN, 5 May 2003, at

<http://www.cnn.com/2003/US/05/05/wbr.saddam.alive/>.

political transition and reconstruction effort.<sup>58</sup> The culprit may not be the underground remnants of the Baath Party, as anger at the occupation seems widespread and arms remain plentiful.<sup>59</sup> But since the vandalism, in particular, seems aimed at disrupting reconstruction and so undermining legitimacy of the U.S. presence among Iraqis, it may well be conducted by remaining Saddam loyalists.

In late May, slogans began to appear in Baghdad heralding emergence of a new party, Al-Awda, or “The Return”, which was thought to be a reincarnation of the Baath. In the eyes of many Iraqis, the enduring presence of the elusive leadership of the former regime, even in the shadows, facilitates resistance, making it possible that it will escalate rather than evaporate. And Saddam does appear to enjoy a measure of quiet support in powerful circles in the country, especially in and around Baghdad.

## VI. THE POLITICAL PROCESS: ELECTIONS AND SELECTIONS

The debate over the nature of the authority to rule Iraq in an interim period until nation-wide elections are held has stirred a significant amount of dust in Baghdad. UN Security Council Resolution 1483 of 22 May 2003,<sup>60</sup> which authorised creation of an “Iraqi interim administration,” seemed in the eyes of many to ratify a shift away from the parties returning from exile to Iraqis who had never left the country, had perforce remained silent under Baathist rule and now are likely to emerge as

<sup>58</sup> ICG interview with Ambassador Robin Raphel, ORHA Coordinator of Ministries, Baghdad, 27 May 2003. The UK envoy in Iraq, Ambassador John Sawers, also took this view, saying the failure to arrest Saddam Hussein was impeding progress of the political process. *Al-Zaman* (Baghdad), 5 June 2003.

<sup>59</sup> It is also possible, as one observer noted, that the party may be sending *agents provocateurs* into the streets to stoke trouble and encourage protests over the kinds of problems that continue to rile Iraqis, especially the prolonged absence of basic services, the delays in the payment of salaries and pension, and the long gasoline lines. ICG interview with Ambassador Riyadh al-Qaysi, a former senior official at the Foreign Ministry and a former Iraqi Ambassador to the UN, Baghdad, 4 June 2003.

<sup>60</sup> Available at: <http://www.un.org/Depts/oip/>.

political freedoms begin to flower.<sup>61</sup> This, and the Bremer order to disarm all Iraqi militias other than those of the Kurds – understandable as it was to avoid the existence of uncontrolled military forces under partisan control – have been interpreted as a slap in the face of the former exile parties.<sup>62</sup>

The strongest indicator of this shift on the ground was the fact that the CPA began to organise quasi-elections and deliberate selection processes in ministries, institutions, universities and professional associations. These are welcome in principle since they are aimed both at producing legitimate managerial leaderships that can drive the reconstruction process forward and at building the foundations for a future political leadership in the country.<sup>63</sup> Elections were held, for example, within the Lawyers Association on 24 May. Although there are sharp differences between some U.S. officials<sup>64</sup> and Iraqi lawyers<sup>65</sup> who were present over precisely what took place, several hundred lawyers elected a temporary leadership council of five after the removal of the association’s head, No’man No’man (reputed to be ‘Uday Saddam’s personal lawyer), by the ORHA representative.

<sup>61</sup> U.S. administrator Paul Bremer played down the significance of the seven-member leadership council set up in previous months and consisting primarily of Iraqi exile leaders and the heads of the two main Kurdish parties, saying in May: “We want a government representative of the Iraqi people. That’s the process we are in now. We are moving as quickly as we can”. “Frustration mounts as Bremer delays interim government meet”, *Daily Star*, 22 May 2003. The UK special envoy to Iraq, John Sawers, was even more scathing in his assessment of the exiles and their role in a future Iraq: “I haven’t talked to any Iraqi who thinks the job can be done better by some ad-hoc committee than by the coalition itself. We can’t just give power to these self-appointed individuals and we’re not going to”. Quoted in “British official says Iraq handover could take years”, *Daily Star*, 21 May 2003. Some at ORHA have derisively referred to the seven-member leadership council as the “Gang of Seven.”

