

## Dealing with Iraqi WMD: The Inspection Option

### Goal

The goal of the USG is to eliminate the Iraqi Weapons of Mass Destruction (WMD) threat. Iraq retains significant capabilities and building blocks for resuming full-scale nuclear, biological, and chemical weapon programs with associated ballistic missile delivery systems. Eliminating this WMD threat may ultimately require military action. However, we may first want to try to put in place an inspection regime that is based on the Gulf War cease-fire and UNSC Resolution 687, but incorporates the lessons of the UN Special Commission (UNSCOM). Saddam's regime poses a danger to the United States and its interests on several fronts: The ultimate question is: Are we satisfied that the Iraqi WMD threat has been eliminated?

### Strategy

Develop an inspection regime derived from the key lessons learned from UNSCOM. Even intrusive inspections over several years missed significant parts of the Iraqi program and failed to detect an ongoing buildup. Unilateral intelligence capability is required to complement inspections. Counterintelligence capability is required to deal with Iraqi attempts to penetrate and deceive inspection teams. The ability to enforce an inspection regime is required. Finally, no inspection regime that fails to incorporate these lessons is even worth proposing.

### Background

Iraq initiated deception on declarations as soon as UNSCR 687 created UNSCOM. Iraq began a seven year campaign of interference with UNSCOM inspectors. They denied access while moving materials from sites. Iraq penetrated UNSCOM and UN headquarters. These actions forced UNSCOM to create a counter-concealment unit. Also, Iraq successfully pressured the UN by dictating timing, access, and scope of inspections. Iraq demanded a vote on the inspection team composition and rejected USG nationals in October 1997. Saddam rejected random/no-notice inspections in August 1998 and halted UNSCOM activity in October 1998. Despite its formal powers, and some on-the-ground accomplishments, the UNSCOM regime eventually failed.

### Key lessons from UNSCOM

UNSCOM proved inadequate to uncover and dismantle Iraqi programs despite hundreds of highly intrusive inspections. UNSCOM missed significant

parts of the Iraqi program and failed to detect an ongoing buildup. The defection of Hussein Kamel in August 1995, not UNSCOM inspections, forced the Iraqis to disclose weaponization of botulinin and anthrax. A credible inspection system would require at a minimum, a return to enforcement of existing UNSC mandates and the Gulf War ceasefire agreement. Again, even the most intrusive inspection regime can only hinder Iraqi WMD/missile development, not eliminate it. Highly intrusive inspections are of limited value in the absence of sufficient intelligence—and the international community has no effective response to Saddam's defiance. Sanctions are not sufficiently coercive and not sustainable.

### **Status of Inspection Regime**

UNSC resolution 1284 was established in December 1999, and created UN Monitoring, Verification and Inspection Commission (UNMOVIC). UNMOVIC is weaker than UNSCOM; it lacks the staff expertise to baseline and evaluate Iraqi compliance, the most knowledgeable inspectors have left, and UNMOVIC is structured to reduce U.S. influence because the chairman and staff were chosen based on Iraqi "sensitivities." There is no U.S. national in the top leadership and the USG is unwilling to share intelligence with an untrustworthy organization. Therefore, we assess that Saddam could accept UNMOVIC and still build WMD/missiles without detection.

### **Action Plan**

Saddam has up to now rejected any inspections as a matter of "principle." However, he could do a sudden about-face, just as he did with respect to the "oil-for-food" program. The worst outcome for the U.S. would be international pressure to accept UNMOVIC as meeting the disarmament requirements of the Gulf War ceasefire.

The only inspection regime that will come close to stopping Saddam will be an inspection team led by an American. This team must have the following conditions:

- Access to anywhere in Iraq (including information and data) in a timeframe determined by the inspectors.
- Authority to impound equipment or shut down facilities.
- Interference with teams prohibited.
- No delays. Short timeline for acceptance of inspection regime.

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- Unrestricted overflight rights for fixed and rotary-wing aircraft, including UAVs.
  - Team has authority to demand use of a designated Iraqi military facility as a base (e.g. H-3 airfield in western Iraq).
  - Collection plan should be in place prior to demarche.
  - Iraq to be informed that lack of cooperation will subject it to military action.
  - Immediate inspection no later than one month from Iraqi acceptance.
  - The inspection team will deploy from Bahrain, and target high-value sites. The team will be staffed by mix of people now in/out of USG. May include some inspectors from selected other nations. U.S. will recruit Iraqis inside and outside of Iraq and offer rewards, sponsorship and relocation for their assistance. The list of specialties and capabilities will parallel UNSCOM with the addition of physical security experts and counterintelligence capabilities.
  - Should have the authority to task intelligence and call on CENTCOM-provided support. There has to be a military extraction plan for the team. A longer-term inspection presence will call for teams to be based in North, South and Central Iraq.

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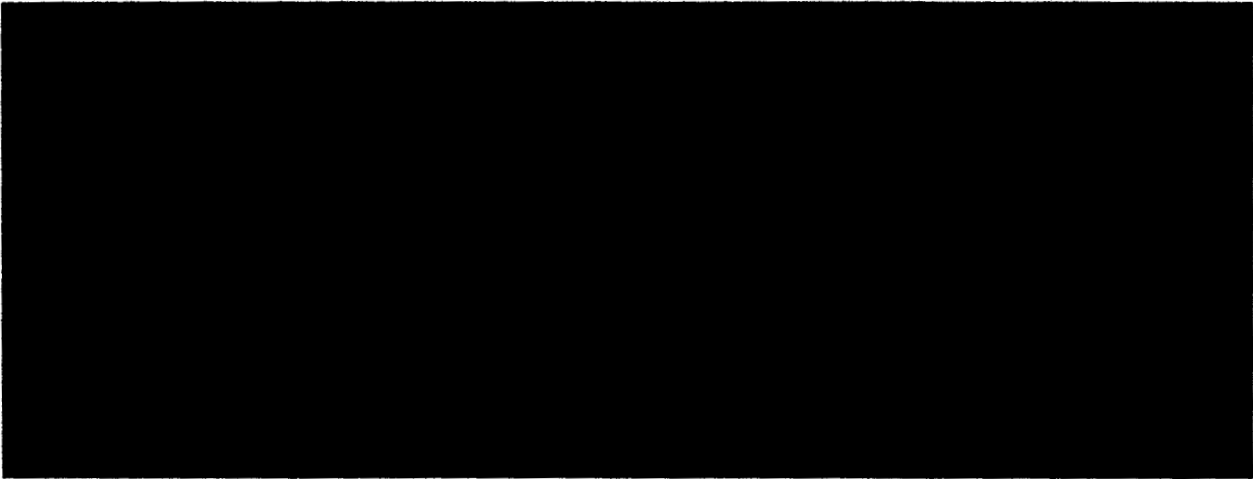
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**FACTSHEET ON IRAQ LIBERATION ACT (ILA),  
DRAWDOWN, AND ECONOMIC SUPPORT FUNDS (ESF)**

- Since the passage of the ILA (1998), two sources of financial and material support to the Iraqi opposition were established, drawdown and ESF.
- The ILA does not restrict the type of equipment or training to non-lethal.

**Drawdown**

- The ILA authorizes DoD to administer up to \$97 million in drawdown to Iraqi opposition groups designated by the President.
- Drawdown includes:
  - Defense articles, services, and military education and training provided from on hand DoD stocks or resources.
  - Material must be physically on hand and should be fully mission capable.
  - The impact on operational military readiness is a key consideration in determining whether material on hand can be provided and in what quantity.
  - Transportation costs are drawdownable.



 a May 2, 2000 SECDEF memo provided further direction regarding drawdown implementation:

- First, the memo specified that the initial \$5 million drawdown would be split, allocating up to \$2 million for equipment and up to \$3 million for training.

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- Second, the memo specified that the drawdown assistance would be for "non-lethal training and equipment," reflecting a Feb 2000 decision by the Principals Committee (PC).

### Economic Support Funds

- The Department of State manages ESF. Since 1998, \$68 million in ESF has been appropriated for programs (including war crimes investigation) benefiting the Iraqi people including support to the Iraqi opposition.
- These funds also defray costs of training Iraqis under the ILA (i.e. recruiting, per diem, and lodging). ESF appropriated for Iraq thus far:
  - FY 99: \$8 million
  - FY 00: \$10 million
  - FY 01: \$25 million
  - FY 02: \$25 million

\*State estimates that another \$25 million will be appropriated for FY 03.

- State claims that approximately \$16 million in ESF has been provided to the Iraqi National Congress since 1998.

