LESSONS FROM IRAQ

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Among the growing number of recent cases where international actors have become engaged in trying to rebuild a shattered state and construct democracy after conflict, Iraq is somewhat unique. The state collapsed not as a result of a civil war or internal conflict, but as a result of external military action to overthrow it. As in Afghanistan, the military action that deposed an extremely repressive, brutal, and irresponsible regime was waged by an international military coalition in which one country, the United States, was overwhelmingly dominant. Unlike in Afghanistan, however, the United States enjoyed very little support for the invasion of Iraq from regional or international public opinion, and its military campaign was not assisted by indigenous rebel forces. These factors had distinctive implications for postwar political reconstruction in Iraq, and therefore should caution us against drawing too many generalizations from Iraq's recent postwar experience.

Nevertheless, the political challenges in Iraq from around 9 April 2003—when Saddam's regime fell in Baghdad and a U.S.-led postwar administration began to assert itself—resembled many of the other recent postconflict-reconstruction or nation-building efforts. Once the Ba'athists were ousted from power, the vacuum of political authority had somehow to be filled, and order on the streets had to be reestablished. The state as an institution had to be restructured and revived. Basic services had to be restored, infrastructure repaired, and jobs created. Fighting between disparate ethnic, regional, and religious groups—many of them with well-armed militias—had to be prevented or preempted. The political culture of fear, distrust, brutal dominance, and blind submission had to be transformed. Political parties and civil society organizations working to

represent citizen interests, rebuild communities, and educate for democracy had to be assisted, trained, and protected. A plan needed to be developed to produce a broadly representative and legitimate new government, and to write a new constitution for the future political order. And sooner or later, democratic elections would need to be held.

The first weeks of America's postwar engagement in Iraq were chaotic and ineffectual, as most of the infrastructure of the country was systematically looted, sabotaged, and destroyed while American troops stood by. Having failed to meet the first and most basic imperative after conflict—to restore order—and having failed to establish, through its Office of Reconstruction and Humanitarian Assistance (ORHA), effective political authority as well, the United States quickly created, in mid-May 2003, a new instrument for political and economic reconstruction in Iraq. This was the Coalition Provisional Authority (CPA)—in essence, an occupation administration—led by a highly regarded former American diplomat, L. Paul Bremer III. Like the occupying military forces, the CPA had extensive British participation, and involved officials and troops from many other nations (including Poland, Spain, Italy, and Ukraine), but both the political and military aspects of the occupation were overwhelmingly American, and Iraqis quickly came to see the international presence in Iraq essentially as an American occupation.

An extended occupation had not been part of the Pentagon's plan to administer postwar Iraq. Rather, when the United States invaded Iraq in March 2003, the Pentagon's expectation was that U.S. forces would be welcomed as liberators by a relieved and jubilant Iraqi people, and that it would be possible to hand over power fairly quickly to an Iraqi interim government led by Ahmed Chalabi and other prodemocratic Iraqi exiles. In the face of the postwar chaos, however, the Bush administration was forced to abandon this strategy. So when Bremer landed in Baghdad on May 13, it was with a set of bold new initiatives: to dissolve the Iraqi army, thoroughly "de-Ba'athify" Iraqi government and society, and reshape Iraq's politics and economy through a full-scale occupation that might last two years or longer.

Although hastily assembled, Bremer's plan for the postwar reconstruction and transformation of Iraq was ambitious and comprehensive. But it underwent repeated and dramatic changes in the face of the realities on the ground. The United States' own chosen partners among the exiled forces (including the two political parties that had ruled the autonomous Kurdish region during the 12 years since the previous Gulf war) pressed continually for a rapid transfer of authority to an Iraqi interim government that they would lead. Some concessions had to be made to these demands, and the result was the 25-member Iraqi Governing Council (IGC), which was appointed in July 2003. The IGC was neither fish nor fowl: It was not really a "governing" council, as Bremer made it clear that he would continue to exercise supreme power, including the power to veto any IGC decisions.

