

STRICTLY CONFIDENTIAL

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ECPS 'PORTRAIT OF IRAQ'  
(DRAFT)

(Based on contributions from DPA, DPKO, OIP, OHCHR, UNDP)

## Executive Summary

### THE CURRENT SITUATION IN IRAQ

#### (i) Current Political and Security Situation

1. President Saddam Hussein's Government in Iraq relies on a carrot and stick approach. Loyal followers are rewarded while any sort of dissent is quashed by a well-designed and sophisticated security apparatus consisting of the armed forces, the Republican Guards, the security services and the police. Over the last few decades, President Saddam Hussein has maintained and reinforced his power by strengthening the security apparatus and filling powerful positions with his family members, members of his own tribe and people from his home town of Tikrit. With this system of loyal followers in key positions and his omnipresent security apparatus, he seems to have the ability to suppress any internal challenges to his regime. Similarly, there are no credible threats from Iraq's immediate neighbors that could lead to the removal of the current Government because the Iraqi Army provides a strong and effective counter-balance to its neighbors' armed forces. Over all, the current political and security situation in Iraq can be described as relatively calm and stable. As in many authoritarian societies, the Government conducts itself arbitrarily rarely observing human rights standards.

2. Saddam Hussein's power base comes principally from its security and intelligence apparatus, patronage to clan and tribes, in addition to the regime's management of the rationing and subsidies. He has been able to consolidate his power base and withstand internal and external challenges through a security apparatus that includes a vast network of informers. Tribal affiliations are also pivotal in that regard, as many who fill the ranks of the Republican Guard, the security services, and other key regime protection forces come from his *al-Bu Nasir* tribe. The Iraqi security and surveillance structure is characterized by agencies with overlapping jurisdiction, thus generating internal competition and ensuring that no single security service would be able to stage a revolt against the regime.

3. The Iraqi regime has also been able to tighten its grip on the people through a system of rationing and indirectly through the oil-for-food programme, enabling the central authorities' ability to reward loyalty and punish dissent. The ration system in particular is an effective way to keep track of the population and its movements, as rationing cards are needed to gain access to essential services. The regime has also generated revenue through illicit trade and smuggling operations.

4. The Shi'ites, although a demographic majority, were subjected to brutal repression in the aftermath of the 1991 uprising, leading to the drainage of their vast swamps, massive population dislocation, environmental pollution and infrastructure collapse. Despite efforts to co-opt them, the rift between the Sunnis and Shi'ites has nevertheless deepened. Only a small number of Shi'ites favour the creation of a theocratic Shi'ite state in the Iranian mould. There is also no movement among the Shi'ites to secede from Iraq, as the majority merely favours a more proportionate representation in a new government in Iraq. The largest Shi'ite opposition group known abroad, the Supreme Council for Islamic Revolution in Iraq (SCIRI), refers all its decisions for approval to the Iranian leadership, although it has not exhibited any long-term loyalty to Teheran and has attempted to broker a better relationship with the US as a counterweight to Iran. However, the Sunni/Shi'ite fault line should not be overstated, as many Iraqis do not subscribe to

a rigid sectarian identity and the rift is rooted principally in a struggle for political and economic power, rather than any profound religious schism. Also, Iraqi institutions have mixed the communities as a means to co-opt the non-Sunni Arabs (particularly the Shi'ites) and to further dilute their sense of ethnic and sectarian separateness.

5. As for the Kurds, who now enjoy considerable political autonomy, intermittent squabbles between the Kurdish Democratic Party and the Patriotic Union of Kurdistan led to open warfare between the two groups between 1994 and 1996. Although they have not fully patched up their differences, the two sides (in response to intense US mediation) revived a Kurdish regional parliament in Arbil in October 2002. However, intra-Kurdish tension could easily re-ignite when their interests clash. Because of Kurdish feelings of betrayal towards the United States, and the geo-political reality that any US support for the aspirations of the Kurds will be tempered by US commitment to Turkey, Kurds generally are wary of US plans to dislodge Saddam Hussein from power by force. This disaffection is more pronounced within the KDP, while the PUK has recently acquiesced in, even expressed qualified support for, US plans for regime change.