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## The Case Against Iraq

### Outline of the Case

- The basic document will come in two versions: classified and unclassified. A "public case" (i.e., talking points for use by senior officials) can be drawn from the unclassified version.
- The document will have three sections:
  1. The grounds of our regime change policy:
    - Development and prior use of WMD; violation of UNSCR 687.
    - Terrorism: direct involvement in terrorism (assassination attempt against former President Bush) and support for terrorism (Abu Nidal, Palestinian groups, al Qaida, Ansar al-Islam)
      - WMD/terrorism nexus: the possibility of unattributable, and hence undeterrable, WMD attack.
    - Threats to neighbors: invasions of Iran and Kuwait; subsequent threats against Kuwait.
    - Tyranny: repressive regime, arbitrary arrest and torture, *Anfal* campaign (including use of chemical weapons), repression of Shi'a.
  2. The justification for our policy of regime change.
    - Anticipatory self-defense.
    - Iraqi violation of UNSCR 687, essentially nullifying the cease-fire.
      - NOTE: While it is worth making the 687 argument, we shouldn't place too much emphasis on it – we should be up front in saying that this is fundamentally an issue of anticipatory self-defense.
  3. Vision for Iraq's future
    - We will stay around for as long as necessary, but not a moment longer.

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- We are already working with Iraqi opposition groups to plan for the post-Saddam regime.
- We will help the Iraqi people create a broad-based, representative government that will:
  - Develop democratic institutions (free press, "civil society," independent judiciary, etc.)
  - Respect individual rights; treat members of all ethnic and religious groups equally.
  - Maintain territorial integrity, while allowing for local government structures.
  - Cooperate in the destruction of the WMD infrastructure, facilities, stockpiles, etc. and not resume WMD development.
  - Seek to live in peace with its neighbors.

The Project

- In developing these documents, we make use of individuals inside and outside the government. The following are some of the people who could be consulted.
  - Among those inside the government: John Hannah, Scooter Libby.  
[REDACTED]
  - Individuals outside the government can be consulted on an informal, personal basis: they wouldn't be told what the project was, but would just be asked a hypothetical question, such as, "What themes would you recommend senior officials use in support of the regime change policy?"
  - Among those outside the government, the following might be consulted:  
[REDACTED]

Inter-agency Coordination

- The State Department is working on a similar project, which is to be presented to the interagency "Executive Steering Group" of the Interagency Political-Military Cell on 9 September.

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- We will share our work with State and the interagency cell once a complete draft has been produced.

Prepared by [REDACTED]

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## Protocol on Interviews

## Basic Principles:

- Interviews with key Iraqi WMD personnel are also one of the best mechanisms for determining the exact nature and scope of Iraq's past and on-going programs.
- Iraqi regime has a history of intimidating individuals to be interviewed by inspection teams, therefore steps should be taken to ensure conditions free of intimidation.
- Inspectors need to achieve surprise. to forestall Iraqi efforts to intimidate interviewees, take hostages among their families, or physically prevent them from being interviewed.
- Inspectors need to prevent Iraqi government knowledge of what interviewees say (inspectors need to convince interviewees that they can accomplish this).

## Specific Steps To Meet These Requirements:

- Step 1: Before conducting interviews, the Iraqi government should be required to pass national implementation measures to guarantee the safety of Iraqis interviewed and their families.
  - Saddam regime should bear the burden to cooperate and not potential interviewees and their families.
- Step 2: UNMOVIC should develop a list of names of interviewees and family members.
  - Interviewees should include Iraqi top leaders, scientists, engineers, and program administrators, but also a random selection of lower level officials. The USG will provide upon request a recommended list of names in support of UNMOVIC.
  - List should include appropriate individuals imprisoned in Iraqi jails, if the necessary information can be obtained.
  - The goal should be to give Iraq no indication of how we made our selection - no reason to believe that those whom we wish to interview are likely to be more cooperative.

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- Given the nature of Iraqi families, "close relatives" may include extended family members of several generations out to second cousins. Therefore a minimum definition of "family" should include parents, spouse, children, spouses of children, grandchildren.
- Use all contacts in the expatriate community for data on families of potential interviewees. (Include many more potential interviewees than would ever be brought out of Iraq.)
- **Step 3: UNMOVIC should inform the Iraqi government that it intends to interview selected Iraqis (from the pre-determined list) outside the country. The Iraqi government should be reminded that it is responsible for the safety of all interviewees.**
  - Interviewee's "willingness" to travel shouldn't be a factor. (Their "willingness" to travel will be subject to intimidation while still in Iraq.)
  - Given the tyrannical nature of Saddam's regime, there is *no reason to take such a statement at face value.*
- **Step 4: UNMOVIC should assemble interviewees and family members.**
  - Collect interviewees and family members at pre-designated marshalling area such as UNMOVIC/IAEA regional offices established inside Iraq.
  - Establish facilities for temporary lodging of interviewees and families at these offices.
  - Interviewees and family members should be instructed to report to one of these offices in a short period of time (less than a day).
  - Take interviewees out in large batches of individuals (e.g., ten or more at a time) with related expertise, and who might be expected to know many of the same things. (This may help hide the source of any useful information on which we decide to act.)
  - Release names of interviewees and family members to the press to put additional pressure on the Iraqi government to cooperate.
- **Step 5: UNMOVIC should transport interviewees and family members to a secure location (e.g. New York, Geneva, Cyprus).**

- Transport families (by helicopter Buses from UNMOVIC/IAEA offices to airport for flight out of Iraq (US military air transportation should be offered).
- **Step 6: Provide accommodations for interviewees and family members**
  - Location where interviewees and families are lodged and interviewed should be different and unpredictable for each batch of interviewees.
  - If interviews are held in New York, each group of interviewees should be lodged in a different hotel.
  - Interview location: unless UNMOVIC/IAEA can be sure of the security of its offices, interviews should be held at random locations (e.g., hotels, etc.)

**Step 7: Conduct Interviews.**

- All interviews should last the same amount of time, regardless of how much the interviewee has to say. Similarly, each interviewee should be re-interviewed the same number of times.
- Alternatively, make sure interview length is not correlated with value of information provided by interviewee; it could be correlated positively with rank of interviewee.
- All interviews should be video and audio taped to supplement handwritten or typed notes.
- Inspectors should also obtain good quality photos of the interview subjects to assist future inspectors in recognizing the key personnel. Translators—either native- or near-native speakers and technically competent—should always be present for the interviews.
- No information obtained from the interviews should be shared with the Iraqis.
- Apply standard security precautions (e.g. sweep rooms for listening devices). Interviewees should be reassured that they are not in danger.

**Step 8: Ensure ability of interviewees to seek asylum.**

- UNMOVIC should assist defectors and family members who wish to seek visas, asylum and resettlement.

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### Post-UNSCR Strategy for Iraq

- **Fundamental Premise:** Inspections cannot succeed in ridding Iraq of its WMD *unless* Iraq cooperates.
  - Therefore, the *inspectors' purpose is not to uncover WMD but to determine whether Saddam has decided to cooperate.*
- **Key Concept:** The U.S. goal is to convince Saddam that his choice is either:
  - Cooperate with the UN's demand for WMD disarmament,
  - Or, be disarmed by force by a U.S.-led military coalition.
- **Strategy:** Promptly test Saddam's willingness to cooperate – i.e., whether Saddam is yet convinced that he has no alternative to disarming.
- This strategy should guide our handling of these issues:
  - Iraqi firing on coalition aircraft patrolling the no-fly zones.
  - Iraq's anticipated 8 December WMD declaration.
  - Any Iraqi attempts to impose conditions on the inspectors.
  - Increasing the military pressure on Iraq.
- How and when can USG conclude definitively that Saddam has decided *not* to cooperate? Two early tests are especially important:
  - Behavior with respect to coalition aircraft enforcing the no-fly zones.
  - Accuracy of the December 8 declaration.
- If Saddam fails both tests and the U.S. does not react effectively, the U.S. will find it hard to escape the mudpit of inconclusive inspections dragged out over months.
  - Iraq's firing on coalition aircraft, which violates UNSCR 1441 (paragraph 8), shows *at least* that Saddam has not *yet* decided to cooperate.
  - If the December 8 declaration is patently false (e.g., if it says "nothing to declare"), that would show that Saddam has decided not to cooperate (or, at least, has not yet decided to cooperate.) *In other words, it would show that we had not yet brought sufficient pressure to bear on him.*

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- At that point, the U.S. will face an important cross-roads: If Saddam makes a patently false declaration without incurring serious consequences, he will be well launched in a cat-and-mouse game that favors his interests.
  - However, this does not mean that the U.S. must be prepared to initiate military conflict right away.
- The U.S. could argue instead that *insufficient pressure had been brought to bear on Iraq by the international community* to convince Saddam that it was serious. i.e., that Saddam's range of options was effectively limited to voluntary or forced disarmament.
  - The U.S. would propose to increase the pressure on Iraq in order to bring home to Saddam the seriousness of the situation.
  - This approach could both
    - Satisfy the international community (it demonstrates forbearance on the part of the U.S.) and
    - Preserve our credibility (it shows that we are reacting forcefully to Iraqi defiance of the Security Council resolution.)
- As part of this approach, the U.S. would argue, on the basis of the fundamental premise above, that inspections cannot succeed in disarming Iraq unless Saddam changes his mind.
  - For that reason, the U.S. should announce that inspections cannot be expected to server their purpose and that inspections should await a change of mind on Saddam's part regarding cooperation.
  - It is not necessary for the U.S. to prevail on this point. Indeed, there may be advantages to having the inspections take place.
    - What *is* important is for the U.S. to be on record that inspections without Iraqi cooperation are unlikely to accomplish anything.
    - It is important that the public not see the inspectors' failure to find anything as proof that Iraq is clear of WMD.