But it was given some ability to advise the American viceroy and to nominate Iraqi ministers (who would themselves have limited power), as well as to propose a timetable and formula for drafting and ratifying the new constitution and then conducting elections for a new government.

The IGC was never able to agree on a formula for political transition, partly because of its own deep internal divisions along philosophical, ethnic, and sectarian lines; and partly because its members resented not having real power. Over the months after its establishment, it kept insisting that a prolonged U.S. occupation was wrong for Iraq, and that an Iraqi interim government needed to be appointed. At the same time, many other Iraqis, particularly from the majority Shi'ite section of the country, were demanding national elections as soon as possible to choose a new Iraqi government. As the Governing Council dithered and the December 15 deadline (established by the UN Security Council for the IGC to deliver a plan and timetable for constitutional transition) drew nearer, the United States became frustrated and developed its own plan for transition, which was quickly pressed upon the IGC and then announced as the "November 15 Agreement."

That plan was significant in several respects. For the first time, the United States outlined a comprehensive timetable for Iraq's political transition and set a specific date for an end to the political occupation—30 June 2004. Well before then, by February 28, the IGC would draft and adopt a "Transitional Administrative Law"—in essence an interim constitution that would structure and limit power for the roughly 18 months between the end of the occupation and the seating of an elected government under the permanent constitution (by 31 December 2005). The November 15 Agreement also stipulated that by 31 May 2004 a 15-member Organizing Committee in each of Iraq's 18 provinces would select members of a provincial caucus. Each caucus would then elect representatives to the Transitional National Assembly (TNA), which would appoint a prime minister, cabinet, and three-member presidency council. After months of ignoring the *fatwa* of Grand Ayatollah Ali al-Sistani insisting that any constitution-making body for Iraq had to be elected rather than appointed, the United States conceded that point and called for direct elections to a constitutional assembly by 15 March 2005. This elected constitutional assembly would draft a constitution by August 2005, a national referendum to approve it would be held by October, and then national elections would be held for a new government by the end of the year.

A Flawed Plan

The November 15 Agreement was a step forward in many respects, but it failed to address a few key problems of the political transition. Many Iraqis viewed the arcane process for electing the TNA from different tiers of caucuses to be unduly subject to CPA control, as the organizing committees would be selected by three actors—the provin-

cial council, the local councils of the five largest municipalities, and the national Governing Council—all of which the CPA itself had largely appointed. Ayatollah Sistani quickly condemned the proposal for its plan to install an unelected transitional government. Many Iraqis, while welcoming the establishment of a timetable for an end to the political occupation, remained suspicious of U.S. motives and wanted a timetable for ending the military occupation as well. Beyond this, there was also widespread resentment over the extensive insecurity in the country—a result of rising insurgent, terrorist, and criminal violence—and frustration with the slow pace of economic reconstruction.

Because of the speed with which the November 15 plan was developed by the Bush administration and then "negotiated" with the IGC, it was never vetted with a broad cross-section of Iraqi society, and thus there was no sense among Iraqis of ownership of the new transition plan. While some adjustments were grudgingly made to this and other transition plans, they were always late and inadequate as a result of the lack of popular consultation. This only served to reinforce the imperial, centralized, and top-down character of the U.S. postwar engagement in Iraq.

By January 2004, it was becoming apparent that the November 15 Agreement was in serious political trouble because of its intention to constitute the transitional government through indirect caucuses rather than direct elections. This led the Bush administration to welcome the mediation of UN special envoy Lakhdar Brahimi. In persuading Ayatollah Sistani that "reasonably credible" elections could not possibly be organized by the end of the political occupation on 30 June 2004, Brahimi managed to work out a compromise: An appointed interim government would take office for a brief period on June 30, and then elections for a transitional government would be held at the earliest possible date thereafter—but no later than 31 January 2005.