6. Iraqi opposition groups – unlike the Northern Alliance in Afghanistan - collectively do not possess, and are unlikely to acquire, significant combat capabilities in the event of war<sup>1</sup>, although some of them could play an important role in post-Saddam Hussein Iraq. Most of the roughly 100 opposition parties operate primarily in exile and have exhibited high reliance on foreign assistance, leading to accusations that they are merely instruments of foreign power. The Iraqi Opposition Conference held a meeting in London on 14-16 December. Despite the issuance of a declaration at the conclusion of the Conference (and the formation of a follow-up committee with 65 members), fundamental disagreements abound regarding the question of federalism. There are also presumed to be insiders within the Government who discreetly favour Saddam Hussein's ouster, although, the rings of security make it very difficult for even a determined cabal to stage a successful coup.

7. For most of the last year Iraq's internal politics and its foreign relations have been overwhelmingly dominated by the prospect of war. The regime's hyper-responsiveness to external pressure has largely been prompted by its need to counter two major threats, the prospect of an internal coup and a war with the US that results in "regime change". Since President Bush's speech to the General Assembly on 12 September 2002, the pressure on the Iraqi regime has increased still further with timetables imposed by others, notably the process involved with the return of weapons inspectors and the conferences, under US auspices, of Iraqi oppositionists. Recent reports of attempts by several foreign governments to persuade President Saddam Hussein to step down and/or go into exile are also meant to indicate to Baghdad that the regime is fast running out of options to stave off a US military campaign.

8. President Bush's condemnation of the nature and conduct of the Iraqi regime received a direct response in the range of systematic reform initiatives promulgated at the end of last year. Following the referendum (15 October 2002), the government released a large number of prisoners, thereby addressing what was clearly a popular grievance. It enticed a minor opposition party, the Iraqi National Alliance to Baghdad to discuss the reform of the constitution, including the licensing of new political parties from the start of the New Year. As of 6 January 2003 neither

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<sup>1</sup> It is estimated that the KDP and the PUK could muster about 50,000 lightly armed *peshmerga*, while the Shi'ites have approximately 10,000 to 12,000 insurgents at their disposal.

the new constitution nor the parties had materialized. The scope of these alleged reforms is far from clear and there is no evidence that they were intended to grant genuine political or human rights to Iraq's citizens. The unexplained closure of Uday Saddam Hussein's paper *Babel* for one month in November 2002 suggests that these attempts to shore up its domestic political position have created tensions within the government.

9. Following the Iraqi oppositionists conference in London (14-17 December 2002) – pointedly ignored by the Iraqi press – the regime sought to reinforce its legitimacy by organizing conferences for religious scholars throughout Iraq. One such was held on 28 December 2002 in Anbar, one of the governorates traditionally hostile to Tikriti rule in Baghdad. As a result of the conferences, Iraqi newspapers issued an undisclosed number of *fatwas* condemning any “*cooperation with the US administration and those who support it*”. The government even used the issue to cause dissension in the three northern governorates. A group of Kurdish Ulemas who went to Kirkuk to discuss arrangements for the Hajj subsequently found their signatures appended without permission to a similar *fatwa* publicized in the Iraqi press on 23 December 2002.

10. The government has continued to deploy more traditional methods of strengthening its support and security. In December 2002 it reportedly distributed cars to employees of the Ministry of Justice, notably judges and attorneys-general. This was at a time when, under US promptings, the opposition and external commentators had turned their attention to the future of Iraqi jurisprudence. Of greater relevance to its security, according to al-Quds al-Arabi (13 December 2002), the government intended to increase salaries within the Iraqi army as of January 2003. Presumably it will print money to pay for this.

