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1 November 2003

Memorandum For General Abizaid

Subject: Governance: Some Thoughts, the British View, and Recommendations

1. Consistent with what you have been advocating, announcement of a specific governance plan (with a timeline) is critical to removing a major source of opposition to the Coalition.

2. The challenge will be to demonstrate tangible progress toward Iraqi self governance without rushing things to the degree that either announced milestones are missed or *essential* interim activities are not completed.

- Key elements of governance transition include local elections, drafting and ratification of the Constitution, census, voter registration, and local elections. Omission of any of these activities places the effort at risk. This is a view shared by (b)(6) and most experts. (b)(6) is attending a conference on governance transition and Constitutional development in DC on Friday.
- Governing Council as organized does not possess legitimacy (due to Sunni under-representation and too many expatriates). Any government we appoint will experience significant opposition and lack legitimacy.
- The British (Whitehall) propose a "Provisional Assembly" of seventy-five members of existing institutions and seventy-five members elected indirectly by local councils, etc. The British timeline calls for transfer of authority to a Provisional Assembly and an associated end of CPA control in April/May of 2003. April will prove a difficult time, however, as it is only six months away and it is the month of maximum turbulence and changeover for Coalition forces. June is likely to be more feasible for indirect elections and formation of an Interim Iraqi Government of some kind. This is consistent with CPA Option #2.
- Abe Sofaer's proposal of establishing rule of "Basic Law" as an alternative to rushing the Constitutional process is compelling (see binder on these proposals). The British believe that it will take until summer of 2005 to hold national elections under a new Constitution. (Between April 04 and April/May 05 Iraq would draft the Constitution, develop electoral laws, conduct a census, register voters, and hold a referendum on the Constitution.)
- Along with the establishment of an Interim Government at the national level, devolution of responsibilities to local and regional governing bodies and local elections would demonstrate progress toward Iraqi self rule. Conducting local elections, establishing a standard framework for local and regional government, and providing resources to local and provincial governments will prove critical. Establishing local governmental functions will require some dismantlement of the Baathist-era ministerial system of resource distribution. A percentage of oil revenue, for example might be allocated to local and provincial governments based on a formula that considers population (could result in false reports to gain greater funding), infrastructure, and other factors.

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- An interim or provisional Iraqi Government would likely increase international participation in reconstruction, but would also create a potential source of opposition against coalition military presence, operations, and objectives.
- The British recommend a change to the civilian presence in Iraq simultaneous with the formation of the Iraqi Interim Government (this would likely entail a new UNSCR). That presence might take the form either of an international High Representative similar to the Bosnia arrangement.

3. Recommendations:

- Support the formation of an Interim Iraqi government in the summer of 2004 (post force rotation).
  - Consider the British proposal of a Provisional Assembly and encourage additional representation from the Sunni community and influential tribal leadership in particular.
  - Suggest rule by "Basic Laws" until the Constitution is developed and ratified (see Sofaer papers).
- Use the Interim Government and governance transition at the provincial and local levels to demonstrate progress toward Iraqi self-government while buying time to develop a viable Constitution and hold effective national elections.
  - Plan and resource key interim actions such as census, voter registration, and local elections.
  - Encourage CPA to develop, in partnership with Iraqis, a consistent framework and responsibilities for provincial and local governments and hold local elections.
  - Allocate revenue to provincial and local governments so they can assume real responsibilities. Reform the system of "stovepipe" distribution of resources through the ministries.
- Recognize the limitations that internationalizing and/or "Iraqizing" the civilian effort in Iraq will place on military operations and use the next six to eight months to defeat former regime loyalists, foreign extremists, and other anti-coalition forces.

HRM

3 Enclosures:

- A. Governance slides from POTUS briefs.
- B. Planning Milestones from Options 1 and 2.
- C. ~~Confidential~~ Whitehall (Iraq Policy Unit) Papers on the Political Process

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