ATTACHMENT 1

August 4, 2006

Time For Plan B

By THOMAS L. FRIEDMAN

It is now obvious that we are not midwifing democracy in Iraq. We are baby-sitting a civil war.

When our top commander in Iraq, Gen. John Abizaid, tells a Senate Committee, as he did yesterday, that "the sectarian violence is probably as bad as I've seen it," it means that three years of efforts to democratize Iraq are not working. That means "staying the course" is pointless, and it's time to start thinking about Plan B -- how we might disengage with the least damage possible.

It seemed to me over the last three years that, even with all the Bush team's missteps, we had to give our Iraqi partners a chance to produce a transitional government, then write a constitution, then hold an election and then, finally, put together their first elected cabinet. But now they have done all of that -- and the situation has only worsened.

The Sunni jihadists and Baathists are as dedicated as ever to making this U.S.-Iraqi democracy initiative fail. That, and the runaway sectarian violence resulting from having too few U.S. troops and allowing a militia culture to become embedded, have made Iraq a lawless mess.

Yes, I believe it was and remains hugely important to try to partner with Iraqis to create one good example in the heart of the Arab world of a decent, progressive state, where the politics of fear and tribalism do not reign -- the politics that has produced all the pathologies of unemployment, religious intolerance and repression that make the Middle East so dangerous to itself and others.

But the administration now has to admit what anyone -- including myself -- who believed in the importance of getting Iraq right has to admit: Whether for Bush reasons or Arab reasons, it is not happening, and we can't throw more good lives after good lives.

Since the Bush team never gave us a Plan A for Iraq, it at least owes us a Plan B. It's not easy. Here are my first thoughts about a Plan B and some of the implications.

I think we need to try a last-ditch Bosnia-like peace conference that would bring together all of Iraq's factions and neighbors. Just as Bosnia could be solved only by an international peace force and the Dayton conference -- involving Russia, Europe and the U.S., the powers most affected by Bosnia's implosion -- the civil war in Iraq can be quelled only by a coalition of those most affected by Iraq's implosion: the U.S., Russia, Europe, Japan, India, China, Turkey, Saudi Arabia, Egypt, Iran, Syria and Jordan. As in Bosnia, any solution will have to be some form of federalism, a division of oil wealth and policing by an international force, where needed.

For such a conference to come about, though, the U.S. would probably need to declare its intention to leave. Iraqis, other Arabs, Europeans and Chinese will get serious about helping to salvage Iraq only if they believe we are leaving and it will damage their interests.

What would be the consequences of leaving without such a last-ditch peace effort, or if it just fails? Iraq could erupt into a much wider civil war, drawing in its neighbors. Or, Iraqis might stare into this abyss and actually come to terms with each other on their own. Our presence may be part of the problem. It's hard to know.

If Iraq opts for all-out civil war, its two million barrels a day will be off the market and oil could go above $100 a barrel. (That would, however, spur more investment in alternative fuels that could one day make us independent of this volatile region.)

Some fear that Iran will be the winner. But will it? Once we are out of Iraq, Iran will have to manage the boiling pot next door. That will be a huge problem for Iran. The historical enmity toward Iran by Iraqi Arabs -- enmity temporarily focused on us -- will re-emerge. And Iran will also have to compete with its ally Syria for influence in Iraq.

Yes, the best way to contain Iran would have been to produce a real Shiite-led democracy in Iraq, exposing the phony one in Tehran. But second best is leaving Iraq. Because the worst option -- the one Iran loves -- is for us to stay in Iraq, bleeding, and in easy range to be hit by Iran if we strike its nukes.

Finally, the war in Iraq has so divided us at home and abroad that leaving, while bringing other problems, might also make it easier to build coalitions to deal with post-U.S. Iraq, Iran, Hezbollah and Syria. All these problems are connected. We need to deal with Iran and Syria, but from a position of strength -- and that requires a broad coalition.