11. The overall security situation in the 15 governorates remains difficult to assess in the absence of reliable information. The PUK leader Jalal Talabani recently described four distinct security zones in Iraq: the three northern governorates under control of the local authorities, the central and southern governorates under Baghdad's control and the southern governorates at night where the regime's forces were no longer in control. Some confirmation of the latter point is provided in the December issue of the Iraqi Communist Party newspaper *Tareq al-Cha'ab*, usually well-informed, which reported a series of attacks by Iraqi oppositionists on high-ranking Ba'ath party and security officials, notably in Babel, Dhi Qar, Najaf, Karbala, Wasit and Missan governorates. The government is reported to be considering the imminent total closure of crossing-points on the dividing line with the three northern governorates. Such a move would be likely to heighten anticipation of a pre-emptive attack by government forces. In Sulaymaniyah the PUK has continued its attempts to control the security situation, having resumed fighting against the *Ansar al-Islam* militia at the start of December 2002, probably in an attempt to gain control of the Churl-Biyarah road linking Sulaymaniyah city to the Iranian border.

12. If Baghdad is struggling to retain control of the domestic political and security situation, it has already lost the initiative in regard to neighbouring states. Press reports suggest that on its northern border, Turkey's military build-up is proceeding apace. On 1 January 2003 *Arabianews* reported that the two Kurdish leaders, Ankara and the US had agreed to form a joint committee to coordinate policies in the event of war. As a result, Turkey authorized 65 oppositionists (the follow-up committee to the London conference) to cross the Turkish border en route for the next opposition conference scheduled to take place in Erbil on 14 January 2003. Turkish Prime Minister Abdallah Gul is said to have been recently involved in talks with Syria and Egypt

regarding the possibility of convincing the Iraqi President to step down in order to avoid war in the region.

## ii. Current Governance/Rule-of-Law Situation

13. The current provisional Constitution dates back to 1970 restricting legislation to the executive branch and taking away the legislative powers from parliament. The real decision-making power is in the hand of the head of state and a few persons of the inner circle of the current regime.

14. The Revolutionary Command Council (RCC) is the top decision making body of the state. Its members are accountable only to the RCC itself. The chairperson of the RCC is the president of the Republic. With the exception of the Ministry of Foreign Affairs (MOFA), all other ministries have a purely executive character and no real decision-making power. The MOFA has to be consulted on most of the State and governance matters and coordinates the other ministries' activities with foreign partners, be it for the State or other entities. Similarly, the National Assembly and the Judiciary play a subordinate role and are confined to function along the lines issued by the ruling elite.

15. Iraq has a very sophisticated law enforcement and security system, with five primary agencies. These intelligence agencies along with the Ba'ath Party organisations and select units of the military security of the network of the Presidency permeate every aspect of Iraqi life.

16. The Governance life in Iraq has not been stable for more than half a century. Eight constitutions have been presented: the Iraqi basic Law was presented in March 1925 and was revised twice. The constitution of July 1958 was followed by the one of April 1963, which in turn was replaced in April 1964.<sup>2</sup> A provisional constitution was promulgated in September 1968 and adopted in July 1970.<sup>3</sup>

17. After the ceasefire between Iraq and Iran in August 1988, talks took place about a permanent constitution, political plurality and the development of democracy. In July 1990, the last constitution was presented and consequently, a constitutional referendum was planned for the early 1990s. However, due to the Gulf War it was not adopted, thus the Iraqi governmental system remains based on the provisional Constitution of 1970.<sup>4</sup>

18. That Constitution stipulates Iraq as "a sovereign people's democratic republic" dedicated to the ultimate realisation of a single Arab state and to the establishment of a socialist system. Islam is declared the state religion, but freedom of religion and of religious practices is guaranteed. Iraq is to be formed of two principal nationalities, Arab and Kurd. A March 1974 amendment to the Constitution provided for autonomy for the Kurds in the region (the North) where they constitute a majority of the population. In that region, both Arabic and Kurdish are designated as official languages for administrative and educational purposes. The Constitution also prescribes that the

<sup>2</sup> Al Fadhal, Munther, *Disabling the Constitution and absence of law in the period of governing of the Baath party and Saddam Hussein (1968 - as yet)*, Studies on the future of Iraq.

<sup>3</sup> POGAR's website ([www.pogar.com](http://www.pogar.com))

<sup>4</sup> The provisional constitutions restricted legislation to the executive branch and took away the legislative powers from parliament. Basically, the head of state has the power to legislate and execute.