<sup>62</sup> “U.S. disarms Chalabi fighters as part of a security drive”, Reuters, in *Daily Star*, 26 May 2003, quoting INC representative Entifadh Qanbar.

<sup>63</sup> ICG advocated this approach in its recent report, *War on Iraq*, op. cit.

<sup>64</sup> ICG interview at ORHA, Baghdad, 26 May 2003.

<sup>65</sup> ICG interview with a lawyer, Baghdad, 27 May 2003. This lawyer claimed that not 800 but perhaps only 200 lawyers (out of a total membership of thousands) had elected the council, and that widespread opposition to the U.S.-imposed process had been voiced during the meetings preceding the election.

Likewise, ORHA began creating advisory councils within the Baghdad municipality, starting at the neighbourhood level. The highest such organ is expected to offer advice to a newly established fourteen-person Executive Council (two municipality representatives and one each from the twelve ministries) that is to act as city manager. Although these quasi-elections are supposed to occur spontaneously within Baghdad's neighbourhoods, they in fact have been initiated by the Americans, who invite residents to come to meetings chaired by area military commanders. This process is then supposed to be replicated in the governorates.<sup>66</sup>

This nascent form of participatory democracy unsurprisingly got off to a bumpy start. The de-Baathification drive interfered with the free expression of preferences in some institutions; in others, employees protested what they saw as the summary imposition of a new, "clean" leadership by the U.S.<sup>67</sup> At the Ministry of Health, one observer noted:

ORHA came in and said that the new management had to be elected through a democratic process. At the same time, they then limited this process to a small group of people. There was an attempt to involve the staff, but ORHA was moving too fast, and communications are non-existent, so those at the bottom of the pyramid were not being involved. This then served to undermine the legitimacy of those elected.<sup>68</sup>

Elections often take place amidst confusion and behind the scenes bargaining between the U.S. civilians and various Iraqi protagonists (e.g., bureaucrats working in the relevant ministry and political party members). Because of this lack of transparency and communication, ordinary Iraqis tend to know little about the elections. The CPA should make a point of better informing them, providing advance notice and the time necessary to participate and take an active part.

Ultimately, only an Iraqi sense of ownership over the political process will allay concerns, fed by long-felt perceptions of U.S. designs in the region, about a possibly prolonged occupation in furtherance of interests such as oil and the defence of Israel, through the installation of an unrepresentative pro-American regime. The initiative to hold such (s)elections must, therefore, be applauded, while at the same time the CPA should guard against moving too rapidly and peremptorily, thereby disenfranchising or alienating the very Iraqis who today, for the first time, have a chance to rebuild their own country with their own hands.

Political developments will be the subject of a forthcoming ICG report.

## VII. TROUBLES WITHIN THE OCCUPATION ADMINISTRATION

The Office of Reconstruction and Humanitarian Assistance (ORHA) was initially established as the primary agency responsible for leading the reconstruction effort. Before it was folded into CPA on 1 June, it had a separate identity and mandate, operating out of Saddam Hussein's Republican Palace. From the moment of its arrival, its rapidly growing staff faced a daunting task, and to the extent progress has been made in rehabilitating essential services, it deserves full credit. Yet the agency – the way it was run, where it resided, how it interacted with ordinary Iraqis – came under withering criticism from Iraqis, NGOs, the UN and, most importantly, senior members within its own ranks. The reorganisation of the CPA and the move of part of ORHA's old 1,200-member staff from the Republican Palace to new headquarters at the nearby National Convention Centre, was, therefore, long overdue.<sup>69</sup> A senior ORHA official derided the Republican Palace as a "white elephant", chosen strictly because it was thought to be the most secure place for the U.S. civilian bureaucracy in Baghdad, at the expense of considerations concerning the agency's credibility and effectiveness.<sup>70</sup>

<sup>66</sup> Presentation by Amal Rassam of ORHA, Baghdad, 24 May 2003.

<sup>67</sup> ICG interview with Sobhi al-Mashhadani, a train engineer with the Iraqi Railways Directorate, Baghdad, 24 May 2003.

<sup>68</sup> ICG interview with Jean-Bernard Bouvier of Merlin, Baghdad, 23 May 2003.

<sup>69</sup> Ambassador Bremer, the head of CPA, continues to make his headquarters at the Republican Palace, however.