The longer we maintain a unilateral failing strategy in Iraq, the harder it will be to build such a coalition, and the stronger the enemies of freedom will become.

ATTACHMENT 2

Agreeing to Disagree in Iraq

By Noah Feldman

THE completion of Iraq's draft constitution, which will be submitted to the people for ratification in October, should have been an occasion for celebration. As most Americans are aware, it has not been. But while much of the criticism has focused on such areas as women's rights, federalism and the role of Islam, such concerns are largely misplaced. In fact, the text strives to balance democratic equality with the Islamic values that are popular with many Iraqi voters, and it sketches a workable if vague compromise on power-sharing between the center and the federal regions.

The major problem is one of who is agreeing, not what they have agreed on. The flawed negotiations of recent weeks, driven at breakneck pace by American pressure to meet an unnecessary deadline, failed to produce an agreement satisfactory to the Sunni politicians in the talks. It appears that the draft will be put before the people with their strong disapproval. The paradoxical result is a looming disaster: a well-conceived constitution that, even if ratified, may well fail to move Iraq toward constitutional government.

Despite the Sunni recalcitrance and Shiite inflexibility that marred negotiations, the proposed constitution is a work of which Iraqis could justifiably be proud. For example, some leaked early drafts expressly endorsed the Shiite clerical establishment and promised that Islamic law would trump equality if the two should collide. The final version, however, is far more egalitarian, guaranteeing the equality of all Iraqis before the law regardless of sex, religion or ethnicity. It also ensures that women will, initially anyway, constitute a quarter of the national legislature, a far higher percentage than in our own Congress nearly a century after women's suffrage.

Yes, as some critics point out, the text certainly reflects many of the Islamic preferences of those who elected the majority Shiite political coalition. And it prohibits laws that contradict "the provisions of the judgments of Islam." But it simultaneously bans laws that contravene "the principles of democracy" and the fundamental rights guaranteed by the constitution. This innovative formulation goes far toward establishing Islamic and democratic values on equal footing — more so than any other constitution in the Islamic world. In a similar vein, the draft confers on Iraqis all the rights contained in international agreements that Iraq has signed, provided these do not contradict the principles of the constitution itself.

The strategy of deferring tricky questions for debate by future legislators and judges, characteristic of constitutional processes wherever there is deep disagreement, carried the day on issues like family law and the federal constitutional court. The draft specifies only that the court will be composed of secular judges as well as experts in Islamic and general law, kicking the details down the road to the legislature. This failure to come to a specific resolution may seem disappointing, but it was the best option under the circumstances. The stakes involved in staffing the high federal court are enormous, not only because it will rule on questions of Islam and democracy, but also because it will be a key venue for addressing the most complex and underspecified aspect of the constitution: the federalist balance between the central government and the federal regions and individual governorates.

In this question of balance lies the real problem with last week's non-compromise. The term federalism first entered the Iraqi context as a politically acceptable way of preserving Kurdish autonomy in the northern regions while maintaining the legal unity of the new Iraqi state. Until a few weeks ago, federalism negotiations were always about the balance between the Kurds' regional government and the federal authorities in Baghdad, with distribution of oil revenues the biggest issue. Ultimately, a formula for sharing Iraq's only major asset was achieved, with the center exercising administrative control over existing revenues "with" the regional or local authorities.

> Even a good constitution can destroy a country.

Unfortunately, as negotiations on the draft constitution reached the final stage, under extraordinary pressure from Washington on the Iraqis to meet the Aug. 15 deadline for completing the draft, a new wrinkle entered the federalism debate. Abdul Aziz al-Hakim, leader of the Supreme Council for the Islamic Revolution in Iraq, one of the two largest Shiite parties, suddenly insisted that as many of Iraq's 18 governorates as desired to should be permitted to unify into a region of their own, with all the self-governing privileges of the Kurdish north.