"national rights" of the Kurds as well as the "legitimate rights" of all minorities are to be exercised only within the framework of Iraqi unity, and that no part of Iraq can be relinquished.

iii. Current human rights situation

19. Over more than a decade, the United Nations human rights system, namely the human rights treaty-bodies and mechanisms of the Commission on Human Rights, have consistently identified credible evidence of serious violations of human rights of the Iraqi people. These violations include the suppression of freedoms of expression, association and religion; widespread discrimination against ethnic and religious groups, such as Kurds, Turkmen, Assyrians, and Shi'as; widespread and systematic use of torture; summary executions; the application of the death penalty in disregard of international standards; discrimination against women; and desperate economic and social conditions facing Iraqis, including poor access to health services and inadequate nutrition, especially affecting the most vulnerable segments of the population.

20. Assuming regime change (either with or without war), one would expect any incoming authoritarian alternative to Saddam to emphasise that it was different by adapting elements of the current liberalization, including respect for human rights. If it was a Sunni led administration, the likeliest outcome, a conciliatory gesture towards the Shi's establishment in Najaf and Karbala might be expected, perhaps a show trial of those responsible for the recent murders of senior Shi'a clerics

21. In order to assert its credentials as an authoritarian regime, it could be expected to identify and eliminate nuisances such as *Ansar al-Islam* even though the group had been allegedly useful to Saddam's regime and potentially retained a value. We would also expect political overtures to important neighbours and major powers at the same time as disciplinary measures against their agents in Iraq – the arrest and execution of Israeli, Iranian and US/UK agents. This would be all the more important if the new regime came under strong pressure to demonstrate greater respect for human rights – in this mentality it would be quite consistent, indeed positively advisable, to allow the UN Special Rapporteur on Human Rights into Iraq to denounce the excesses of the previous regime while reminding all concerned of the where the new "red lines" were placed.

22. Disposing of the old guard – of the many lists of regime insiders who have to leave office, which one will be chosen – how extensive? Iraq is used to purges – it has become almost an annual tradition in the early summer months – but with Saddam there is always a possibility that rehabilitation will be possible. He does not automatically visit the kind of retribution that his reputation would lead one to suppose – for those who come into contact with him, it is one of the factors that makes him so difficult to deal with. In the above scenario, presumably the choice for the regime loyalists will be to fight or flee.

23. There will be pressure from a human rights/genocide perspective to put a select number on trial – will Iraq be content to have them tried in an international tribunal or only at home? The establishment, scope and oversight of any Truth Commission will be a very important issue to resolve as early as possible to limit the prospect of unending reprisals – and counter-measures by those so attacked - for unfair treatment under the current regime. With the exception of the immediate family, the task of rounding up the key regime supporters will be relatively easy – they will probably be detained by those who presently do their bidding. It is clear that the apparatus expects to survive intact except for the removal of those appointed for their connections among the

senior political leadership. As these individuals in the main performed few actual functions, their loss would have only a marginal impact on the institutions. The rank and file expect to survive under any regime – hardly the basic assumption that will make them fight to the death for their present masters.

24. The different scenarios presented in this paper have consequences on the situation of human rights, ranging from a negligible change in conditions to grave violations of human rights and humanitarian law. Consequently the implications for UN activities are directly proportional to these changes.

### **IMPLICATIONS OF THE FIVE SCENARIOS FOR THE SITUATION IN IRAQ AND FOR THE UN**

25. An earlier DPA paper (December 2002) put forward five possible scenarios of how the situation in Iraq might develop. The following section analyses in greater detail how the current situation in Iraq, as discussed above, could be affected under each of the five scenarios. This section also contains a preliminary assessment of the possible implications of each scenario for current UN activities in the country.

#### **(i) War/Regime change**

26. In the case of a regime change brought on by war, it would be expected that most of the security structures currently holding up the regime would be destroyed and its key leadership crushed or brought to justice. However, the basic government structure may survive in working order as rank and file bureaucrats would probably not be held accountable for the regime's actions. Depending on the duration and force of the war, there could be large infrastructural damage, including deployment of mines. Kurds who were forcibly displaced in the old regime's "Arabization" campaign in the North may claim their right to return to their homes as may Shi'ite Arabs expelled or forced to flee from the South. Refugees who fled the old regime to the neighboring countries may also return. One of the key issues will be to bring the old guard to justice in a manner seen to be fair and comprehensive and avoid carnage. Tribal law may assist in limiting personal acts of retribution.