<sup>70</sup> One Iraqi political activist said harshly: "The Americans are nuts. They are well-intentioned but they don't know anything. They are living in an ivory tower. They are becoming another Saddam: completely out of touch with

When the first civil servants entered Iraq from Kuwait shortly after the war ended, they found considerably less destruction than anticipated and few refugees. However, according to NGO officials who have dealt with them, they and the military forces assigned to rebuilding infrastructure suffered from a lack of relevant information. The manifest absence of preparation and planning for the civilian side of the operation stunned not only those on the ground who had a prior track record in humanitarian relief in Iraq – NGOs, UN agencies, and the ICRC – but also, revealingly, members of ORHA itself, who were quite frank in their admission to ICG of having been parachuted in from sometimes entirely unrelated jobs within the U.S. bureaucracy and consequently feeling quite out of their depth.

The place they landed, or where they were quartered – Saddam Hussein’s Republican Palace – has the virtue of being isolated, and therefore relatively easily protected. Yet even two months after the war, the huge palace still does not have a working phone system (either internal or external),<sup>71</sup> proper working space, or even modestly comfortable lodgings for a staff that has been described, almost unanimously, as earnest, bright, enthusiastic and hard working, but lacking knowledge about Iraq, its society and citizens. In late spring, ORHA staff told ICG they were still “trying to get the lay of the land”.

The main shortcoming that hobbled ORHA and continues to bedevil the CPA and undermine the legitimacy the American presence still enjoys among ordinary Iraqis is the weak and at times awkward contact the staff has had with Iraqi society. Part of this is due to the logistical nightmare involved in meeting with Iraqi counterparts who cannot be contacted by telephone or e-mail and who may not be where they are

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reality. They need to talk to common Iraqis. People are very afraid. This is the beginning of total anarchy”. ICG interview, Baghdad, 21 May 2003.

<sup>71</sup> Some offices could be reached by dialling a telephone number in Virginia or Massachusetts (though ICG failed in its attempts to get through from its satellite phone in Baghdad), and most ORHA staff had access to e-mail (but their responsiveness to queries varied). For inter-office communications, other than walking from one office to another to see if the wanted party was both present and available, some staff members reportedly had access to radios.

thought to be.<sup>72</sup> Another factor is also the requirement imposed on staff (and increasingly broken by frustrated individuals eager to get the job done), to travel at all times through the city with a military escort. Arranging transportation is a daunting task given the virtual absence of communications, and also because of coordination complications that stem in part from reportedly testy relations between the civilian staff and army units guarding the palace. The reverse – Iraqis visiting counterparts in the CPA – is even more difficult, unless they are personally escorted by staff from the main gate several kilometres from the palace (timing again impeded by communication gaps). Alternative forms of contact, for example for ordinary Iraqis to provide information or lodge complaints with the CPA, are non-existent, except in an informal way by accosting soldiers on patrol in the street, who often lack the wherewithal to pass on the information to its appropriate destination.

This, said one NGO official, is a “faceless administration”, unknown and unknowable to Iraqis.<sup>73</sup> As UN Humanitarian Coordinator Ramiro Lopes da Silva put it, “There is a knowledge gap in Iraq about what the coalition forces are doing, and without effective interface between ORHA [now CPA] and the population, you will never be able to narrow that gap”.<sup>74</sup>

Disorganisation has further reinforced first ORHA’s, now the CPA’s, image of being

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<sup>72</sup> By early June, four or five neighbourhoods enjoyed restored telephone connections, but reconnected subscribers could only call within their individual neighbourhoods and not inter-city or international. The only exception was two adjacent neighbourhoods. But the restored service was only sporadically available. Also by early June, cellular phone connections were becoming more reliable, but these were generally available only to internationals and to a handful of Iraqis, mostly in official positions.

<sup>73</sup> ICG interview, Baghdad, 25 May 2003. Moreover, said an NGO worker, ORHA staff rarely show up at the daily briefings organized for NGOs and the UN at the National Convention Centre by the civilian branch of the military, the Iraq Assistance Centre (IAC) and the Civil-Military Coordination Centre (CMCC), both of which have been described as highly efficient and interactive: “ORHA shines by its absence. I raise the problem of communicating with ORHA at these briefings, but since ORHA is not there, and the IAC and CMCC don’t have links with ORHA either, we make no progress”. ICG interview with Jean-Bernard Bouvier of Merlin, Baghdad, 23 May 2003.

