

Rep. Woolsey Sept. 15, 2005 Iraq Hearing
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1. Introduction

I know of few situations historically in which a third party neutral mediation process could be more important and yet more difficult to implement than the current one in Iraq. It is a long shot at best, but current efforts at suppressing violence militarily, together with direct political involvement by the United States are not succeeding. The threat of civil war remains high. Insurgency is growing, and is increasingly attracting foreign terrorists. The country has become a training ground for terrorism. It is not helpful to simply point out that the invasion of Iraq and subsequent occupation by the United States and a thin alliance represents a gross misunderstanding of the region and its tensions. This administration believed that helping Iraq move from a dictatorship to a fledgling democracy would not be such an insurmountable task. In its many evolving justifications for the 2003 invasion, it convinced Congress and the American people that the Iraqis would embrace freedom and democracy, once freed of the yoke of Saddam Hussein.

In failing to consider other outcomes, we limited the options now open to now break the cycle of insurgency and violence. There was little international support for the US invasion, and little current support for the occupation. Whatever our motivations may have been for the invasion, we are seen by the world as pursuing economic and military self-interest, lying to our allies and our own citizens about the evidence of weapons of mass destruction, and violating international law in bypassing the established legal structure of the UN Charter. Our allies who joined in the invasion, primarily the UK and Spain, have suffered terrorist attacks and their populations have expressed strong resistance to continuing troop presence. Their support has diminished to the vanishing point in the case of Spain.

Therefore, it is not surprising that efforts to fully internationalize the forces and political efforts get a lukewarm response even from our close allies. The idea of an intense "contact group" of supportive nations, or "Quartet" such as those formed for the Balkans and Middle East are also unlikely to get a positive response. I make a recommendation for high-level international mediation not because it has succeeded so well elsewhere, but because it has enjoyed some success, and few other alternatives now seem available. Northern Ireland remains troubled, but has responded—with setbacks—to the mediation efforts there. Other areas have been resistant—Kashmir, Israel-Palestine show progress, and then revert to conflict. The Balkans have seen some progress, though many setbacks.

Iraq has many issues in the short and long term that might be amenable to effective third party intervention. Some of these might be most effectively handled through official (or "first track") channels—such as the distribution of power in a state with strong factions—the issue as yet unresolved by the draft constitution. Other aspects might be less official—second track—and involve continuing technical assistance and training as part

of a neutral mediative process, both in substance and process skills. It is worth brainstorming a bit about *who*, *when* and *how* it might occur. What kind of a process might help avoid a prolonged internal conflict in Iraq? Although I am pessimistic, I am going to ask you to try to think through the possibilities.

2. What third party role can the United States now offer?

First, and foremost, the role of the United States is crucial in any efforts by others to prevent further conflict through mediation. Clearly, America is tainted as a neutral third party, but it could destroy or help generate and support any efforts by others.

The primary task that the United States must perform is providing security. Despite scattered military support from Eastern Europe and elsewhere, the United States essentially stands alone as both an occupier and at the same time, a provider of security. This is an untenable position. We are fighting a war at the same time that we are trying to keep the peace. Our troops are counter-insurgency, warfighters and peacekeepers. They are under constant threat from irregulars. The focus has to be to find more effective ways to provide a safe environment so that a third party mediation efforts can take place. No effective internal negotiation, assisted by third parties or otherwise, and no resolution of internal conflict can take place in an insecure unsafe environment. Security and safety for Iraqi citizens must be provided. Yet, even America, with its daunting military prowess, has not been able to assure a high level of safety. The shadowy terrorism that haunts Iraq shows no sign of easing. The internal training of security forces is undermined daily by suicide attacks, preventing internal assumption of the security role anytime soon. In my view, the United States must continue to try to provide security for the near future, but to alter its mode of operation and its doctrine. Military experts have suggested moving to a clearer counter-insurgency mode, and giving up the onslaughts of cities where the insurgents melt away, often before many shots are fired.

My suggestion is more radical. While our [or coalition] forces remain in Iraq, they should become more like conventional stability forces of the kind found in Kosovo, Bosnia and Afghanistan, and publicly give up the warfighting role. Thus far, the strategy employed has not been successful. The environment is not secure, and warfighting tactics have not enhanced security except on the most temporary and local basis. Insurgent action is rampant. Fallujah has not perceptibly calmed. Tal Afar remains a tinderbox, and Kirkuk continues to be a flash-point. . The experience in Fallujah demonstrates the futility of razing a city. The terrorists pop up elsewhere and continue their destruction. Surely we cannot burn the entire country to the ground to save it. The dilemma we created with our policy is that we can neither stay and provide safety nor can we leave the mess we created. Iraq has become a center for jihad, and the waves of foreign terrorist warriors that flow across the borders are seemingly endless. . It is worth an attempt to try to create a safer environment by using the doctrines of a robust peacekeeping, or stability force rather than a force that fights terrorism by belligerent counterattacks, once the parties—all interested parties have agreed to engage in mediation. This does not mean that US troops put down their arms. But they fight in self defense, and avoid the attack mode that now prevails.

My reluctant view is that America must continue to try to create a safe environment at least for a year or so, and encourage such neutral third party mediation even—or especially—on the issue of how long American soldiers should stay. If mediation could build some local consensus on this subject, that would alone be a large accomplishment, and a far more palatable outcome than a US domestic, politically-driven withdrawal.