#### **Implications for the UN:**

- The Oil for Food programme would be disrupted as a majority of international staff members would be evacuated during a war. After the end of the war, the programme may be re-started or altered depending on the nature of the new regime and its relations with the Security Council.
- The UN would probably be asked to take responsibility for much of the civil institution-building required in the wake of war. The Organization may be requested to designate a Special Representative to lead a transitional administration until elections could be held.
- A mechanism for addressing grievances against the old regime would have to be established, possibly through a truth and reconciliation mechanism or a Tribunal.
- At the outbreak of war, UNIKOM would most likely be withdrawn. However, in its aftermath, the UN may be requested to deploy a peacekeeping force with a different mandate.

(ii) War/No regime change

26. A war which does not lead to regime change can be expected to be brutal and protracted. Saddam's armed security forces could be hiding in densely populated urban areas where they could manage to cause such high human and structural damage that support for a US-led coalition wanes before the war is won. A surviving regime with Saddam at its head is likely to turn increasingly violent as it would purge its ranks of those suspected of collaborating with the enemy. International UN staff members remaining in the country could be used as "human shields." Infrastructural damage would probably be great, leading to crisis in food security, disrupted access to water and sanitation and increased levels of criminal activity. The government could be further destabilized if senior and middle-ranking officials chose to flee the country.

Implications for the UN:

- The Oil for Food programme would probably be disrupted and a majority of the international staff members evacuated.
- UNIKOM would most likely be withdrawn, at least temporarily.
- Remaining UN staff would focus on negotiating humanitarian aid access and protection of refugees. If the war were sanctioned by the Security Council, however, the Iraqi regime could discontinue all association with the UN, which would make the provision of even basic relief very difficult.

(iii) Chaos

27. In the aftermath of a war with no winners or an unsuccessful coup, there is a fear that Iraq would fall apart. Competing local interest groups (tribes, clans or religious/ethnic groups) could take to arms and turn into warlords, with rampant crime and destruction as a result. Or neighbouring countries could enter the struggle for power over Iraq and its national resources. Turkey could move in under the pretext of protecting the Turkomen and preventing the establishment of an independent Kurdistan in the North, while Iran could "protect the interests" of the Shi'ite Arabs of the Center-South. However, if external powers were to remain on the sidelines, a stalemate could also ensue, whereby each armed group stays on its own turf for fear of provoking actions from the other competing groups.

Implications for the UN:

- International non-essential staff would most likely be evacuated and the oil for food programme suspended.
- Resumed UN activities would probably focus on negotiating access for and provision of humanitarian assistance and facilitating political dialogue between warring factions.
- The Security Council may request the establishment of a border entry point inspection force to monitor arms deliveries to combatants.

(iv) No war/Regime change

28. Regime change will obviously affect the political structure in Iraq, but how much depends on how the regime change was brought about and how many people were involved. If a coup is undertaken by a small number of persons from within Saddam's inner circle, real changes are



likely to be few. The new regime would be expected to re-establish relations with the international community in order to have sanctions lifted, but dismantling of the security apparatus and real improvement in the human rights situation may not automatically follow. However, the new regime may reach out to previously disadvantaged groups in a “national unity” initiative to strengthen its base. Special efforts may be made at reconciliation with the Kurds in order to bring the three Northern governorates back into Baghdad’s orbit. Prosecution of the old guard would have to be carefully handled in order to prevent individual acts of revenge and efforts to grab power.

Implications for the UN:

- Weapons inspections would probably be allowed to continue.
- The new regime would be likely to continue to call for the end of sanctions and greater control of the humanitarian programme and how the money from its oil sales were spent.
- If requested by the new regime, the UN could assist in establishing a mechanism for addressing grievances against the old regime, including those of the internally displaced.
- The UN may also be asked to provide technical assistance in the fields of institution building, judicial reform and the establishment of rule of law.
- If possible, the Organization may try to deploy human rights monitors in the field.