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- Calling for a delay in inspections would increase the pressure on Saddam. Other methods of increasing pressure would include:
  1. A demand that Iraq cease firing on coalition aircraft. This would be accompanied by more robust responses to Iraqi firings and other no-fly zone violations.
  2. A demand that Iraq revise its initial declaration to make it accurate and complete.
  3. Continued flowing of forces and building of a military coalition, on the argument that only military pressure can lead Saddam to cooperate with the UN Security Council resolution.
  4. Claiming and exercising the right to overfly the entire country (and not just the no-fly zones). If inspections are continuing, this would be justified as providing intelligence support to UNMOVIC and IAEA.
- Ultimately, the U.S. could present Iraq with an ultimatum, demanding
  - A complete and accurate declaration.
  - A cessation in firing on coalition aircraft.
  - Complete cooperation with the inspectors (e.g., dropping any and all conditions.)
- The ultimatum's deadline would be determined by military factors - when the U.S. would be in the most advantageous position to begin armed conflict.
- If Iraq doesn't comply with the ultimatum, we could either use force after its expiration, or perhaps give Saddam and his inner circle the option of leaving Iraq and turning over power within \_\_ days.
- Next Steps:
  - Begin a public diplomacy/information operations campaign to make the point that inspections *can not be relied on to uncover that which Saddam is determined to hide* - their only purpose is to determine whether Saddam has decided to cooperate.
  - A key conclusion would be that, *once Saddam's unwillingness to cooperate is manifest, inspections no longer serve a purpose.*
  - Inspections can demonstrate this unwillingness in one of two ways:

Less likely: inspectors uncover a prohibited item that Iraq had failed to declare.

More likely: in order to prevent inspectors from discovering such an item, Iraq is forced *flagrantly* to obstruct their activity.

- We should also be prepared to argue on the basis of intelligence information that Iraq's declaration is patently false, and that this in itself proves Iraq's unwillingness to cooperate.
- Therefore, the U.S. should consider ways to prepare international opinion for our argument that a "full" declaration is patently false and evidence of Saddam's unwillingness to cooperate.
  - For example, explain privately to governments that we know of certain Iraqi WMD capabilities (e.g., the mobile BW vans) even though we do not know their exact location (and hence couldn't direct the inspectors to them.)
  - Prepare a rebuttal to the Iraqi's declaration - decide *now* what intelligence we would be willing to release to disprove Iraq's declaration.
- Once the declaration is presented (due December 8):
  - Undertake a major information campaign to demonstrate the falsity of the declaration.
  - Begin the process of increasing pressure on Saddam, as described above.
  - Use the scheduled December 10 conference of the Iraqi opposition:
    - Iraqi opposition could call on Saddam to cooperate with the UN.
    - Knowledgeable defectors could disclose elements of the WMD program with which they are familiar, and explain the elaborate denial and deception methods Iraq uses to hide it

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# *Inter-Agency Rehearsal and Planning Conference*

Office of Reconstruction and  
Humanitarian Assistance  
February 21-22, 2003

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# **Fundamental Assumptions**

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## **Civil Administration**

### **'Assumptions about the World'**

USG/Coalition operation -- not UN.

Sufficient infrastructure exists -- buildings, roads, transportation, comms.

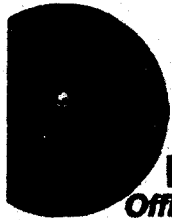
Essential functions of an effective government will have to be carried out right away.

- Iraqi governance at all levels will be ineffective and will require both oversight and assistance.
- Maintaining law and order will be necessary from Day 1.

Free Iraqis/expats can identify reliable Iraqis with relevant expertise who can be entrusted with positions of responsibility.

- Some Iraqi officials so tainted as to be unusable, but others can be retained.
- Technocrats will be essential to restart governance.

No major environmental dangers that impair mission.



# ***Fundamental Assumptions***

**Office of Reconstruction and Humanitarian Assistance  
Civil Administration**

## ***'Assumptions about USG Policy'***

USG aims at fundamental change in the nature of the Iraq regime.

- We want to create conditions for a broad-based, representative Iraqi government that respects the human rights of all Iraqis.

USG will safeguard Iraqi territorial integrity.

Fundamental decision has been taken on nature and degree of Iraqi involvement in governance.

- Role of Iraqis in ministries, local government.
- Number and nature of Iraqi "councils," e.g., advisory council, judicial council, etc.

Responsibility for vetting Iraqis (to determine their suitability for employment) has been placed in ORHA, with interagency participation.

A national currency has been established/printed.

- Organizational/budgetary mechanism to pay civil servants.



# Civil Administration Vision

Office of Reconstruction and Humanitarian Assistance

***Civil Administration (CIVAD) must immediately provide stability, predictability and continuity in essential government services.***

- It must, as quickly as possible, create a fair, responsive and transparent environment under the rule of law, in which all government actions are undertaken on the basis of equality under law, not financial corruption or political favor or disfavor.***
- It must provide the beginning of responsible and responsive governance, in the context of which the Iraqi people will be able to create broad-based, representative institutions of government as they see fit.***

***As each instrumentality of government becomes capable of operating in accordance with this vision, it will be returned to Iraqi control.***



# Team Organization

Office of Reconstruction and Humanitarian Assistance

## Civil Administration

- Current Manning:
  - Coordinator, deputy.
  - 2 policy specialists from OUSDP.
  - 2 oil sector experts.
  - 2 justice sector experts.
  - 1 media expert (indigenous media project).
  - 1 acquisition/contracting expert.
- In addition, following individuals have been identified:
  - 1 additional justice sector expert.
  - 2 experts in Iraqi and regional political affairs.
- Awaiting detailees from State, Commerce.
- Need more intell community support for vetting.

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## **Team Organization (cont'd)**

**Office of Reconstruction and Humanitarian Assistance**

- **Critical shortfalls exist in the following substantive areas:**
  - Culture and religious affairs.
  - Immigration and consular affairs.
  - Trade, commerce and industry.
  - Communications/Information (including Post, Telephone & Telegraph).
  - Vetting capability.
- **Expected fill dates: State by 28 Feb; others TBD.**
- **In country deployment: To the lowest appropriate level of governance.**



# Funding

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## Civil Administration

- Estimated requirements for first six months:
  - \$40M for law and justice; border security.
  - \$300M to \$1B for oil sector.
  - \$55M for indigenous media.
  - \$27M for all other CIVAD governance sector.
- In addition, need funds to pay salaries of retained Iraqi civil servants.
- Currently available or committed: \$0M.
- Shortfall: \$425M to \$1.1B.
- Plan to overcome delta: Dir, ORHA, to appeal to State and NSC.
- Legal or regulatory constraints on use: TBD.

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# Measures of Effectiveness

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## Civil Administration

- 90 days: Initial presence of advisors at all levels; law enforcement and justice systems emerging
  - Indigenous media functioning.
- 180 days: Advisors are functioning effectively at all ministries/agencies at all government levels.
- 270 days: Some ministries/agencies are functioning properly under full Iraqi control.
- 360 days: All ministries/agencies are functioning properly under full Iraqi control or ready for turn-over.



# High Impact Actions

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## Civil Administration

- Actions required in first 30 days: Commence restoration of public order and other public services.
  - Indigenous media (radio and TV) on the air -- presenting the vision of a new Iraq.
- What must be done: Contract for appropriate personnel/vendors to accomplish the CIVAD mission.
- Who will do it: Justice and State.
- Related pre-deployment post-deployment concerns: There are no funds available to start hiring processes.





# Mapping

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## Civil Administration

- Facilities and infrastructure we hope will be intact following hostilities to facilitate our work:
  - Entire oil infrastructure from wells to refineries to export facilities;
  - Facilities associated with local, civilian police;
  - Court and prison facilities associated with ordinary law enforcement;
  - Banks;
  - Electrical grid; radio and TV stations.
  - Also, all key buildings/facilities of the ministries and agencies for which CIVAD is responsible.
- Type of structure, intended post hostilities use, location by grid if possible: TBD.



# Logistical Requirements

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## Civil Administration

- Critical mission support:
  - Support for all ORHA personnel;
  - Interpreting and translator support;
  - portable computers and other office equipment, generators, vehicles and fuel; tactical telecomms.
- Critical mission sustainment: Technicians and spare parts for all equipment.
- Sources: Justice/State/contractors, all TBD.



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## Timelines

### Civil Administration

- Critical events (C = ORHA movement into Iraq):
  - ASAP, justice system assessment teams in theater.
  - C-30, contractor personnel on board, deployable.
  - C-20, all personnel deployed forward.
  - C+1, team deploying into Iraq.
  - C+14, all essential staff at their initial deployment destinations.