Ambassador Brahimi's artful, imaginative, and just mediation rescued the political transition in Iraq and made possible a transfer of power on June 28 to an Iraqi interim government, which he had constructed by balancing the interests and inputs of the United States, the IGC, and other key Iraqi constituencies. With the transfer of sovereignty and the termination of the Coalition Provisional Authority, it was hoped that a corner had been turned and that a significant reduction in violence and a smooth path to elections some time in January would follow. In June, the UN electoral-assistance mission appointed a seven-member Iraqi Independent Electoral Commission composed of fresh faces without ties to any of the political parties. The head of the UN electoral team in Iraq, Carlos Valenzuela, joined that body as well.

Iraqi political parties flocked to training and information programs, and a wide range of civil society organizations took part in programs preparing them to serve as election monitors. Clearly, Iraqis were hun-

gry for elections. But in the months after the political handover, the continuing terrorist and insurgent violence obstructed economic reconstruction, eroded Iraqi confidence in the appointed Interim Government, and raised serious doubts about the country's capacity to stage elections by the January 31 deadline that would be sufficiently inclusive, transparent, fair, and free of violence and intimidation to be considered "reasonably credible." As this article went to press in mid-December 2004, it was not clear that the deadline would be met, or what kind of elections would result if it were met.

Lessons (Not) Learned

We are still very much in the middle of an internationally assisted political-reconstruction process in Iraq. Even in an initial sense, we will not know for another year or two—maybe even five or ten—the outcome of the postwar effort to rebuild the Iraqi state. Nevertheless, from the period of the U.S. political occupation and the first few months of the Interim Government, some rather important lessons can be identified, most of which underscore key themes in the emerging literature on postconflict reconstruction.

1. Prepare for a major commitment. Rebuilding a failed state is an extremely expensive and difficult task under any circumstance, and even more so in the wake of violent conflict. A recent RAND Corporation study on the United States' post–World War II nation-building experiences found that "among controllable factors, the most important determinant [of success] is the level of effort—measured in time, manpower, and money."[1] Indeed, success requires a very substantial commitment of human and financial resources, delivered in timely and effective fashion, and sustained over an extended period of time, lasting (not necessarily through occupation or trusteeship, but at least through intensive international engagement) for a minimum of five to ten years. While the scope of any such endeavor is daunting, it grows larger with the size of the failed state. In absolute terms, it is obviously much easier to bring to bear the adequate financial and human resources in a small state, such as Bosnia, Kosovo, or East Timor, than in a state like Iraq, which has a population of 25 million and a territory the size of California.

2. Commit enough troops, with the proper rules of engagement, to secure the postwar order. One of the major problems with the U.S. engagement in Iraq was that there were not enough international troops on the ground in the wake of state collapse to secure the immediate postwar order. As a result, Iraq descended into lawless chaos once Saddam's regime fell. Save for the oil ministry—protected by U.S. troops—virtually every significant public building was methodically looted and

gutted in the days and weeks following the fall of Baghdad. The power and water supply, along with other public infrastructure, was impaired. As U.S. troops held back or stood by, spontaneous acts of destruction and theft turned into systematic looting and orchestrated sabotage. The results were devastating: huge economic losses; further disruption and devastation of the state's capacity to function; a stunning loss of Iraqi confidence in the occupiers; and a climate of lawlessness that emboldened surviving regime loyalists, other Iraqi nationalists, religious extremists, and organized-crime rings to launch an even broader campaign of terror, murder, and mayhem.