(v) No war/No regime change

29. This scenario describes the current situation and may also be the final outcome if the regime fulfills all obligations under SRC 1441. In such a scenario, no great alterations to the basic structure of the regime are envisaged, but the regime may turn even more repressive as it feels secure enough to lash out against presumed opponents or other individuals against whom Saddam’s inner circle may hold a grudge. There is also likely to be greater pressure on the UN to lift, or at least suspend, sanctions.

Implications for the UN:

- The regime would request the lifting of sanctions and may make place obstacles in the way of the operation of the oil for food programme as it tried to assert greater control over its resources.
- The Security Council would have to consider how to guarantee continued long-term weapons monitoring.
- Monitoring of human rights inside the country may become even more difficult.

### **POSSIBLE POST WAR GOVERNANCE ROLE OF THE UN**

30. In the case of a change of regime because of a war, the UN may have to play an important role. In the short term, the external force waging the war will be in command and may administer the country or impose a certain authority. The role of the UN may be confined, in the short term, to basic humanitarian assignments, such as the provision of food and shelter. The Oil for Food programme might continue to operate providing the requested humanitarian aid. Gradually, after four to eight months, the UN may be given more room for limited responsibility in terms of governance and the establishment of security and justice. The UN could be asked also to provide assessment of war damages in the areas of infrastructure rehabilitation, elections and the set up of

a transitional administration, without however, exercising and executing function as this was the case in Eastern Slavonia or East Timor, for instance. In the mid term, UN agencies might be asked to assist in nation and institution building as well as economic reconstruction. However, these programmes would mainly be carried out in cooperation with the transitional government bodies.

31. The source and type of change is decisive in defining the path towards a more participatory system of governance. This will also be decisive in defining the role of the United Nations. In case of regime change without war, it seems that it may be unlikely to envisage a role modelled on post-conflict engagement of the UN. In addition, it is worth to note at the outset that the role of the UN will depend on the perception of the new active actors in the new regime (e.g. the last statement of the Iraqi opposition did not refer to any role for the UN except under Oil for Food programme).

32. Even under a new type of government, it is likely that the country may slip back into its old ways. The new leadership that emerges in Iraq, in either scenario, will not inherit exactly the same structural basis of power, which has maintained the current regime. However, the current regime has established a pattern of rule that will be very hard for any future Iraqi regime to shake off. The remnants of existing state machinery, and the state model of governance are all likely to work against a truly new state emerging from a conflict (either with internal or external forces). The exercise of military and police power and the maintenance of border authority are likely to continue depending on the same current actors. Any future authority will most probably utilise the remaining infrastructure of the state, including the regular armed forces.

33. In the event of a war and an ensuing change of an Iraqi regime, it is unlikely that the UN will play a major role similar to that in Eastern Slavonia or East Timor. The UN role is likely to be determined according to the request of either the new authority or the foreign forces that will provoke a regime change through war. Hence, the UN role may be confined to assisting the new authority in its quest for establishing a new governance structure. If it happens that the request for assistance is launched at the early stage of change, the UN may provide assistance on two fronts based on short term and medium term assistance in the areas of rule of law and governance. Hence, there will be two major components of operations: 1) the First 100 days, and 2) Road Map for Reform (2 to 3 years of operations).

#### **a. The first hundred days (Achieving Security and Rule of Law)**

34. The following are some of the major tasks that need to be carried out immediately during the first hundred days:

- Devise and implement a transitional justice policy addressing past violations in conformity with UN human rights standards.
- Clarify the applicable legal framework to ensure consistency with international human rights law
- Carry out a review of existing laws and judicial structures, and a survey of the justice system
- Launch a national mechanism for rebuilding the justice system
- Establish a national human rights institution

- Vet and reconfigure existing law enforcement and corrections institutions
- Establish a strategy for rebuilding an appropriately sized security sector under civilian control and protective of human rights
- Identify training needs and implement a training program for justice personnel

#### **b. Road Map for Reform**

35. This would include assisting the new authority in preparing a road map for governance reform. The objective of this operation is to assist the new authority in creating a framework for a more participatory governance system (that ensures participation for all groups) based on respect on international norms and standards by helping the new authority in undertaking the following tasks:

- Constitutional reform: supporting a participatory process for drafting a new constitution;
- New electoral system: Preparing a new law for elections, establishing an independent election commission, preparing for national elections;
- Implementing a program for strengthening the rule of law, the fair and effective administration of justice, and access to justice;
- Establish a national system for the promotion and protection of human rights
- Enabling legal framework for freedom of association and expression;
- Establish mechanism and process for civil service reform;
- Establish oversight mechanisms such as Auditor General, Ombudsman office, independent Human rights commission, etc;
- Establish an enabling environment for the growth of civil society in Iraq and promoting policy dialogue between the government and civil society;

36. Constitutional reform, through a participatory process, constitutes the first step towards governance reforms and democratising the political system in Iraq. The UN could play an instrumental role in such process taking into consideration its solid experience and record in democratic governance reforms in the region and worldwide.

37. Similarly, there will be a need for legal and judicial reforms. The legal reform should focus on modernising laws and bringing them in line with human rights norms and standards. At the level of judicial reform this should include reform of the administration of justice, establish a programme on improving access to justice (focus on legal aid particularly for marginalised groups), establish a system for legal education and training. Legal and judicial reform should also include strengthening the role of civil society's effective participation and monitoring of the reform process.

38. The UN would also be able supporting a new government on local governance and community led development. This is one area where UNDP could use its vast experience and play an instrumental role in supporting local democratic processes.

39. Civil society strengthening and development of a new civic culture has to be a priority in governance reform plans. Civil society in Iraq needs to be strengthened and developed in order to

play a significant role in sustainable development, poverty alleviation and democratisation. It should be able to engage in direct policy dialogue with the new government and institutions. The challenge that will face the new government and the international community, however, is forging cooperation between civil society in Iraq and those in exile and building consensus amongst all parties on common national development priorities, interest, policies and advocacy issues. On the other hand, current fractious political, personal, and ethnic differences among Iraqi exiles make it difficult to form a civil society coalition working effectively towards democratisation and development in Iraq. Hence, the gap separating civil society in exile and those in Iraq is complex and needs to be bridged through dialogue and building consensus around common development objectives and political agendas.

40. Several main components of Iraq's top existing political structure (the military, intelligence services, and Ba'ath party leadership) would probably be destroyed and leave the bureaucracy intact to assist in the governance of post-conflict Iraq. The bureaucracy in Iraq could play a significant role assisting a transitional regime relying on information from certain ministries such as the work of the Iraqi Health Ministry, for example, and the implementation of the Rationing System in place, which operates despite very limited resources and difficult operation structures and means.

41. The UN could play a key role in fostering dialogue and encourage cooperation and interaction amongst all groups and parties. Central to UN policies and programs is facilitating a policy dialogue and cooperation between government and the civil society as well as amongst civil society organisations. A number of UNDP initiatives are currently underway in the Arab region aiming at strengthening relations between governments and civil society.

42. Given the large funding received by multiple donors, aid and investment coordination should receive high priority setting up a coordination system, which would be helpful in mobilising support, creating partnership and credibility.

43. Post-disaster management in various areas could be a key entry point for the UN. For instance, broad policy frameworks and guidelines for reconstruction will help Iraq's post-disaster economies to return to economic development. This infers taking into consideration interrelationship among various areas of reconstruction, i.e., political reconstruction, security concerns, institutional reconstruction, economic reconstruction and social reconstruction. Only a thorough analysis of this interrelationship can achieve the maximum effectiveness in prioritising and appropriately sequencing various policies and programmes.

44. Under such a framework, the UN might be asked to help the new authorities to set up and manage planning, budgeting and public investment systems and aid coordination. Similarly, the UN could share its experience on institution building proposing governance/institutional reforms (political system, economic, social) to achieve an accountable, decentralised and democratic government in Iraq. This would include the improvement and efficient functioning of administrative structures at the national, regional and local level.

45. The challenge, in the case of Iraq, is not lack of capacity, human resources and skills required to build a new economy and state institutions, which requires heavy reliance on international expertise, the challenge is designing programs to develop the skills and knowledge of Iraqis in the new economy, political culture and good governance practices and principles.