# Policy Issues

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## Civil Administration

- Will CENTCOM perform law enforcement functions until transitional police authority arrives, establishes presence?
- Should responsibility for vetting process (with respect to possible employment) be placed in ORHA with interagency participation?
  - What is the relationship between this vetting process and the process of identifying Individuals who should be incarcerated and considered for prosecution?
- What currency should be used after liberation?
  - Will USG guarantee payment of salaries of Iraqi civil servants who are retained in their positions?

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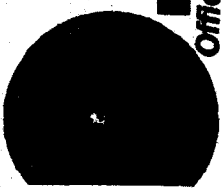
# Show Stoppers

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## Civil Administration

- Failure to obtain interagency agreement on role and mission of ORHA and other agencies.
  - Critical issue: Footprint to be small or large?
- Unavailability of quick-start funding for various responsibilities, pre-deployment.
- Essential staff not made available immediately.
- Essential personnel not deployed on time.
- National currency not agreed and available.

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# Justice/Law Enforcement

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# ***Fundamental Assumptions***

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**Justice/Law Enforcement**

- Must establish interim public security whatever the cost.
- Must establish a fair and transparent system of law for all Iraqis, mindful of political, ethnic or religious considerations.
- Existing Iraqi institutions responsible for public security and judicial processes likely will be in disarray.
- Justice sector institutions will be maintained and used to extent possible.
- Must remove individuals from office, disband units and organizations, and eliminate law and processes that impede development.
- Must transition to legitimate Iraqi authority control of police, judicial and prison functions within 18 months.



# ***Fundamental Assumptions***

**Office of Reconstruction and Humanitarian Assistance**

## **Justice/Law Enforcement**

- Real potential for conflicts arising from property disputes, vigilante/retribution activities, civil disturbances fomented by subversives or resulting from humanitarian aid frustrations.
- Saddam's political appointees will likely remain in the ranks of the police, judiciary and prison administration.
- Legitimate demands upon justice system in the immediate post-conflict period will likely exceed Iraqi capabilities.
- Existing police/security forces lack any legitimacy with Iraqi people, are seen as oppressors. Extent of public voluntary compliance with law will be low. 100,000 police in three ministries require supervision and reform.
- Anticipated return of approximately 3 million internally displaced persons (IDPs) and up to 1 million refugees now in neighboring countries.





## **IRAQ JUSTICE SYSTEM END STATE**

**“A system of laws and institutions (police, prosecution, courts and corrections) which operates impartially, without regard for ethnicity, religion, sex, race, political affiliation or other natural characteristic and provides sufficient public order, levels of human and property rights and objective dispute resolution to enable the people of Iraq to enjoy personal freedoms, economic prosperity, representative government and domestic tranquility.”**

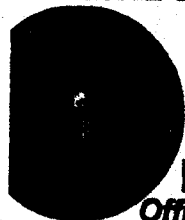


# *Vision*

*Office of Reconstruction and Humanitarian Assistance*

## **VISION FOR THE IRAQ NATIONAL POLICE**

**“A de-centralized, community-based law enforcement institution which effectively serves and protects the rights and freedoms of the people of Iraq preventing, detecting, and investigating criminal conduct in strict accordance with the law of the land.”**



***Vision***

**Office of Reconstruction and Humanitarian Assistance**

## **VISION FOR THE IRAQ MINISTRY OF JUSTICE AND COURTS**

**“Fair and effective administration of justice, together with equal access to justice so that all may seek and receive redress for their grievances with other private parties and with state officials or organizations.”**



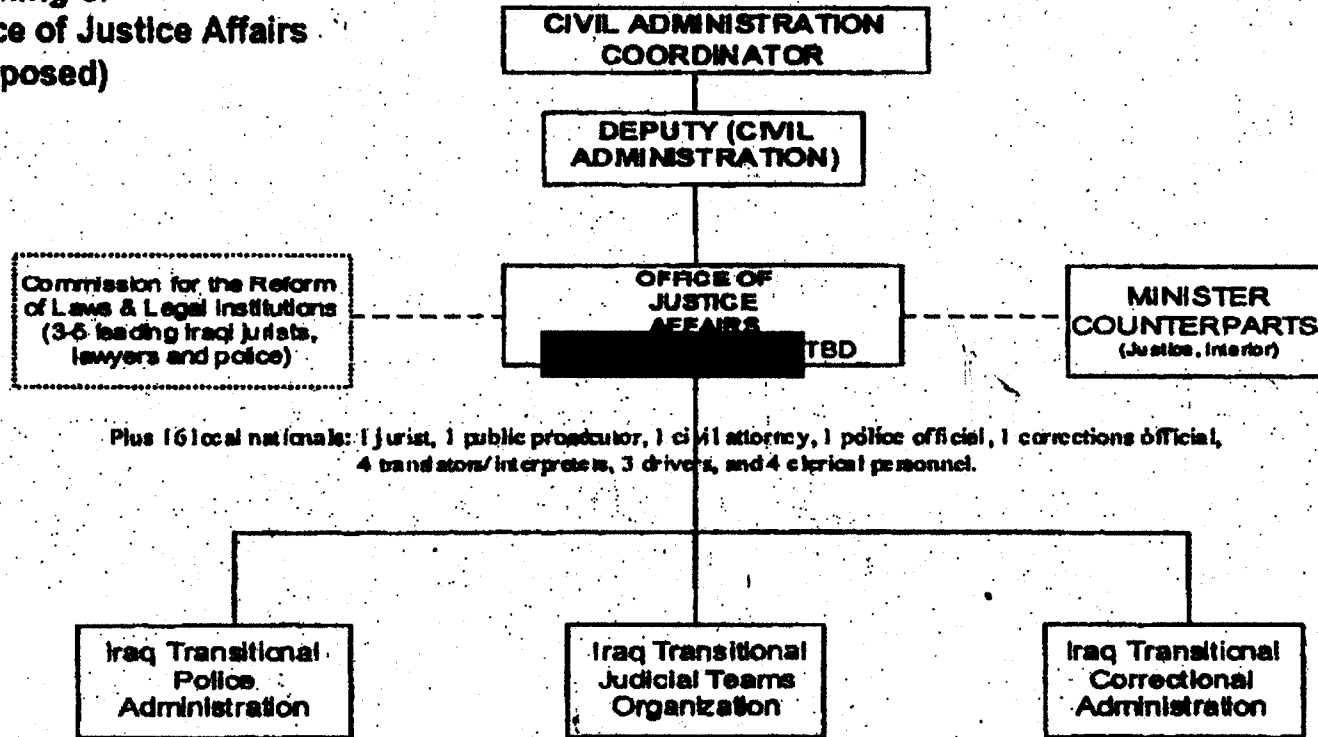
## **VISION FOR THE IRAQ CORRECTIONAL SYSTEM**

**“A CORRECTIONAL SYSTEM WHICH RESPECTS  
FUNDAMENTAL HUMAN RIGHTS AND IS GUIDED BY  
FAIRNESS, EQUALITY UNDER AND BEFORE THE  
LAW, AND BY THE DIGNITY AND WORTH OF  
INDIVIDUALS, AND WHICH IS MANAGED WITH  
HONESTY, OPENESS AND INTEGRITY.”**

# Justice/Law Enforcement Team Organization

Office of Reconstruction and Humanitarian Assistance

## Manning of Office of Justice Affairs (Proposed)



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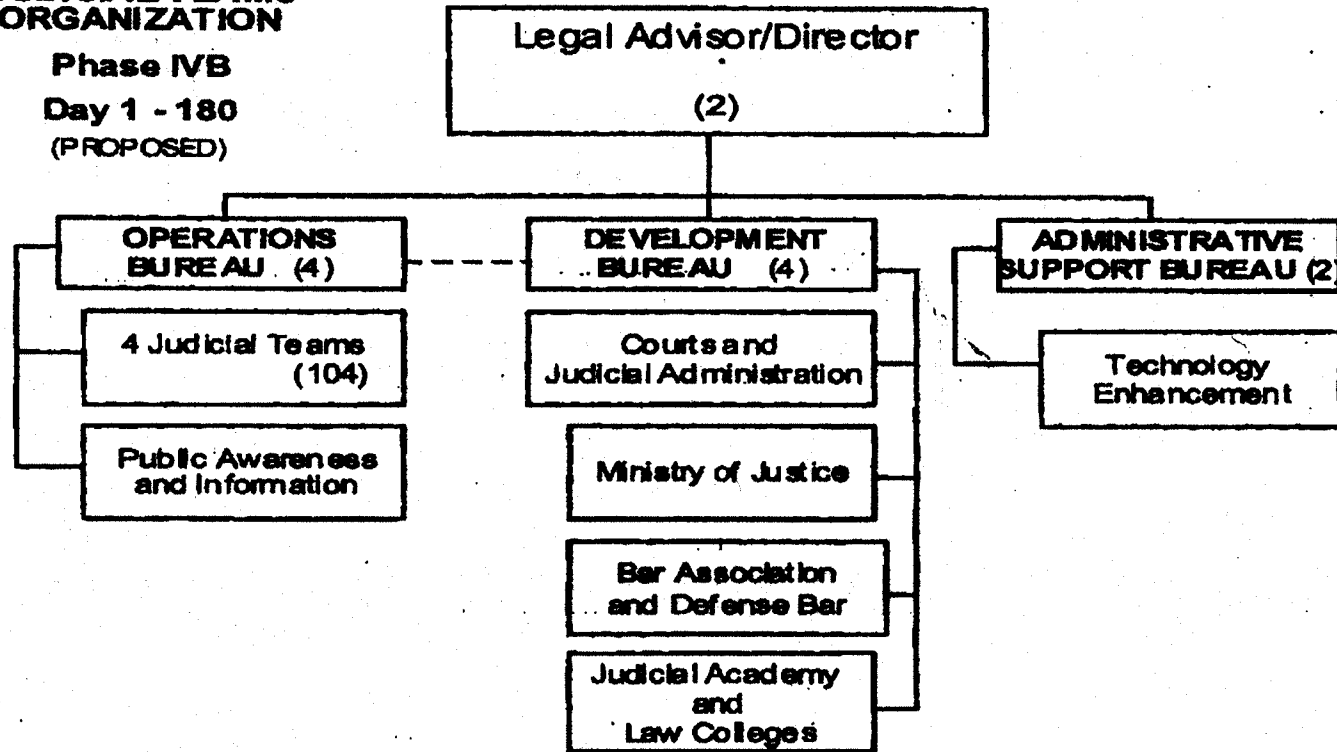
22