<sup>74</sup> ICG interview, Baghdad, 25 May 2003.

ineffectual and remote. Iraqis and NGO officials complain of bureaucratic bottlenecks, not knowing who is in charge at any given time, and reversals of decisions. Jean-Bernard Bouvier, team leader of the British NGO Merlin that currently represents NGOs in the NGO Coordinating Committee in Iraq (NCCI), described at some length the bureaucratic obstacles organisations such as his face as they attempt to help Iraqis restart projects. After the troubles that followed the appointment and subsequent dismissal of a minister of health because of his Baathist past, the situation at the ministry barely stabilised:

ORHA's first action in the Ministry of Health was to set up an International Health Committee, whose task it was to control what NGOs are doing in the health sector in Iraq, how many supplies they can bring into the country, etc. All our operations are now subject to permission by this committee. But the system does not work because of unacceptable delays from ORHA's side. Decisions that could be taken in ten minutes – because NGOs and the UN are poised to act – do not happen. We now have waited for four weeks for a simple decision on the re-supply of hospitals and health centres with medicines from the Central Pharmacy in Qemadiyah. The place is totally corrupt, but it is fully stocked: It has enough supplies to serve all of Iraq for six months. We suggested to Ministry of Health staff that they send a letter to the committee requesting the release of drugs to health centres free of charge [the latter have no income because of the war and its aftermath]. There was no response, and last week ORHA disbanded the committee. The problem lies within ORHA, whose priority it is to establish the Ministry of Health in its own way over the immediate needs of the population. ORHA seems more concerned with the political process than with rehabilitating health services, which as a result are now on the verge of collapse. What will happen is that health centres will be forced to close down just at a time when we are expecting major outbreaks of disease.<sup>75</sup>

A director at the Water Authority concurred with this assessment on the basis of his own experience:

“We are still waiting for approval of outstanding contracts from the Americans”, he said. “It is taking time for them to get up to speed. ORHA decides, but they don't tell you yes or no”.<sup>76</sup>

## VIII. THE INFORMATION GAP

Part of the problem the CPA faces, beyond the troubled relationship with counterparts in the ministries and national institutions, is the failure to establish effective communication with the Iraqi population as a whole. Iraqis remain in the dark about CPA intentions, what activities it is organising that might serve their needs, what progress it has made in restoring services, and what plans it has for a return to a degree of normalcy, security, stability and self-rule by Iraqis.

Again, senior U.S. officials in Baghdad seemed aware of the problem but have so far been unable to tackle it. Even as newspapers proliferate on the streets of the capital (at least five dailies and 55 weeklies at latest count<sup>77</sup>), the CPA can barely make its voice heard, its presence manifesting itself primarily through roving military patrols on foot, in armoured vehicles or in tanks.<sup>78</sup> The U.S. station Radio Sawa, which broadcasts news and a mixture of popular American and local music throughout the Middle East, is in Iraq, as is the Prague-based U.S.-funded station Radio Free Iraq, but as long as there is irregular power, few can hear them. The CPA also backs an Iraqi TV station, the Iraqi Media Network, but the same problem with power

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<sup>76</sup> ICG interview with Haidar Sa'id, Director of Operations and Maintenance at the Baghdad Water Authority, Baghdad, 25 May 2003. Once again, the evolution of ORHA into CPA on 1 June 2003 is not believed to have made a significant difference yet in such matters. ICG observations, June 2003.

<sup>77</sup> ICG interview with Nabil Al-Tikriti, an NGO consultant, Amman, 2 June 2003. The number of papers is growing by the day but their price makes them very expensive for most ordinary Iraqis. See also, Pierre Taillefer, “Newspapers multiply as Iraqi press bask in new freedoms”, Agence France-Presse, in *Daily Star*, 22 May 2003.

<sup>78</sup> The CPA has its official Arabic-language daily newspaper, *Al-Sabah*, though its price is high for many Iraqis.

