UNITED STATES POST-WAR POLICIES IN IRAQ

Testimony before the Senate Foreign Relations Committee

Ambassador Peter W. Galbraith

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Mr. Chairman, Members of the Senate Foreign Relations Committee:

Operation Iraqi Freedom has transformed Iraq. Even Iraqis opposed to the American military occupation embrace the result -- the removal of Saddam Hussein and his Ba'ath regime.

In three weeks in Iraq beginning April 13, I saw many scenes exemplifying the joy of liberation. These included:
---- Shiites exuberantly marching to Karbala to commemorate as-shoura, an important religious pilgrimage banned for 27 years;
---Kurds posing for family pictures on ruined Iraqi tanks;
--Picnickers in Mosul playing soccer on the grounds of Saddam's hundred acre palace, and swimming in his swimming pool; and
--Ex-political prisoners banging away at toppled statues of the fallen dictator.

Everywhere, there are signs of the horror from which the people of Iraq escaped. In Mosul, I watched as men dug up bodies with their bare hands. The forearms of each corpse had been tied together with nylon rope, and bullet fragments lay nearby in the ground. On this trip, I had the opportunity to visit prisons and torture centers near Kirkuk and Baghdad that I heard about from survivors who had escaped in the 1990s. If anything, these places were more horrific than even the survivors could convey. And every place in Iraq (except for the Kurdish-governed region), I encountered Iraqis holding faded pictures and scraps of papers as they searched for loved ones who disappeared into Saddam Hussein's murder apparatus.

For thirty-five years, the peoples of Iraq endured a regime that carried out two genocides, the "anfal" campaign against the Kurds in the late 1980s and the destruction of the Marsh Arabs in the 1990s, that murdered hundreds of thousands of political foes, that routinely engaged in torture, and that killed upwards of 300,000 Shiites in the months following the failed 1991 uprising. (Just one mass grave near al Hillal contains 30,000 corpses.)

Because of this exceptional record of genocide, murder, and cruelty, I supported President Bush's decision to go to war to remove Saddam Hussein and his regime from power. I believe the war can be fully justified as a humanitarian intervention to save lives, very similar to those the United States undertook in Bosnia and Kosovo in the 1990s.

A Catastrophic Aftermath

Unfortunately, US goals in stabilizing Iraq, and creating conditions for democracy in that country were seriously undermined by the US failure to prevent catastrophic looting in Baghdad and by an uncertain and confused approach to post war governance. While Ambassador Bremer has clearly brought greater coherence to US efforts, it may be impossible to recover from the weak start to the Coalition occupation.

When the United States entered Baghdad on April 9, it entered a city largely undamaged by a carefully executed military campaign. However, in the three weeks following the US takeover, unchecked looting effectively gutted every important public institution in the city—with the notable exception of the oil ministry.

The physical losses are huge. They include:

- The National Library, which was looted and burned. Equivalent to our Library of Congress, it held every book published in Iraq, all newspapers from the last century, as well as rare manuscripts. The destruction of the library meant the loss of an historical record going back to Ottoman times.

- The Iraqi National Museum, which was looted. While the losses of archaeological artifacts are not as great as originally feared, thousands of items have been smashed or stolen. The 34 display pieces stolen include some of the museum's most valuable items. The 5000-year-old Warqa Vase contained the first images of religious ceremonies and is estimated to be worth as much $100 million.

- Banks, which were attacked everywhere.

- Hospitals and other public health institutions, which were stripped of medical equipment, medicines, and, in some cases, patient beds.

- Baghdad and Mosul Universities which were stripped of computers, office furniture, and books. The furniture and computers are replaceable. Decades of academic research went up in smoke or was scattered, and is not easily replaced.

- Government ministries, which were looted and/or burned. At the Irrigation Ministry, millions of dollars worth of hydrologic records may have been lost, a matter of vital importance in a country known as the land of two rivers. These losses will certainly complicate efforts to undo one of the worse crimes of the Saddam Hussein regime, the systematic draining of the southern marshes. The Ministry of Higher Education held records of professional qualifications that are now lost.