# Justice/Law Enforcement Team Organization

Office of Reconstruction and Humanitarian Assistance

## IRAQ TRANSITIONAL JUDICIAL TEAMS ORGANIZATION

Phase IVB  
Day 1 - 180  
(PROPOSED)



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# Justice/Law Enforcement Team Organization

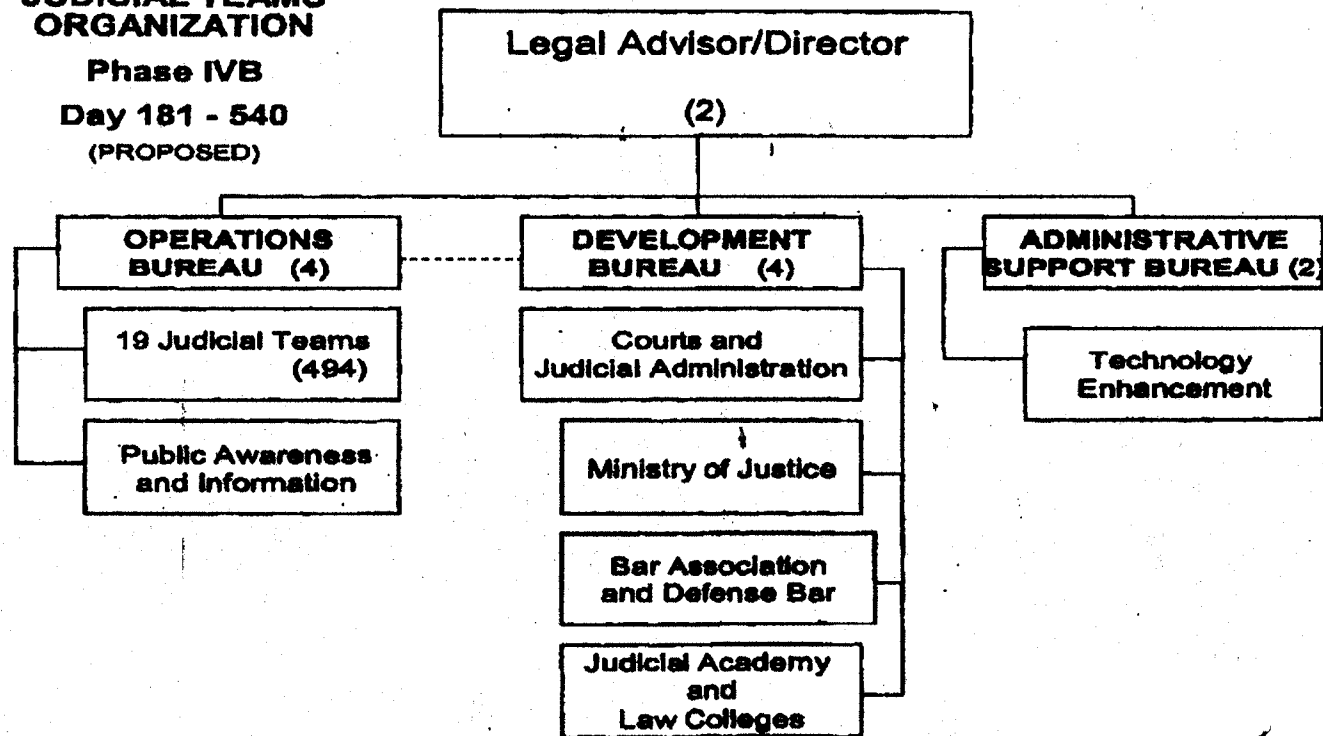
Office of Reconstruction and Humanitarian Assistance

## IRAQ TRANSITIONAL JUDICIAL TEAMS ORGANIZATION

Phase IVB

Day 181 - 540

(PROPOSED)



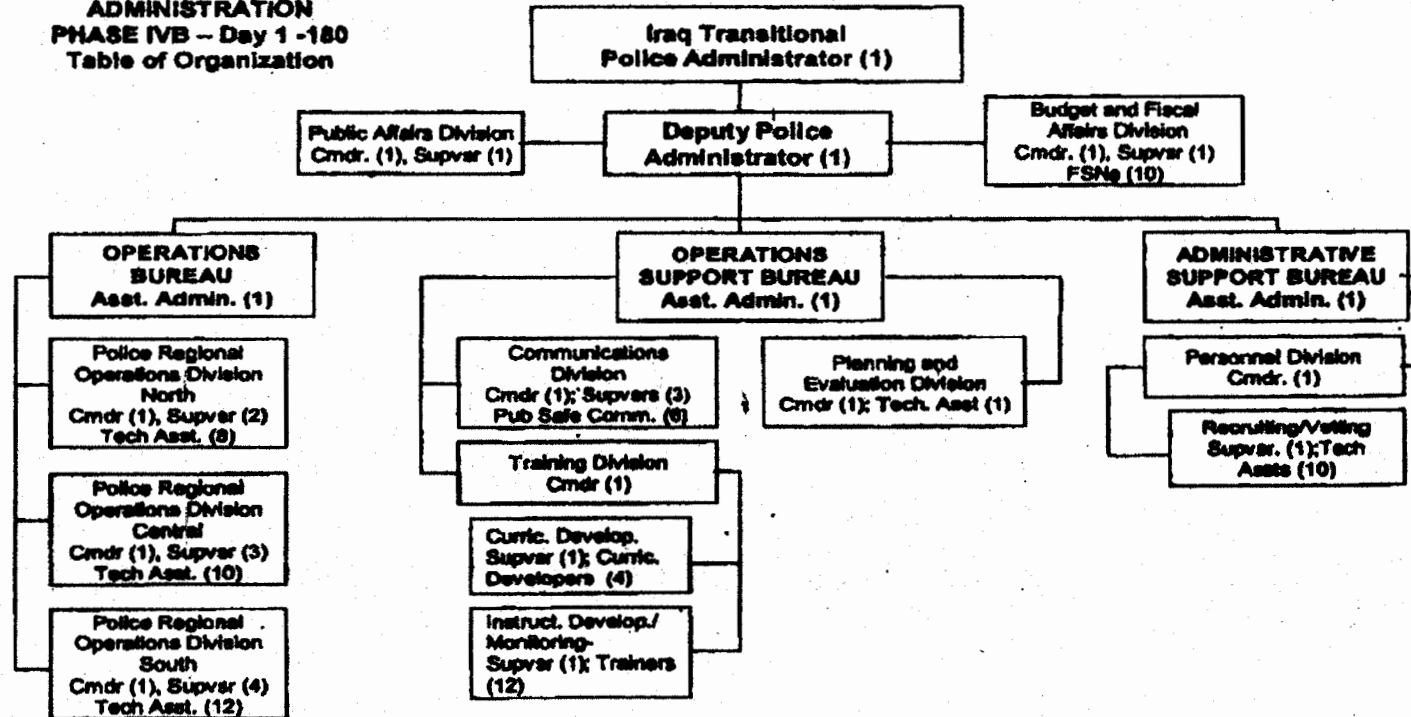
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# Justice/Law Enforcement Team Organization

Office of Reconstruction and Humanitarian Assistance

IRAQ TRANSITIONAL POLICE  
ADMINISTRATION  
PHASE IVB -- Day 1 -180  
Table of Organization