Senior U.S. military leaders wanted a large force—something like 400,000 troops—on the ground in order to secure the postwar order. Yet the total stabilization force never amounted to half that number. The Army's initial request was much more in line with the ratio of foreign troops to domestic population in the international interventions in Bosnia and Kosovo, which if replicated in Iraq would have meant an initial international force of 460,000 to 500,000 troops.[2] Pentagon planners probably worried about the capacity of the United States to mobilize such a large force, and about the resulting casualties. But the RAND study, led by James Dobbins—who had served in the previous decade as U.S. special envoy for the postconflict missions in Bosnia, Kosovo, Haiti, Somalia, and Afghanistan—concluded: "There appears to be an inverse correlation between the size of the stabilization force and the level of risk. The higher the proportion of stabilizing troops, the lower the number of casualties suffered and inflicted."[3]

Of course, the need is not simply for *enough* troops, but for the right kind of troops, equipped with the proper rules of engagement. It does no good to have troops on the ground if they simply stand by and watch what is left of the state being stolen and burned. One lesson from Iraq is that international postconflict stabilization missions need to be able to deploy not just a conventional army but a muscular peace-implementation force that is somewhere between a war-making army and a crime-fighting police—a rapid-reaction or riot-control force on the order of the French *gendarmerie*. In the end, however, such a force must come from or be led by the military, as only the military can fill the public-order void that often appears in the immediate aftermath of state collapse. As Simon Chesterman notes in his powerful study of UN experiences with postconflict intervention and state-building: "The military is rightly reluctant to embrace law and order duties that are outside its expertise, but in many situations only the military is in a position to exercise comparable functions in the first weeks and months of an operation."[4] Moreover, just as more troops usually mean fewer casualties, more robust rules of engagement, clearly projected from the start, generally mean less violence. Chesterman concludes: "A key finding from surveying past operations is that, very often, the more

willing and able an operation is to use force, the less likely it is to have to do so."[5]

3. Mobilize international legitimacy and cooperation. In the contemporary era, a successful effort at postconflict reconstruction requires broad international legitimacy and cooperation for at least two key reasons. First, the scope and duration of engagement is typically more than any one country—and public—is willing to bear on its own. The broader the international coalition, the greater the human and financial resources that can be mobilized, and the more likely it is that the engagement of any participating country can be sustained, as its public sees a sense of shared international commitment and sacrifice. Second, when there is broad international engagement and legitimacy, people within the postconflict country are less likely to see it as the imperial project of one country or set of countries. All else being equal, international legitimacy tends to generate greater domestic legitimacy, or at least acceptance, for the intervention. Accordingly, the abovementioned RAND study concludes: "Multilateral nation-building can produce more thoroughgoing transformations and greater regional reconciliation than can unilateral efforts."[6]

The coalition that came together to invade Iraq and topple Saddam's regime comprised mainly the United States and Britain. In the post-9/11 climate of national threat, such a thin coalition was enough to sustain the support of the American public. Subsequently, the Bush administration could claim that more than thirty other countries were involved on the ground in the postwar coalition effort to rebuild Iraq. What the Iraqis saw, however, was not a broad international coalition but rather the United States and Britain—the most powerful country in the world, paired with Iraq's former colonial ruler.

4. Generate legitimacy and trust within the postconflict country. No international reconstruction effort can succeed without some degree of acceptance and cooperation—and eventually support and positive engagement—from the country's population. If the local population has no trust in the initial international administration and its intentions, the intervention can become the target of popular wrath, and will then need to spend most of its military (and administrative) energies defending *itself* rather than rebuilding the country and its political and social order.

In the final page of an impressively wise and learned book on postconflict state-building, Simon Chesterman writes: "Modern trusteeships demand, above all, trust on the part of local actors. Earning and keeping that trust requires a level of understanding, sensitivity, and respect for local traditions and political aspirations that has often been lacking in international administration."[7] Unfortunately, the occupa-

tion of Iraq lacked these qualities, and the Iraqi people knew it. From the very beginning, the U.S. occupation failed to earn the trust and respect of the Iraqis: First, as noted above, it failed in its most important obligation as an occupying power—establishing order and public safety—and then it failed to convey early on any clear plan for postconflict transition. The suspicion of U.S. intentions was further exacerbated by its excessive reliance on Iraqi exiles, some of whom were themselves widely distrusted by the Iraqi public.