- The National Theater, which looters set afire nearly three weeks after US forces entered Baghdad.

Even more surprising, the United States failed to secure sites related to Iraq's WMD programs or obvious locations holding important intelligence. As a result, the United States lost valuable information that related to Iraq's WMD procurement, paramilitary resistance, foreign intelligence activities, and possible links to al-Qaeda. Let me provide a few examples:

- On April 16, looters attacked the Iraqi equivalent of the Center for Disease Control taking live HIV and live black fever. The building had long been considered a highly suspicious place by both UNMOVIC and UNSCOM, and had been subject to repeated inspections. It is quite possible that the building contained evidence relating to Iraq's biological weapons program, but if that is the case we may now never now. The Marine Lieutenant who from watched next door as looters ransacked the building told us: "I am afraid I am responsible for Armageddon, but no one told me what was in that building". Fortunately, I saw no reason to believe that terrorists were involved in the theft of biological material, but this cannot be completely excluded.

- The warehouse at the Tuwaitha Nuclear site was left unguarded and looters took yellow cake and other material that could be useful for terrorists wanting to make a radiological weapon, and certainly could make the looters (and their families) sick.

- ABC news found the personnel records of the Fedayeen Saddam in the basement of Uday Hussein's unguarded house. Uday Hussein headed the Fedayeen Saddam, a paramilitary group that provided some of the deadliest resistance to US forces on the way to Baghdad.

- Ten days after the US took over Baghdad, I went through the unguarded Iraqi Foreign Ministry going from the cooling unit on the roof to the archives in the basement, and rummaging through the minister's office. The only other people in the building were looters, who were busy banging open safes and carrying out furniture. They were unarmed and not at all threatening. Foreign Ministry files could have shed light on Iraq's overseas intelligence activities, on its procurement of WMD, and on any connections with al-Qaeda. However, we may never know about these things, as looters scattered and burned files during the ten days, or longer, that this building was left unguarded.

Consequences of the Looting

The unchecked looting cost billions of dollars in property damage, including the damage to building and the value of lost property and equipment. Some of what was lost or destroyed is truly priceless, including pieces taken from the National Museum and the archival material destroyed at the library. But the losses are not just material.

The looting was profoundly demoralizing to the very Iraqi professionals on whom we need to rely in rebuilding the country. University professors, government technocrats, doctors, and researchers are all linked to the looted institutions. Some saw the work of a lifetime quite literally go up in smoke. The looting also magnified other problems: the lack of electricity and potable water, the lack of telephones, and the absence of police or other security.

Most importantly, the looting served to undermine Iraqi confidence in, and respect for, the US occupation authorities. I have no doubt that this has complicated the task of the occupation authorities and increased the risk to US personnel in the country.

Could the looting have been prevented?

War causes disruption, and the speed of the US advance to Baghdad clearly saved Iraqi and American lives. Some of what happened was, in my view, unavoidable. It is certainly was no surprise that Baghdad's electricity went out, and I cannot tell if the months-long blackouts could have been shortened with better planning and more resources. Similarly, it is no surprise that, with the collapse of the regime, the police melted away creating a vacuum filled by criminals and vigilantes. This happens in post conflict situations, and it takes time to restore law and order.

The failure to protect any important public institution is, however, inexplicable. The looting was predictable. Exactly the same thing happened in 1991 in the parts of Iraq taken over by rebels during the March uprising.

While more troops would have enabled the US to do more, the looting of the most important sites could have been prevented with the forces we had on the ground. Government ministries in Baghdad are surrounded by high walls and solid gates, as are many other important public institutions. By securing even a few dozen of the most important places, the US could have prevented a bad situation from becoming a catastrophic one.