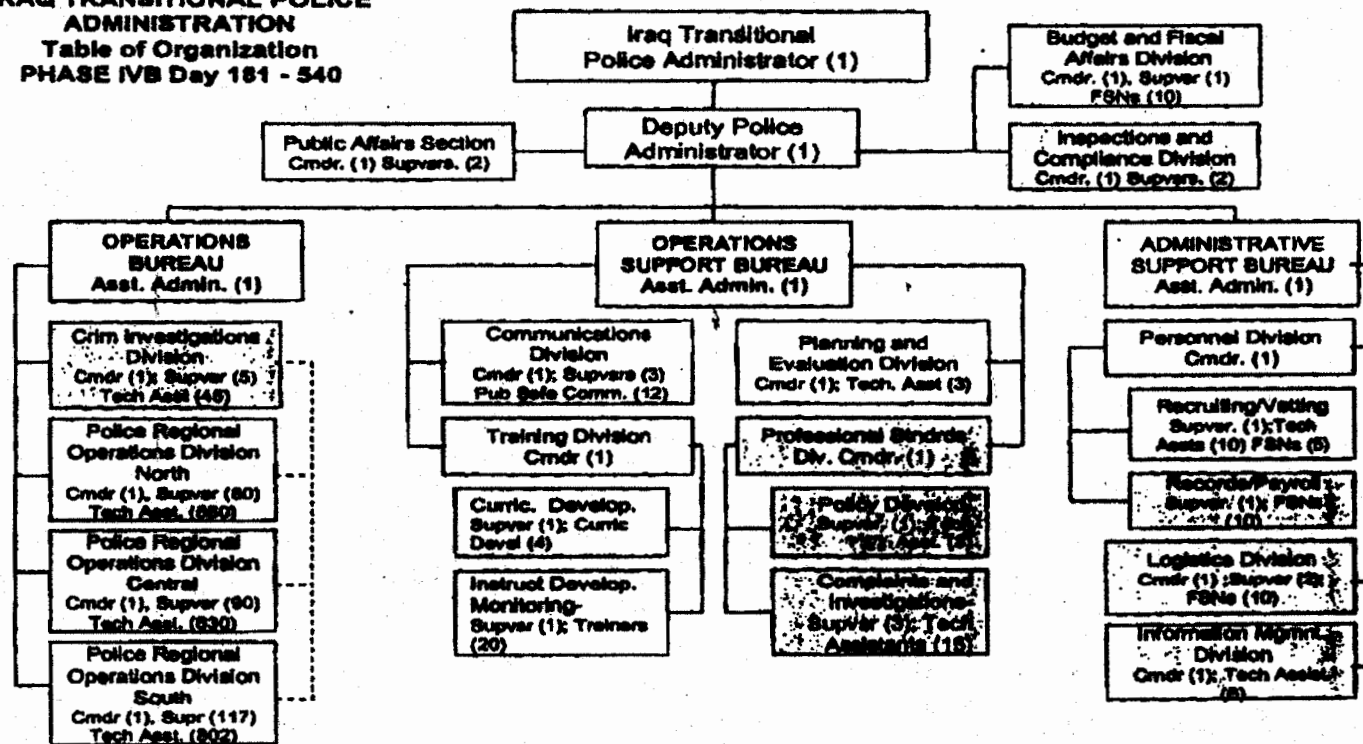




# Justice/Law Enforcement Team Organization

Office of Reconstruction and Humanitarian Assistance

**IRAQ TRANSITIONAL POLICE  
ADMINISTRATION  
Table of Organization  
PHASE IVB Day 181 - 540**



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# Justice/Law Enforcement Funding

Office of Reconstruction and Humanitarian Assistance

Estimated requirements:

• Office of Justice Affairs		
– Phase IVB Day 1 -180	\$	214,273
– Day 181 - 540	\$	432,930
• Police		
– Phase IVB Day 1 - 180	\$	26,973,861
– Day 181 - 540	\$	463,459,167
• Justice Component		
– Phase IVB Day 1 – 180	\$	4,992,973
– Day 181 - 540	\$	91,719,687
• Corrections		
– Phase IVB Day 1 - 180	\$	To Be Determined
– Day 181 - 540	\$	To Be Determined
• TOTALS		
– Phase IVB Day 1 - 180	\$	32,181,107 +Corrections Delta
– Day 181 – 540	\$	555,611,784 +Corrections Delta

Currently available or committed: \$ 0



# Justice/Law Enforcement Timelines

Office of Reconstruction and Humanitarian Assistance

## Critical Activities During Phase IVA (Stability):

- Military Commander establishes interim legal framework throughout AO (issue set of proclamations, etc.).
- Military counterparts stand in for Office of Justice Affairs and prep for arrival of transitional justice teams organization (JTO) and police administration (ITPA).
- Military counterparts begin assessment of
  - Iraqi justice sector organizations (identity of senior officials, functions performed, command/control, structure, etc.).
  - Relevant in-country conditions (community relationships, crime problems, etc.).

# Justice/Law Enforcement Timelines

  
  
*Office of Reconstruction and Humanitarian Assistance*

## Critical Activities During Phase IVB (Recovery) Day 1 - Day180:

- Civil Administrator continues to refine and expand interim legal framework throughout AO (amnesty program, protective custody, other proclamations, etc.).
- Office of Justice Affairs morphs military predecessor and assumes duties
- Review and distribution of legal materials.
- JTO and ITPA arrive.
- Comprehensive assessment program.
- Vetting of indigenous justice sector personnel.
- Establish standards, codes of conduct.
- Limited executive policing/civilian police supervision.
- Court and Corrections monitoring programs.
- Emergency legal education and training programs.

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# **Justice/Law Enforcement Timelines**

**Office of Reconstruction and Humanitarian Assistance**

## **Critical Activities During Phase IVB (Recovery) Day 181 – Day 540:**

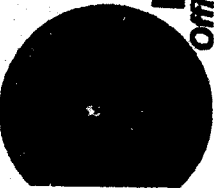
- Police and justice system institutional development intensified.
- Legal Aid system emphasis.
- Public education program intensifies.
- Pre-transition assessments.
- Plans for post-transition assistance programs.
- Prepare for Phase IVC transition to Iraqi leaders.

# *Justice/Law Enforcement Show Stoppers*

  
*Office of Reconstruction and Humanitarian Assistance*

- US/Coalition military does not act as police until relieved by competent indigenous civilian police.
- Key policy decisions not made, i.e., applicable law, size of US “footprint” in justice sector, operations vs. development.
- *Early reestablishment of public order under rule of law is critical to success but is achievable only if funds and staff are made available now.*

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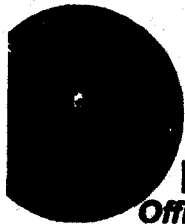
**Office of Reconstruction and Humanitarian Assistance**

# Energy

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# *Energy Vision*

*Office of Reconstruction and Humanitarian Assistance*

- Iraqi oil ministry that is controlled by Iraqis and operates the Iraqi oil infrastructure for the benefit of all the Iraqi people.
  
- End state - Iraq producing crude oil at a rate of 3+ MMB/D; refineries and gas plants producing to meet the domestic demand for products.





# Energy High Impact Actions

Office of Reconstruction and Humanitarian Assistance

- Actions required in first 30 days
  - Import the required petroleum products.
  - Initial well firefighting efforts.
  - Begin damage assessments of cleared oil fields.
- What must be done & who will do it
  - Oil group will forecast product demand and coordinate with CENTCOM/DESC for supply and distribution.
  - Oil group will monitor firefighting effort.
  - Army issues task orders under the contract for execution of Contingency Support Plan.
- Related pre-deployment post-deployment concerns
  - Public relations with prospective contractors.
  - Degree of destruction.
  - Use of WMD on oil infrastructure.



# *Energy Measures of Effectiveness*

Office of Reconstruction and Humanitarian Assistance

- 90 days
  - All oil staff recruited and deployed to Iraq.
  - Petroleum products supplied to domestic market either by importing or own production.
  - Completion of initial assessment of crude production capability.
- 180 days
  - Iraqi oil ministry back up to 60%-90%+ staffing.
  - Senior Iraqi leadership in oil ministry identified.
- 270 days+
  - Oil well fires being extinguished and first oil.



## *Energy Mapping*

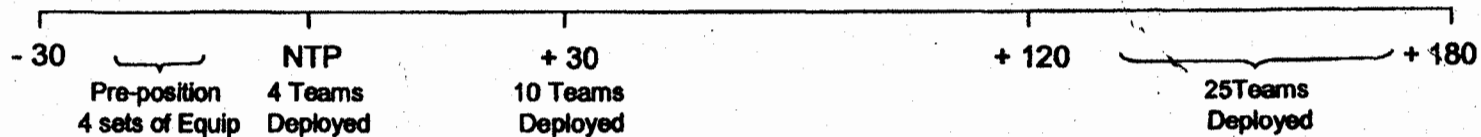
Office of Reconstruction and Humanitarian Assistance

- Oil infrastructure sites are known by the CENTCOM planners.
- CENTCOM J5 have advised that only those sites deemed to be critical for Saddam's military use will be targeted.



# Energy Firefighting Plan

Office of Reconstruction and Humanitarian Assistance



## Firefighting Concept of Operation

- Pre-position 4 sets of firefighting equipment from US and enable deployment of teams within 48 hours of NTP.
- Declassify the pre-position of firefighting equipment.
- Upon notification to execute full contingency support plan:
  - Prepare additional resources for deployment to bring total teams to:
    - 10 within 30 days.
    - 25 teams within 4 to 6 months (Equipment manufacture is critical path).
  - Assume availability of water to be limiting factor during first 90 days.