All international postconflict interventions to reconstruct a failed state on democratic foundations confront a fundamental contradiction. Their goal is, in large measure, democracy—popular, representative, and accountable government in which "the people" are sovereign. Yet their means are undemocratic—in essence, some form of imperial domination, however temporary and transitional. How can the circle be squared? Chesterman advises that when the United Nations and other international actors come "to exercise state-like functions, they must not lose sight of their limited mandate to hold that sovereign power in trust for the population that will ultimately claim it."[8] This requires a balancing of international trusteeship or imperial functions with a distinctly nonimperial attitude and a clear and early specification of an acceptable timetable for the restoration of full sovereignty. The humiliating features of an extended, all-out occupation should be avoided as much as possible.

In recent years, a few bold thinkers have called for a new era of "liberal empire," in which the United States, as the world's "indispensable nation," and perhaps Europe as well, would use their power to impose on the world's failed and failing states the institutions and norms of political and economic freedom—even if in some cases this requires direct and extended colonial administration. Perhaps the most audacious advocate of this approach is British historian Niall Ferguson, who recently suggested that "Liberia would benefit immeasurably from something like an American colonial administration," and that, even if formal sovereignty were to be transferred soon in Iraq (as it was in June 2004) the United States should retain effective control over "military, fiscal, and monetary policies" through a "viceroy in all but name for decades."[9] Reviewing some of the history of the British colonial empire, Ferguson concludes that the United States should resist the pressure for an early end to effective domination of Iraq: "[I]t is possible to occupy a country for decades, while consistently denying that you have any intention of doing so. This is known as hypocrisy, and it is something to which liberal empires must sometimes resort."[10]

I draw a radically different lesson from the American experience in Iraq. We are not in the late nineteenth century, when the question Gladstone put in his diary—"how to plant solidly western & beneficent institutions in the soil of a Mohamedan community?"—can begin to be

answered with Ferguson's observation, "not . . . overnight."[11] The answer today must be, "not by a nineteenth-century style occupation." In their norms, perceptions, expectations, and capacities for mobilization, the peoples of the twenty-first century are very different from those of earlier eras—and as Ferguson notes, and as the British painfully encountered in Iraq after World War I, there was already plenty of capacity for violent resistance back then. In today's world, the principles and impulses of nationalism and anticolonialism run very deep, and gratitude for international protection or liberation can very quickly turn into anger against the intervening force.

It was the failure to comprehend these dynamics—and indeed to ponder seriously the lessons of the British experience as colonizers in Iraq—that was perhaps the single greatest mistake of the U.S. intervention. From this flowed everything else: the glib confidence that the occupiers would be welcomed as liberators, the expectation that only a relatively light force would be required for the postwar era, and the decision to embark on a formal, extended occupation when U.S. plans for a rapid handover and exit collapsed amidst the mounting disorder. That latter decision, embodied in the sweeping legal authority and comprehensive architecture of the CPA and the formal recognition of the occupation by UN Resolution 1483 on May 22, gave rise to a ferocious indigenous resistance. The occupying forces constantly underestimated the scope of that resistance, allowing considerable assistance and encouragement to be provided to Iraqi insurgents by external terrorist organizations and neighboring countries like Iran and Syria.

The question today is whether there is a formula for international intervention to democratize failed states that stops short of full-scale imperial rule—whether by one nation or many. There is real promise in the various formulas of "shared sovereignty" that Stephen D. Krasner advances in this issue of the *Journal.* Yet these formulas are viable precisely because they build not only on the de jure sovereignty of a state, but also on that state's retention of de facto sovereignty over most conventional aspects of policy. Such formal abridgements of sovereignty are likely to be more palatable if they are negotiated with international institutions or multilateral actors rather than a single powerful state.