It is likely that at first this demand was nothing more than a negotiating tactic, intended to enable the nine overwhelmingly Shiite provinces in the south to reap greater advantages in the distribution of oil money. After all, southern Shiites have none of the ethnic or linguistic markers of national identity that distinguish Kurdish from Arab Iraqis, and there is scant evidence of any popular separatist movement in the south. Regardless, the argument had the air of fairness, since no one wanted the written constitution to give the Kurds asymmetrical federal power.

The trouble with the Shiite demand for their own mega-region, even if it was a bluff, was what it meant for Sunnis in the oil-poor center of the country: the prelude to a possible breakup of the country that would leave the middle of the country with no oil and so no visible means of support. Anyone living in the center would have felt similarly — the rebellious Shiite cleric Moktada al-Sadr, whose constituents mostly live in Baghdad, immediately opposed the demand, too.

But the Sunnis were particularly sensitive, because many of them still fear that the American invasion was intended to split the country among

Noah Feldman, a law professor at New York University and a fellow at the New America Foundation, was a senior adviser for constitutional law to the Coalition Provisional Authority in Iraq.

the Kurds and Shiites. Worsening matters was a constitutional provision that would have banned former Baath Party members from higher government office, potentially excluding many powerful Sunnis from future positions of influence.

The Shiites' federalism demand and the de-Baathification provision gave the Sunni negotiators more than enough reason to balk. They were in a tough position. They had been appointed to the drafting committee in a spirit of conciliation despite the Sunni population's self-destructive boycott of the federal elections in January, and most lacked the sort of experience in negotiating that their Kurdish and Shiite peers had gained in successive rounds of constitutional talks. After two of the Sunni participants were assassinated by extremists last month, the rest became especially wary of looking weak.

MEANWHILE, their putative Sunni constituents, when not actively sympathetic to the insurgency, were experiencing sticker shock when looking head-on at the realities of federalism. It had taken two years for most Shiite Iraqis to begin to embrace the idea of federalism, and it was never realistic to expect Sunnis to undergo the same process of resigned acceptance in a matter of weeks.

Yet just as the train of Sunni rejectionism was gathering momentum, American insistence on meeting an arbitrary deadline was hurtling in the other direction. President Bush's personal intervention — he called Mr. Hakim late last week to ask for Shiite concessions and more talk — was a case of too little too late, and in any event conflicted with the message of time pressure that the Americans had been pushing for months. And when the Shiites and Kurds chose to send the constitution to the public without reaching an agreement with their Sunni partners, the latter had little choice but to publicly condemn the process and the draft.

In the end, placing Sunnis on the constitution committee despite the electoral results in January, then pressuring them to do a deal, was an approach that backfired: ignoring them when their views could not be reconciled sent a strong message to average Sunnis that politics is useless if you are in the minority.

Although things look bad today, the game is not yet quite over. Should the constitution be rejected on Oct. 15, everyone can head back to the negotiation table and try again. In fact, the worst outcome might be a passage of the draft despite widespread rejection by Sunni voters. While it is apparently too late to change the text, Shiites and Kurds can still reach out to Sunni voters and try to convince them that they would flourish under the constitution. This would require a few public concessions, including commitments not to form a southern mega-region that leaves the impoverished Sunnis trapped between de facto Shiite and Kurdish states.

A constitution is just a piece of paper, no better than the underlying consensus — or lack thereof — that it memorializes. If Iraq adopts a constitution that reflects a profound and unresolved national split, violence and eventual division of the nation will follow. Ordinary Iraqis and American soldiers will be the losers. So will the ideal of constitutional government. □

ATTACHMENT 3

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THE NEW YORK TIMES **OP-ED** FRIDAY, JANUARY 13, 2006

In Iraq, Wrongs Made a Right

By L. Paul Bremer

THE recent debate set off by the publication of my book about my time in Iraq has shed more heat than light. Here are some of the fundamental lessons I took away from the American experience.

First, repairing the damage to Iraq by decades of tyranny was never going to be easy, and I made some mistakes.