Political Confusion

The fall of Saddam Hussein left a political vacuum that the US civilian authorities were slow to fill. General Garner did not arrive in Baghdad until 13 days after the marines entered the city, and then did not effectively set up operations for days after that.

Further, the initial period was characterized by multiple missteps—many of which suggested to me a lack of planning. Early on, Garner and his team decided to reappoint senior Baathists to top positions. This produced a predictable, and understandable, reaction among lower echelon officials who had expected American rule would look radically different from Saddam's.

The initial decision to reappoint judges from the old regime shocked Iraqis even more. The old judges had administered injustice for 35 years, and with mass graves being uncovered every day, Iraqis desperately want justice. Even more incomprehensible, the American official in charge of prisons had apparently begun to consult with Ali al-Jabouri, the warden of Abu Ghraib on how to reestablish an Iraqi prison system. Abu Ghraib was the most notorious prison in Iraq, and with the Khmer Rouge's Toul Sleng, probably the most deadly prison in the world since 1945.

Ambassador Bremer quickly, and rightly, reversed these decisions, disqualifying high Baath officials from public office. But the initial appointments—and then the sudden reversal—created an impression among Iraqis that the US authorities did not quite know what they were doing.

The handling of the political transition has contributed to the impression of incoherence. General Garner traveled around Iraq promising that a representative assembly would soon be convened to name provisional government. Ambassador Bremer has reduced Iraqi participation in the new administration to a small, appointed advisory council. In this case, I think General Garner had the better of the argument. However, the greater damage comes from the appearance of uncertainty.

A Political Path

The first weeks of US occupation have shown the limits of American power in Iraq. The missteps have also served to limit American power in the country.

The United States cannot decide the political future of Iraq, although can help influence the process. This has a short term and long term dimension.

In my judgment, any occupying power has a relatively short window before which the goodwill generated by liberation is replaced by anger and frustration at the lack of progress in improving the quality of life of the people of the country. For reasons outlined above, the United States may have an especially short window in Iraq.

This means transferring real power to Iraqis as soon as possible. The problem is, which Iraqis?

The US occupation authorities should, in my view, give up the search for the mythical insiders who can help lead Iraq to prosperity and democracy. Obviously, there are many talented men and women who stayed in Iraq through the Baath period, and probably some of them are committed to liberal democracy. However, given the nature of Saddam's regime, any such person kept his or her views secret, or was dead. Except for the Kurdish-controlled region, there are no identifiable leaders from inside Iraq with democratic credentials.

Unless we plan on staying in Iraq for the decade (or more) needed to develop an alternative leadership, we must work with the former exile leaders and the Kurdish leaders. While it easy to belittle the exiles as "Saville Row" or "armchair" revolutionaries, I think this is very unfair. Many are talented individuals, deeply concerned with the future of their country. They have kept alive the cause of freedom in Iraq for decades when the international community, and even the United States, saw Saddam Hussein as a strategic partner, not a pariah.

Iraqis, even if exiles and Kurds, will have more local knowledge than the coalition authorities. They know enough to avoid some of the mistakes ORHA made, such as working with the old Iraqi prison authorities. And, from the US perspective, it is far better to have Iraqis blaming their own provisional government for the inevitable shortcomings of the occupation than for everyone to be blaming the US.

Voluntary Union

The long-term challenge facing the United States in Iraq is developing a democratic political system while holding the country together. Most people in Iraq do not primarily identify themselves as Iraqis, and one group, the Kurds, would prefer not to be Iraqis at all.

Iraq is an ancient land but a relatively new state cobbled together at the end of World War I from three quite different Ottoman Provinces—largely Kurdish Mosul, Sunni Arab Baghdad, and Shiite Basra. Throughout its ninety-year history, Sunni Arabs have run the country, often brutally repressing the non-Arab Kurds and the majority Shiites. Clearly, this historical domination of the country by one group has impeded the development of a single national identity.