Shared sovereignty is for the longer run, when failed states have begun to revive. In the nearer term, only military occupation in some form can fill the vacuum left behind when a state has collapsed and a country is in or at the edge of chaos and civil war. Force must be used, or at least effectively deployed and exhibited, to restore order. Military occupation does not legitimate itself, however, but needs to be paired with a clear indication, from the very beginning, "as to how a temporary military occupation is to begin the process of transferring political control to local hands."[12] Such a framework should limit the political

occupation not only in time, but in scope as well, allowing for the occupier to be held accountable. Chesterman writes:

> [O]nce the political trajectory towards normalization of the political environment has begun, creating mechanisms by which the international presence may be held accountable can both encourage the emergence of an indigenous human rights and rule of law culture as well as improve the day-to-day governance of the territory. The failure to do so—or an actual or apprehended reversal of the political trajectory towards self-governance—will lead to frustration and suspicion on the part of local actors.[13]

In light of this latter calculus, the United States made two additional critical miscalculations in Iraq. First, when Bremer entered in May 2003, he did so with an open-ended mandate in terms of the scope and duration of his authority. Although he spoke of transferring power through elections by mid or late 2004, there were other reports of a two-year occupation, and the broad scope of his apparent mandate (including radical de-Ba'athification and sweeping free-market reforms) suggested to many Iraqis a prolonged imperial presence. In fact, Bremer's first six months—until the announcement of the November 15 plan—were consumed with the search for some kind of timetable and formula for the restoration of sovereignty, a search that was shrouded in the largely closed dealings between the CPA and the Iraqi Governing Council.

In a second miscalculation, the CPA never allowed for the U.S. occupation itself to be held accountable, though it moved quickly to revive and cleanse the Iraqi court system, construct a new framework of transitional justice, and investigate the brutal crimes of the past (unearthing some 300 mass graves). With increasing bitterness and anger over what they regarded as blatant hypocrisy and suffocating arrogance, Iraqis complained about corruption and abuse in the awarding of reconstruction contracts by the CPA, the lack of information on Iraqi detainees, and serious abuses of Iraqi prisoners held by the Americans. The inability or unwillingness of U.S. occupation forces to respond to these concerns early on made possible the scale of prisoner abuse at Abu Ghraib, a disaster for U.S. credibility in Iraq and the world.

5. Hold local elections first. No issue is tougher than the timing of elections. Ill-timed and ill-prepared elections do not produce democracy, or even political stability, after conflict. Instead, they may only enhance the power of actors who mobilize coercion, fear, and prejudice, thereby reviving autocracy and even precipitating large-scale violent strife. In Angola in 1992, in Bosnia in 1996, and in Liberia in 1997, rushed elections set back the prospects for democracy and, in Angola and Liberia, paved the way for renewed civil war.[14] There are compelling reasons, based on logic and recent historical experience, for deferring national elections until militias have been demobilized, new moderate

parties trained and assisted, electoral infrastructure created, and democratic media and ideas generated. If one takes these cautions too literally and inflexibly, however, it can mean deferring national elections for a decade or more, and the dilemma then becomes how to constitute authority that will have any degree of legitimacy in the interim.

As suggested above, international interventions that seek to construct democracy after conflict must balance the tension between domination for the sake of implanting democracy and withdrawal in the name of democracy: The two competing temptations are 1) to transform the country's institutions and values through an extended and penetrating occupation (*à la* British colonial rule); and 2) to hold elections and get out as soon as possible. A key question is always how long international rule can be viable. In the case of Iraq, the answer—readily apparent from history and from the profound and widespread suspicion among Iraqis of U.S. motives—was "not long."