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<sup>75</sup> ICG interview, Baghdad, 23 May 2003.



continues to limit its efforts to reach the Iraqi population.<sup>79</sup>

In the absence of effective communication by the CPA, ICG found that a favourite pastime for Baghdadis is divining American intentions. As a result, the wildest stories circulate, even as officials of the U.S. Treasury and Justice Departments, to give two examples, make cogent, concrete and insightful presentations to select audiences, mostly foreign NGOs. The massive disconnect, already noted, between the CPA and Iraqis, including the elite from which a new leadership is meant to spring, severely undermines the U.S. effort to instil trust, restore basic services and eradicate the prevailing view that the Americans came to occupy, not liberate.<sup>80</sup>

## IX. THE UN: IN THROUGH THE BACK DOOR

The initial exclusion of the United Nations from anything but a humanitarian role set the Iraq crisis apart from virtually all previous internationally managed transitions, including Afghanistan, East Timor, the Balkans, and Central Africa. Although the UN had a full-scale presence in Iraq before the war – sanctions monitors and administrators, the UNMOVIC weapons inspectors, and specialised agencies such as UNICEF, UNDP and WHO – it was effectively sidelined by the U.S. and Britain when the fighting stopped. In the immediate post-war period, it was virtually limited to Assistant Secretary-General Ramiro Lopes da Silva, who headed a pared-down and low key Office of the Humanitarian Coordinator for Iraq (UNOHCI). The specialised agencies were preoccupied with

<sup>79</sup> See also, Sameer N. Yacoub, “Television’s back in Baghdad – with a coalition twist”, Associated Press, in *Daily Star*, 26 May 2003.

<sup>80</sup> On the other hand, one political activist noted, if the Bremer decree on de-Baathification had hit the airwaves in full force and reached every home in Baghdad, “there would have been a mass revolt”. ICG interview with Zuhair Pachachi of the Liberal Democratic Group, Baghdad, 22 May 2003. The prevailing perception that the American presence is in reality an occupation was reinforced by statements by a senior ORHA official, Ambassador Hume Horan, on 2 June, when he told a gathering of tribal leaders: “Occupation is not a nice word, but yes, what we have now is occupation”. Brian Knowlton, “U.S. offers new role for Iraq’s ex-soldiers”, *International Herald Tribune*, 3 June 2003.

beginning to pick up the pieces after losing all their furniture and equipment and most of their vehicles to mobs.

The UN is moving back in, however, after Security Council Resolution 1483 accorded it a new mandate, including a role in the political transition.<sup>81</sup> The reception, judging from statements by some political groups, is mixed. An official of the Patriotic Union of Kurdistan reacted perhaps most strongly, dismissing the UN as a “miserable organisation”.<sup>82</sup> The Iraqi National Congress echoed these sentiments: “There is absolutely nothing positive that the UN could contribute.”<sup>83</sup> Other groups, by contrast, have been more diplomatic or even supportive of the UN’s re-entry.<sup>84</sup>

The UN Humanitarian Coordinator, Lopes da Silva, told ICG he recognised that the UN might face a credibility gap in the country because of the past. “The UN agencies are well-perceived”, he said, “but this building [the Canal Hotel on the outskirts of Baghdad] was known as the ‘Sanctions Building’, housing both the sanctions observers and weapons inspectors. It was highly unpopular. Yet rather than seeking to explain ourselves, we should implement our mandate and show the UN’s value”. This, he said, meant playing a role in bringing back

<sup>81</sup> The newly appointed UN envoy, Sergio Vieira de Mello, who arrived in Baghdad on 2 June, spared no time in seeking to put the UN’s own imprint on the process: “The sooner the Iraqi people govern themselves, the better”, de Mello declared upon arrival. “Perhaps the most important task will be to insure that the interim, transitional Iraqi administration is put in place as quickly as possible as a first step toward a representative and legitimate government of Iraq”. Quoted in “Iraqi tribal elders warn Americans not to wear out their welcome”, *Daily Star*, 3 June 2003.

<sup>82</sup> ICG interview with Kubat Talabani, son of PUK leader Jalal Talabani, Baghdad, 21 May 2003.

<sup>83</sup> ICG interview with Goran Talabani, Baghdad, 22 May 2003.

