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A Provisional Government for Iraq?

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Post-War Governance of Iraq: Current Concept

- U.S.-led Combined Joint Task Force (CJTF) has initial responsibility for:
 - Providing security, law and order.
 - Securing WMD sites.
 - Eliminating terrorist infrastructure
 - Providing emergency humanitarian relief.
- U.S.-led coalition installs a “Civil Administration” to deal with:
 - Humanitarian assistance.
 - Reconstruction of the economic infrastructure.
 - Civil affairs, including law enforcement, economic regulation, education, etc.

*To maintain unity of leadership,
both entities report to the Secretary of Defense
through the Commander, U.S. Central Command.*



Iraqi Involvement in Post-war Governance

In lieu of a provisional government, Iraqis will participate through --

- Consultative council.
 - A small group of prominent Iraqis.
 - Advisors to the Civil Administrator.
- Judicial council.
 - Recommends legislative changes to institute rule of law in Iraq.
 - Oversees trials of key figures of the Saddam regime.
- Local government.
 - Local and district-level elections held as soon as possible.
- Iraqi bureaucracy
 - After vetting of leadership by USG Civil Administrator, ministries will continue to function with Iraqi personnel (current employees augmented by expatriate experts).
- Constitutional Commission.
 - Delegates will draft a new constitution for ratification by the Iraqi people.



Provisional Government?-- Arguments Against

Basic concept to date has been opposed to creation of a provisional government.

- Avoid interfere with U.S.-led administration.
 - Facilitate expeditious completion of tasks necessary before U.S. forces can leave.
- Postpone major struggle for power among Iraqi groups until:
 - Economic situation in Iraq improves.
 - Free indigenous media have been created.
 - Beginnings of the “rule of law.”
 - Revival of “civil society” inside non-Kurdish areas of Iraq.
- Avoid perception that U.S. is “imposing” a government of expatriates on the Iraqi people. (State Department concern.)
 - However, expatriates who have lived in democratic countries are key to influencing post-war Iraqi politics in a favorable direction.



Provisional Government?-- Arguments For

- Provisional government's agreement to a U.S./coalition role in the post-war governance of Iraq would:
 - Enhance the legitimacy of our rule.
 - Might reduce calls for UN involvement or “cover.”
 - Obviate legal concerns arising from Hague Convention, law of occupation, etc.
 - Facilitate operation of “oil for food” program (assuming UN recognized provisional government as the government of Iraq).
- Provisional government could serve as focus for Iraqi patriotism, enabling Iraqis friendly to us to increase their domestic political standing.
 - U.S.-led government might enable those hostile to us to play the “nationalist” card effectively.

To have these advantages, provisional government must not be seen as an American “puppet.”



Provisional Government and "Catastrophic Success"

- "Catastrophic success" = Saddam loses power without being defeated militarily, due to --
- Coup, assassination, natural death, exile and asylum arranged by Saudi Arabia or other country.
 - Exile and asylum in accordance with a U.S. ultimatum.
 - In this case, U.S. will want to insert troops into Iraq rapidly.
 - Agreement with a provisional government would be a politically acceptable way to do this.
 - Could negate pressure to obtain a UN mandate.



Declaration of a Provisional Government -- Timing

- Pre-conflict:
 - Difficult to establish international legitimacy while Saddam still in control of Iraq.
 - Could be based in northern Iraq, which could give Kurds disproportionate influence over it.
- At time of “catastrophic success”:
 - Would require detailed preparations to be able to declare a provisional government right away when the time comes.
- At liberation:
 - Might have to seek to constrain the role and powers of a U.S./coalition administration of Iraq in order to build domestic legitimacy.
 - Risk of being seen as American “puppet” installed by force.

In any case, opposition may declare a provisional government, regardless of U.S. wishes.