The Shiites speak of themselves primarily through their religious identity. While the Shiites are not separatists, many feel their status as long time victims and as the majority population entitle them to run the country. This terrifies Sunni Arabs who not only fear the loss of historic privilege but also retribution. Ironically, Saddam Hussein's pan-Arab Baath ideology also encouraged Sunni Arabs to think of themselves not primarily as Iraqis but as a unit of the larger Arab nation.

The people least accepting of an Iraqi identity are the Kurds. For the last twelve years, four million in Kurds have governed themselves in a de facto independent state protected by the United States and Great Britain. With their own elected parliament and having enjoyed relative freedom and prosperity, the Kurds have no desire to return to control from Baghdad. For most Iraqi Kurds, Baghdad is associated with decades of repression and, more recently, Saddam Hussein's genocide. With Kurdish replacing Arabic as the language of schools, media, and government, the Iraqi identity has largely disappeared in Kurdish-run region, especially among younger people.

Holding Iraq together by force is not an option. The Kurds now control the only remaining Iraqi Army—the 100,000 strong peshmerga who now possess the heavy weapons they long coveted. It is unlikely a future Iraqi regime will have the power to destroy Kurdish self-government. It is inconceivable that the United States would—or could—coerce the Kurdistan Region into accepting political arrangements for a future Iraq that did not include a continuation of the current levels of self-government. The Kurds, after all, were America's second major ally in the recent war, sustaining more casualties than the British, and compensating for Turkey's non-cooperation by creating the desperately needed northern front themselves.

If Iraq cannot be held together by force, then the only alternative is to build incentives for its peoples to form a voluntary union. Fortunately the prospect of sharing oil revenues does provide an incentive for Iraq's diverse peoples to stay together.

The Iraqi opposition has long supported federalism as a model for a future Iraq, a position both secular Arab and Shiite religious parties have reaffirmed since the fall of Baghdad. While there are different views of Federation, it clearly will be at best a loose federation. The Kurds look to Canada and Bosnia as possible models. They will want a single Kurdistan Parliament and government, the power to tax and

spend, control of the police, ownership of natural resources (although oil revenues may be pooled), and the right to maintain a Kurdistan self defense force. The Kurds will insist on equality of the Kurdish and Arabic languages, and that Iraq not be defined as an Arab state.

It is not clear how the Arab parts of Iraq would organize themselves. Some Shiite leaders have spoken of creating a predominantly Shiite province in the South, in essence a mirror image of Kurdistan Province in the north. Other Arabs have proposed using the existing 14 Arab governates as a basis for federation in their part of the country. It is likely that in a future Iraqi federation will be asymmetric—meaning Kurdistan will have substantially more power than the other federal units.

Federalism—especially when combined with revenue sharing—resolves many of the contradictions of modern Iraq. In the South, the Shiite religious parties may be able to adopt a more Islamic form of local administration without imposing it on the aggressively secular Kurdish leadership or on all of Baghdad. Federalism may help ease fears from Sunni Arabs—particularly those in the Baghdad-Ramadi-Tikrit-Samara heartland—about domination from an unholy alliance of Kurds and Shiites. Federalism may persuade the Kurdish people, now accustomed to running their own affairs that they can do so without separating from Iraq.

The future of Iraq will have to be sorted out with the agreement of all the relevant peoples—i.e. the Kurds, Sunni Arabs, and Shiites. The United States should refrain from imposing its own views on the outcome, and should avoid coercing any of the parties into accepting political arrangements they will later come to regret.

Creating a Federation will be complicated. Among the difficult issues to be resolved will be the boundaries of different Provinces, and in particular, how much of the territory south and west of the former green line should be included in Kurdistan. (Presumably, there should be local referendums or censuses to decide the matter). All parties will have take into account the interests of other communities, such as the Turcomen, Assyrians, and Chaldeans.

President Bush had it right when he outlined his vision of Iraq as a place where "Shia, and the Sunni and the Kurds can get along in a Federation". Indeed this is the only way Iraq can long survive.