<sup>84</sup> “No one is against a UN role as such, but our view is that it would prolong the process”, said Hoshiyar Zeibari, a senior official of the Kurdistan Democratic Party. ICG interview, Baghdad, 23 May 2003. Mazen Samarra’i, of the Iraqi National Accord, said: “We support the UN resolution. There are things we don’t like so much but we are pragmatic.” ICG interview, Baghdad, 23 May 2003. An official of the Liberal Democratic Group told ICG: “UN involvement provides a far better political umbrella, and therefore legitimacy, than a U.S.-led effort.” ICG interview with Zuhair Pachachi, 22 May 2003.



basic services to the pre-war level by the end of 2003. Eventually, Iraq should be restored, in terms of basic indicators, to the state in which it found itself up until the mid-1980s, before a grinding war with Iran and later the Kuwait conflict and UN embargo brought the country to its knees. In the context of the American-British presence, the UN's "value added", he said, should lie in its focus on Iraqi civil society – "improving the interface with Iraqis and encouraging their participation in decisions affecting their lives, rather than turning them into mere decision-implementers."<sup>85</sup>

Finding a proper role for the UN given CPA dominance, lingering distrust of the organisation, and the complex, imprecise maze created by Resolution 1483 will be difficult. But the situation in Baghdad makes clear that the CPA needs all the help it can get. Besides its experience in humanitarian assistance, the UN also enjoys greater regional and international legitimacy when it comes to rebuilding the country politically. With Iraqis increasingly feeling that they are not in charge of their own destiny and the CPA struggling to find the proper format for a political transition, the UN can play an important part in accelerating the process that will turn power over to the Iraqi people.<sup>86</sup>

## X. CONCLUSION

ICG found Baghdadis deeply upset and profoundly disappointed at the CPA's failure to restore order and basic services. Many warn, in vague terms, of armed resistance this summer. Iraqis feel an intense pride in their heritage, even if they also have an abiding sense of shame about their inability to overthrow Saddam, and about the wide-scale looting that followed the war. After years of

suffering under the Baath regime, they are desperate to rebuild the country, using its vast resources (of which skilled human resources are by no means the least). And although they have gained the freedom to express themselves, many have an acute sense that they are being frustrated at every turn, and that control over their own destiny continues to elude them. Because of this, time may be running out for the CPA to bring stability to the wounded country.

The senior UN official in Iraq most aptly described the situation that ICG found echoed everywhere:

Iraqis feel that their future is being imposed on them by foreigners. This is the last phase of the honeymoon. There is widespread gratitude to the Americans for toppling the regime, but as the summer sets in, tempers will rise, along with the temperature.

None of this should come as a surprise. Many if not most problems that have appeared ought to have been anticipated based on years of experience with post-conflict transitions elsewhere. Numerous organisations, including ICG, had in fact analysed and warned the new authorities about them.<sup>87</sup> What is most puzzling is not that the issues have materialised, but that so little advance preparation appears to have been made for dealing with them. The ad hoc and shifting nature of the steps that have been taken sends a worrying signal about U.S. decision-making; worse, it undermines Iraqis' faith in their new rulers, thereby further compounding the difficulties of running the country. It is not too late to catch up, but urgent action is needed.

**Baghdad/Amman/Brussels, 11 June 2003**

<sup>85</sup> ICG interview, Baghdad, 25 May 2003.

<sup>86</sup> Reflecting the complexity and sensitivity of the relationship with the CPA, Da Silva noted that the UN would have to tread a fine line: "We must make sure that everybody understands that the UN is not in Iraq to detract from the authority of the occupying powers. It is not a subcontractor to them. We are a partner. We assist them in implementing policies. We should have a close collaborative relationship but be sure not to give the impression that we are a second authority in the country. This will be difficult. The UN can become an easy scapegoat for the Coalition Forces. The UN tendency is to run the humanitarian show, but this is not our obligation in Iraq". ICG interview, Baghdad, 25 May 2003.

<sup>87</sup> ICG pointed out, in particular, that "the immediate and potentially most difficult post-conflict task will be the restoration and maintenance of law and order" and warned that politically and economically motivated violence was more likely than inter-religious or even inter-ethnic violence. See ICG Report, *War in Iraq*, op. cit., pp. 31-32; see also United States Institute of Peace, "Establishing the Rule of Law in Iraq", Special Report No. 104, April 2003, available at <http://www.usip.org/pubs/specialreports/sr104.html>.