I have to admit that this approach is unlikely, given US skepticism about peacekeeping, and the ferocity of insurgent attacks in Iraq. But it is possible that the presence of a strong mediation process could convince both our administration and the Iraqi factions to suspend disbelief and let the process work. This is the approach we took in Bosnia and Kosovo and have achieved some measure of success.

It will be difficult to change the image of the United States in Iraq, but we must try. We must continue to offer the most effective training efforts for both police and military, and to further encourage an international effort—by subsidizing it if necessary. We must try to erase the still vivid memories of Abu Graib by much more public repudiation of the terrible Bybee memorandum that made a travesty of our constitutional and international commitment against torture. We should generously compensate families wounded or destroyed by that experience, and make sure that responsible high level officials are duly censured and punished for their participation and acquiescence. Even though the issue seems erased from American consciousness, it remains fresh and painful in Iraq.

Hardest of all, I believe the United States must begin to withdraw from any interference with the political process it has generated. Despite our most fervent wishes, we cannot assure that a democracy will develop in Iraq by virtue of the processes that we have set in motion. We should have learned that lesson from situations as diverse as Nicaragua and Kosovo. The processes we have put into place are likely to result in a far more limited form of representative government than the administration hoped for. It may even result in a theocracy. The transition period is always the most dangerous. But we cannot and should not dictate outcomes nor even try to affect them. We can offer expertise, consultants and assistance when asked for. But as Marina Ottoway has pointed out, expectations of post-conflict societies need to be scaled down to the time periods and resources that are realistic. There has already been far too much US direction given to the constitutional process.

Nonetheless, Iraq remains squarely an American problem. We broke it and we own it. But the phrase “stay the course” is totally unhelpful. I do not know what course President Bush refers to—the course of creating a united, democratic state? That might take more than a generation. And if so, in what capacity would we stay the course? I have outlined here a more limited role than the United States has now undertaken. But realistically, it will become increasingly difficult to maintain the troop levels needed for providing security, given present warfighting doctrine. The troops are demoralized, and reading internet blogs, in many cases dehumanized. The concept of our remaining there must change, and hopefully, the space created will permit some slight diminution of terrorist attacks on the newly emerging government so that it can build the capacity to cope.

3. Can the UN provide “good offices” for mediation?

Unfortunately, the UN is both tainted and still shell-shocked from the destruction of its headquarters and loss of some of its most talented officials. The oil-for-food scandal has diminished its image in the region, apart from the heightened American suspicion of UN capability altogether. Nevertheless, many distinguished public servants are available and have been used in UN operations in a mediative function. Alvaro de Soto is already working in the Middle East; Laksmir (sp) Brahimi worked with factions in Iraq earlier, ? Although George Mitchell was American, he represents the kind of person who could build an independent reputation for fairness, patience and credibility in Northern Ireland. He stuck with a difficult process until he achieved considerable success. Another intense model of a third party intervener is represented by the high Commissioner on National Minorities (HCNM) of the OSCE, who was so ably represented by Max Vander Stoel. His success in helping the parties avoid conflict in the Baltics involved a long period of patient, close discussions, and even help with legislative drafting. These are people with independent track records that might escape any taint the UN might have in the situation.

A mediator would have to begin to understand the issues of minority and majority rights and protection that have begun to be demanded. While there remains a strong pull toward national unity, group and religious identity issues are now powerful and must be addressed.

. The Iraqis will also need to sort out the basic human rights as well as the civil and political rights that will be assured under new governance. They still need to sort out the degree of autonomy that the Kurds insist upon, and whether the Shiites in the South get some parallel autonomy, leaving the Sunnis with only a barren, oil-free, central section of the country. These are the types of issues that a patient, expert mediator may be able to help with. Such a third party neutral could help facilitate further work on the constitution, which even if accepted will certainly require revisions. Even identifying all the necessary parties, within the three factions and getting their participation is a huge task. We know, for example, that there are many factions among the Shiites, and each of them needs a voice in the process—from Sheik Al Sistani to Mokhtada al Sadr.

There are sound theoretical-and rational elements to such a process. But by no means is the process itself rational. It will be undermined, manipulated and made as difficult as possible. But with patience and persistence, it may prevent worse conflict than now looms.

I would push the mediative function further—into more neutral and international auspices for the training processes and other forms of technical assistance for government functions as a whole with an international group taking over many of the functions now assumed by the United States. The keys are helpfulness with no state or personal agenda, and the areas to be covered are wider than security. For example, lower level UN officials can begin to work with Iraqis on developing a rule of law, helping to reconcile Shariah

law with previous internal practices and international standards, so that Iraq can rejoin the community of nations. .

But even though neutral, the mediator will carry with him/her the standards of the international community so that Iraq will no longer be a pariah state. This will be difficult—in a nation denied human rights, and where some factions seek a theocracy. Yet as Babbitt points out, it is difficult to create an enduring peace without the incorporation of major human rights norms.

4. Conclusion

While my comments suggest that many multilateral options seem out of reach in Iraq now, I believe the tool of mediation is possible and potentially valuable. Mediation is a quieter form of intervention that draws out the interests and needs of parties enmeshed in conflict, and seeks to diminish and finally eliminate violence. We can expect that Iraq's political future will be in turmoil for a long time to come. But I believe that a credible third party with knowledge of Iraq's history, traditions and people could help guide the parties toward representative and stable governance over time, as the United States withdraws. An international mediator can lend legitimacy to many different voices in Iraq, while drawing the country as a whole closer to the norms and institutions of the international community.