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COALITION PROVISIONAL AUTHORITY

BAGHDAD

10 November 2003

MEMO FOR: Secretary Rumsfeld

FROM: Paul Bremer

SUBJECT: Strategy for Iraq's Political Transition

[redacted] Although 20 of 24 GC members support our proposal to choose delegates to a constitutional convention through the use of indirect "local elections," it is now clear that they are unwilling to force that option on the religious Shi'a members of the Council. [redacted] OSD 1.4 (d); 5 U.S.C. § 552 (b)(5)

[redacted] we have been working to synthesize this notion into an overall political plan that is compatible with our objectives. What has evolved is an alternative way forward that would include the drafting of a transitional constitution or "basic law" by the GC (in coordination with CPA), the conduct of direct elections to fill the legislative and/or executive bodies created by that transitional constitution in late summer or early fall of 2004, and the recognition of a fully-sovereign Iraqi Transitional Government shortly thereafter. The transitional constitution would be unamendable, and would include a sunset provision and a clear timetable for the drafting of a permanent constitution. OSD 1.4 (d); 5 U.S.C. § 552 (b)(5)

In accordance with the provisions of the transitional constitution, the new government would initiate a process for the drafting of a permanent constitution by a separate body to be directly elected by the Iraqi people. This would be followed by popular ratification, national elections, and the first Iraqi government under its permanent constitution.

This alternative would meet many of the concerns about the political timetable raised by members of the GC over the past few months, and would be consistent with our own interests as well. It would give Kurds and Sunnis worried about Shi'a domination the ability to ensure that basic freedoms are protected and that federalism is established in Iraq for at least the period of the transitional constitution. It would meet the requirement

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of the religious Shi'a that Iraq's permanent constitution be drafted by a directly-elected body. [redacted]

OSD 1.4 (d); 5 U.S.C. § 552 (b)(5)

While ideally we would wait until a permanent constitutional process were complete before ending the occupation, this proposal is the best alternative course of action available to us. The transitional constitution option would ensure an honorable end to the occupation under the desired timeframe. We would recognize a fully sovereign Iraqi government only after establishing a transitional constitution respecting democracy and human rights, and after holding the first free and fair elections in Iraq's history. While there is a risk involved with holding national elections this early, we could mitigate the dangers by making certain that the transitional constitution protects individual liberties, establishes the separation of powers, and presents a clear timetable for the drafting and adoption of a permanent constitution. During this period we would use the time to identify and nurture potential national leaders.

In parallel to this process, we would need to negotiate a series of bilateral agreements with the GC. These would grant authority to the Coalition to continue to station forces in Iraq to conduct stabilization operations, and would govern the management and expenditure of U.S. taxpayer funds for Iraqi reconstruction. We would try to include these agreements in the transitional constitution.

Once the transitional constitution is complete, we would also consider returning to the United Nations Security Council to obtain a third UNSCR. This resolution could endorse the transitional plan, and could make explicit reference to the timelines specified in the transitional constitution for establishing a process by which Iraq would write and ratify a permanent constitution.

[redacted]

OSD 1.4 (d); 5 U.S.C. § 552 (b)(5)

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CC: Secretary Powell
Dr. Rice