# ***Energy Policy Planning -- Status***

**Office of Reconstruction and Humanitarian Assistance**

## **Challenges in event of hostilities:**

- **Protect Iraq's oil resources from sabotage, preserve as national asset of all the Iraqi people.**
- **Reconstruct and resume operations to help support needs of all the Iraqi people.**
- **Return oil resources to Iraqi control as soon as new Iraqi government is inaugurated.**



# Energy Team Organization

Office of Reconstruction and Humanitarian Assistance

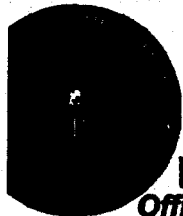
- Current Manning - 1 DOE employee, 1 DOD contractor and rotating [REDACTED] representative.
- Critical Shortfalls:
  - Energy Group:
    - DOE: 8 -10 staff
    - DOD contractor: 13 -15 (Iraqi Translators)
    - One DOD reservist
  - Funding required for DOD contractors.



# ***Energy Team Organization***

**Office of Reconstruction and Humanitarian Assistance**

- Expected fill dates - Minimal recruiting accomplished, two DOE to arrive March 1, remaining DOE by end of March, awaiting appointment of senior executives.
- In country deployment
  - At least five in first wave to monitor firefighting and assessment activity.
  - Others to follow as situation dictates, within 2 weeks.



## **Energy Funding**

Office of Reconstruction and Humanitarian Assistance

- **Estimated requirements:**
  - \$ 2 - 16 Billion restoration work over two years.
    - \$300M to \$1B in first six months.
  - \$6M energy group staff, materials and expenses first year.
- **Currently available or committed:**
  - \$39 million - assessment teams and fire fighting pre-positioning.
  - \$107 million - Army purchase of long lead time items.
  - Base salaries of 4 energy group staff.





## Energy Funding

Office of Reconstruction and Humanitarian Assistance

- **Shortfall:**
  - \$2-16 billion - restoration work.
  - \$6 million - staff materials and expenses.
- **Plan to overcome delta:**
  - Restoration work - supplemental. Army developing contract.
  - Staff and materials:
    - Short term - meet w/ DOE to carve out budget. Need to find DOD funding.
    - Long term - supplemental appropriations to reimburse.
- **Legal or regulatory constraints on use - None currently identified.**



# Energy Show Stoppers

Office of Reconstruction and Humanitarian Assistance

- Lack of funding.
  - Prior to supplemental.
  - Supplemental appropriation for balance of FY 03.
  - FY 04 budget request went to Hill with no funding for Iraqi oil restoration.
- Lack of full in-country communications connectivity for all of oil sector.

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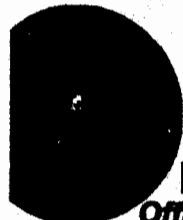
Office of Reconstruction and Humanitarian Assistance

# Indigenous Media

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# **Indigenous Iraqi Media--Overview**

*Office of Reconstruction and Humanitarian Assistance*

- **VISION:** Within 12 months, reconstitute indigenous Iraqi media as a model for free media in the Arab world.
  
- **FIRST MONTH IMPACT:** Inform Iraqi public about USG/coalition intent and operations, stabilize Iraq (preventing trifurcation) and provide Iraqis hope for the future. Inform international community and media about atrocities & WMD finds via satellite TV.
  
- **REQUIREMENTS NECESSARY FOR FIRST MONTH:**
  - Select, train, and deploy Iraqi rapid reaction media teams for:
    - 24 x 7 national radio network (with pre-selected programming).
    - 12 x 7 national TV network (with pre-selected programming).
    - Print media.
  
- **FUNDING REQUIREMENT FOR FIRST 12 MONTHS:**
  - \$30 million for DoD first 3 months; \$93 million OMB/USAID remainder.



# Conceptual Approach--Principles

Office of Reconstruction and Humanitarian Assistance

## Indigenous Media

- Standing up indigenous media quickly will support CENTCOM's mission to stabilize Iraq.
  - Iraqi indigenous media will evolve over 3 phases:
    - DoD/CENTCOM-led stability operations.
    - Transition to interim civil authority/control.
    - Transformation led by a new Iraqi government characterized by democratic principles and institutions.
  - Because of CENTCOM force protection and stability issues, ORHA will initially stand-up and direct Iraqi indigenous media.



# **Indigenous Media -- Objectives**

**Office of Reconstruction and Humanitarian Assistance**

- Iraqi media coverage (via satellite TV) of what the US military has found in Iraq.
- Inform the international community.
- Inform the Iraqi public about USG/coalition intent and operations.
- Stabilize Iraq (especially preventing the trifurcation of Iraq after hostilities).
- Provide Iraqis hope for their future.
- Begin broadcasting and printing approved USG information to the Iraqi public very soon after cessation of hostilities.
- Help justify USG actions.



# Key Phase 1 Media Centers

Office of Reconstruction and Humanitarian Assistance

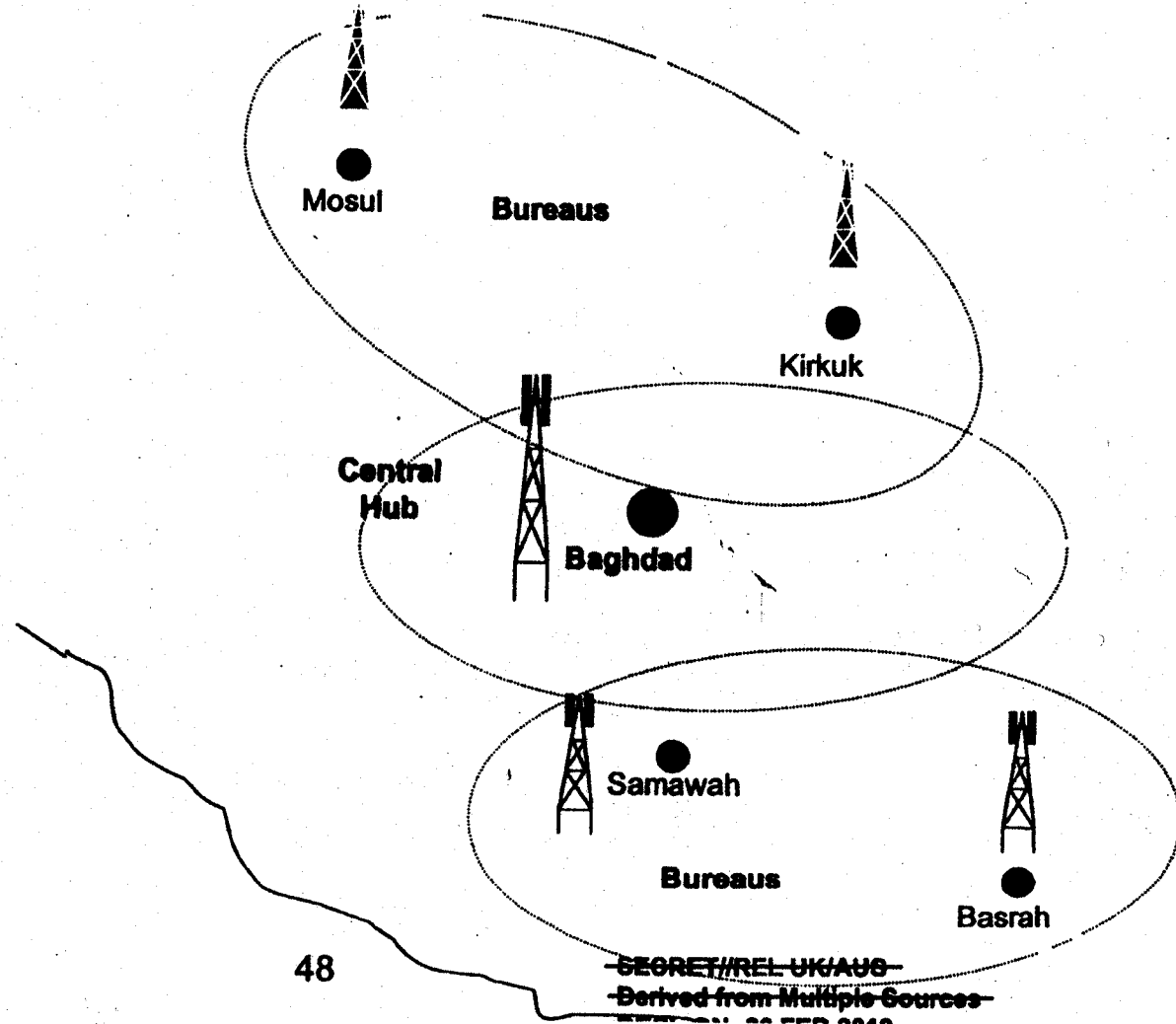


Early Phases will require centralized radio production in Baghdad with news bureaus depicted in northern Iraq and southern Iraq.