For example, consider our efforts to ban senior Baath Party officials from public office. This was the proper decision — the party had been a key instrument of Saddam Hussein's dictatorship — and our policy was intended to affect only the top 1 percent or so of party members.

The error was that I left the implementation of the policy to a political body within the nascent Iraqi government, where it became a tool of politicians who applied it much more broadly than we had intended. Debaathification should have been administered by an independent judicial body.

We also placed too much emphasis on large-scale reconstruction projects. While the urgent need for modern highways, electrical generating plants and the like was clear, we should have anticipated that building them would take a long time. Our earlier efforts should have been directed more tightly at meeting Iraqis' day-to-day needs.

To speed up those larger projects, I should have also insisted on exemption from the usual bureaucratic and contracting rules. This lesson was brought home to me in a dramatic fashion a few weeks after I arrived. We had learned that six major hospitals in Baghdad urgently needed new generators to run their operating rooms and air-conditioning plants. Our budget director told me I could use American funds, which were subject to United States federal contracting rules, or Iraqi government funds, which were not. Using American money, he told me, would mean waiting four to six months for the generators. We used Iraqi funds and got the equipment in eight days. In the future, Congress must make provisions for legitimate exemptions.

Another clear lesson is that the United States must be better prepared for the post-conflict phase should we find ourselves in similar military situations in the future. The administration has made a good start by setting up offices of reconstruction in the State and Defense Departments. But the effort must be broadened through the government and especially the private sector. The goal should be a quick-reaction, public-private Civilian Reserve Corps consisting of people with expertise on matters like the establishment of telecommunications facilities, rebuilding of electrical power plants, modernizing health care systems and instituting modern budgeting procedures.

Last, much attention has been paid to my concern about the need to retain adequate manpower to defeat the terrorists and insurgents. Our military leaders said they had sufficient forces to ensure law and order, and that additional soldiers might increase Iraqi hostility. Theirs was a respectable argument. But I disagreed with it. And while I had concerns about the quality of Iraqi forces two years ago, their training has since been revamped. Today they are playing an increasingly important role in defending Iraq.

Despite the missteps and setbacks, there is little question that, thanks to efforts by the American-led coalition, enormous political and economic progress is being made in Iraq today.

Two years ago, Al Qaeda's leader in Iraq, Abu Musab Zarqawi, told his followers there that there would be no place for them in a democratic Iraq. One year later, Iraqis voted in the country's first genuine elections. Then they wrote and approved a new Constitution. And last month 70 percent of voters turned out to elect a new Parliament. Now that body should modify the Constitution to address legitimate concerns of the Sunnis.

> My missteps on the road to a more hopeful future.

As for Iraq's economy, at liberation it was flat on its back: the World Bank estimated that in 2003 the economy contracted by 41 percent. Now Iraq benefits from an independent central bank, and a new currency whose stability is a remarkable indicator of confidence. The economy is open to foreign investment and commercial laws have been modernized. The International Monetary Fund reports that per-capita income has doubled in the last two years and predicts that Iraq's economy will grow 17 percent this year. No wonder registration of new businesses has jumped 67 percent in the last six months.

There is, of course, still much to be done. American troops and Iraqis continue to die battling criminal elements of the Saddam Hussein regime and Qaeda terrorists. President Bush has correctly identified Iraq as the central front in the war on terrorism, as Osama bin Laden himself acknowledged when he told his followers "the third world war has begun in Iraq" and that it would "end there in victory and glory, or misery and humiliation."

Despite these enormous stakes, some Americans have called for setting a timetable for our withdrawal or even pulling out now. This would be a historic mistake: a betrayal of the sacrifices Americans and Iraqis have made; a victory of the terrorists everywhere; and step toward a more dangerous world. □

L. Paul Bremer III, the former director of the Coalition Provisional Authority, is the author of "My Year in Iraq: The Struggle to Build a Future of Hope."