3 Broadcast zones.

Bureaus run stringers.

National weekly newspaper distribution work must be developed--relying on existing architecture where possible.



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# Indigenous Media/Budget Summary

Office of Reconstruction and Humanitarian Assistance

Feb-Mar 03

Apr-Jun 03

Jun 03-Mar 04

Labor/  
Per Diem

Payroll for 50-70 Iraqi  
TV, Radio, Print Journalists,  
Producers, Technicians, etc.  
For first 30 days; travel/per diem

Payroll for 80-90 Iraqi  
TV, Radio, Print Journalists  
For 3-4 months; travel & per diem  
across country

Payroll for 150 Iraqi  
TV, Radio, Print Journalists  
For 6 months; travel/per  
diem

Equip/  
Facilities

Newsgathering equipment for  
reporters & training; lease of  
temporary studio facility and  
utilities, housing

TV & Radio Studio equip; satellite  
time; facility for studios and dorm  
for journalists in Baghdad

Expand news bureaus  
facilities in key demographic  
areas;

Programming

Identify and lease programming,  
voice-over in Arabic; buy  
temporary rights to, e.g., "Uncle  
Saddam" etc.

Robust news/entertainment  
programs; justify to world with  
graphic accounts of WMD finds;  
atrocities, etc.

Transition from heavy news  
and public service  
programming to  
entertainment, education

Satellite  
Time/  
Terrestrial  
Network

Procure portable satellite  
uplink/downlink equipment and  
obtain some satellite time to  
broadcast programs

Patch existing network after  
bombing; goal is to broadcast to  
80% of population within 4 months

Expand TV, radio, print  
networks to reach entire  
population; expand  
terrestrial network

\$2 mil (+ \$7 mil)

\$28 mil (-\$7 mil)

\$93



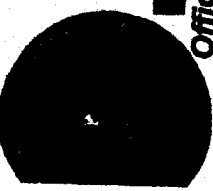
# **Indigenous Media/High Impact Actions**

**Office of Reconstruction and Humanitarian Assistance**

- Establish quick-start contract with SOLIC seed funding.
- Select, vet, train, and equip rapidly deployable media team
- Establish/lease temporary studio and training site in London
- Develop programming in consultation with State NEA.
  - First 30-days.
- Develop contingency plan for broadcasting from London, if required.
  - Plan worst-case scenario for temporary broadcasting architecture.
  - Order equipment.
- Deploy, on order, and quickly assess Iraqi broadcast network status after hostilities.
- Inaugurate radio, TV broadcasts and national weekly newspaper.
- Plan expansion.

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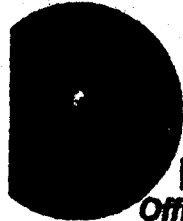
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**Office of Reconstruction and Humanitarian Assistance**



# Conclusion

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Office of Reconstruction and Humanitarian Assistance

## Conclusion

### Civil Administration

- **Behind power curve in almost every aspect, must gain agreement on who does what and pays for what.**
- **Early reestablishment of all CIVAD sectors is critical to ORHA success but is achievable only if funds and full complement of staff are made available now.**

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DRT  
Feb 05

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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301-2500

EF-0409 Subst 12/17/01  
DEC 17 2001 1300

INFO MEMO

I# 01/015397-SOLIC

SPECIAL OPERATIONS/  
LOW-INTENSITY CONFLICT

FOR: UNDER SECRETARY OF DEFENSE (POLICY)

FROM: Robert Andrews, Principal Deputy Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)

*Perit A*

SUBJECT: Pre-emptive Operations ~~(S)~~

~~(S)~~ I recommend that you read the attached op-ed.

- A prominent Catholic theologian outlines the moral justification for a pre-emptive strike against Iraq.
- The op-ed will appear in several dozen newspapers after Christmas.

~~(S)~~ The author, George Weigel, author of the authoritative biography of Pope John Paul II, is the former president of the Ethics and Public Policy Center. Mr. Weigel:

- introduces the concept of "regime factor,"
- illustrates the concept using the Iraq situation, and
- demonstrates how pre-emptive action against Iraq fits into the just-war tradition.

*→ RA 12/15/01  
George is a brilliant  
guy and a gentleman.  
Thanks for sending this  
along.  
DJF*

~~SECRET~~

DECLASSIFIED BY OSD POLICY DRT  
JUNE 29, 2007  
07-F-1332

~~Derived from: Multiple Sources  
Declassify 17 October 2011~~

Prepared by Robert Andrews [REDACTED]

56

DRT  
Feb 05

BR

Wm. B. R.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
2900 DEFENSE PENTAGON  
WASHINGTON, DC 20301-2900

INFO MEMO

INTERNATIONAL SECURITY  
POLICY

JAN 11 2002

FOR: ✓ UNDER SECRETARY OF DEFENSE FOR POLICY

ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL  
SECURITY POLICY

FROM: DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR  
NEGOTIATIONS POLICY *[Signature]*

SUBJECT: Inspectors in Iraq Article

- Thought you would find the attached article interesting.
- We worked closely with Charlie on the Iraq Inspection plan.
- He would be my "hands down" pick to head a U.S. led inspectorate.

1/11/02  
→ M. Billingslee  
Thanks.  
Charlie is  
a good guy.  
DJF



*Charles Duelfer*

# Inspectors In Iraq?

*Be careful what you ask for.*

President Bush has said that Saddam Hussein must accept the return of the United Nations weapons inspectors ... or else. This may not be a bad position—so long as Hussein concedes his flat refusal to accept the new U.N. weapons inspectors. The risk is that if he begins to feel a nudge underlying around his regime and his neck, he may well accept a dialogue with the United Nations over accepting inspectors. There are two big problems with such an outcome.

First, deducing the Iraqi problem in the limited terms of compliance with restrictions on weapons of mass destruction misses the broader risks posed by the regime to its own people and neighbors. Leaving the Iraq issue to the Security Council is a sure way to wrap a line around our popular should we wish to address the Iraqi threat directly. It is easy to imagine Secretary General Kofi Annan feeling obligated to engage in a potentially endless dialogue with Baghdad to avoid war. He did this before, in 1998, providing an agreement with Hussein to permit the former weapons inspectors access to sensitive presidential areas under very limited conditions. (The agreement was broken later that year.) Certainly some members of the Security Council (such as Russia, France or China) would push him hard to engage in a process that would, so long as it continued, inhibit unilateral action by the United States. The clear objective of many in the Security Council is to contain the United States.

Baghdad has become quite active at playing the time in the Security Council. It combines defiance with a plea about the harm the council's resolutions have inflicted on innocent Iraqi citizens. At the same time, Iraq has skillfully used its oil contracts to give some Security Council members a strong interest in preserving the current regime, rather than condemning it for non-compliance or for its track record of invading other countries and using chemical weapons. The State Department's effort to get approval for the so-called "smart sanctions" has been going on for nearly a year, during which time Iraq's strength and influence in the region have continued to grow.

The second major risk of asking Hussein to accept inspectors is that the negotiations by the United Nations to get them into Iraq would almost certainly lead to a compromise on their freedom of action, which would not allow credible work to be done. Fear in mind that even when the aggressive previous inspection team, UNSCOM, was in Iraq, it could not fully monitor or prevent Iraq from engaging in prohibited activities. Presumably, this was why the Clinton administration conducted four days of bombing in December 1998.

The new inspection organization was created after a year of contentious negotiations in the Security Council between the United States and the United Kingdom and the supporters of Baghdad, Russia and France. It is a more U.N.-like organization intended to be more diverse, transparent and sensitive to cultural circumstances in Iraq.

This is all well and good, but the resolution contains no performance criteria to demand that the monitoring system be extensive enough for the chairman to make a firm judgment about whether Iraq is continuing work on weapons of mass destruction. All the organization must do is deploy some sort of monitoring system and report what it finds. Any system Iraq would accept is not likely to be intrusive enough to determine what Iraq is doing. Nevertheless, if Kofi Annan came to an agreement with Hussein there would be tremendous enthusiasm on the part of some council members to declare success. Washington would be hard-pressed to declare the Iraq problem done the road without would have hidden the Iraq problem down the road without addressing the fundamental threats posed by the regime.

The U.N. Security Council may be valuable for some problems, but its utility for addressing the growing risks of the regime in Baghdad are limited. Its resolutions do limit Iraq's expenditures of its vast oil wealth. They do not address the threat of this regime to its own people, to regional states or to the United States, nor do they even prevent Iraq from acquiring weapons of mass destruction.

Washington needs to be explicit in stating the near-term and long-term risks presented by the regime in Baghdad. A decision to consider U.S. policy toward Iraq in the U.N. Security Council will be an explicit decision to live with those risks—for better or worse. Is that the intention? Before Sept. 11, we were swatting a comprehensive Iraq policy. The president's statement about accepting weapons inspectors reveals us that we are still swatting.

*The writer was the deputy chairman of UNSCOM from 1993 until 2000 and is currently a visiting scholar at the Center for Strategic and International Studies.*