As discussed above, the failure to establish early on a date for national elections to choose a constitutional assembly became a major bone of contention between the U.S.-led occupation and the most revered religious and moral leader in Iraq, Ayatollah Sistani. If soon after taking control of Baghdad, the United States had invited the United Nations to do in the spring of 2003 what it did one year later—consult widely among Iraqi constituencies in order to assemble an interim government to receive sovereignty—and if it had then transferred sovereignty to a broad-based Iraqi interim government during the summer of 2003, the bulk of Iraqis might have accepted the deferral of national elections until the following year.

With the occupation settling in and elections postponed, many Iraqis came to suspect that the United States did not want early elections because it feared the outcome. There was partial truth in this. Yes, it would have been impossible administratively to organize elections within just a few months of the occupation, because there were no reliable voter rolls, no electoral laws, and no institutions for independent and credible management of the electoral process. At the same time, however, the U.S. authorities did fear that premature national elections would favor radical Islamist forces that had organized effectively and built up strong militias in the underground or in exile (in Iran), while more moderate, secular, and independent political forces needed more time to build up their organizations and spread their messages. For this reason, but even more so out of fear that holding early local elections would undermine the CPA's insistence that national elections were impossible to organize any time soon, Bremer vetoed or reversed plans by many local CPA officials to hold direct elections (using such rough-and-ready means as the food ration-card system) for municipal and town councils.

With the help of civic teams organized by an independent contractor (Research Triangle International), the CPA did constitute provincial

and local councils throughout the country on the basis of various processes of consultation and indirect selection. In many instances, these were a step forward and a foundation for the potential reconstruction of the political order. But it was a foundation undermined by the CPA's failure to give these councils meaningful resources and authority, and by the failure to hold direct elections to these bodies wherever possible. This violated Chesterman's general guideline that executive authority should be devolved to local actors as soon as practical, and that "once power is transferred to local hands, whether at the municipal or national level, local actors should be able to exercise that power meaningfully, constrained only by the rule of law."[15]

If it generally makes sense to defer national elections as long as possible, there is also a strong logic to holding local elections earlier, and in any case before national ones. Dobbins and his RAND coauthors find that holding local elections first "provides an opportunity for new local leaders to emerge and gain experience and for political parties to build a support base."[16] That could well have happened in Iraq if local elections had been allowed to proceed during 2003, and if some meaningful scope of authority and resources had been devolved to the newly elected bodies. Then the United States would have faced a broader, more diverse, and more legitimate array of Iraqi interlocutors, and the elected local bodies could have provided one basis for selecting an interim government.

6. Disperse economic reconstruction funds and democratic assistance as widely as possible. Both for the effectiveness and speed of economic revival and for the building of local trust and acceptance, there is a compelling need to decentralize relief and reconstruction efforts as well as democratic civic assistance. The more the international administration and private donors work with and through local partners, the more likely that relief and reconstruction efforts will be directed toward the most urgent needs, and the better the prospect for the accumulation of political trust and cooperation with the overall transition project. In Iraq there was a particularly compelling need for the creation of jobs, a need that could have been met more rapidly if the repair and reconstruction contracts had been channeled more extensively through a wide range of local Iraqi contractors, instead of through the big U.S. corporations. The high degree of centralization in the contracting process for reconstruction, combined with the widespread terrorism and violence, meant that most of the $18.4 billion appropriated by the U.S. Congress in November of 2003 for Iraqi reconstruction was not spent within the first year, adding to Iraqi frustrations.

7. Proceed with some humility and a decent respect for the opinions of the people in whose interest the intervention is supposedly staged. It is hard to imagine a bolder, more assertive, and self-confident act than a

nation, or a set of nations, or "the international community" intervening to seize effectively the sovereignty of another nation. There is nothing the least bit humble about it. But ultimately the intervention cannot succeed—and the institutions it establishes cannot be viable—unless there is some sense of participation and ownership on the part of the people in the state being reconstructed. This is why holding local elections as early as possible is so important. It is why it is so vital to engage local partners, as extensively as possible, in postconflict relief and economic reconstruction. And it is why the process of constitution-making must be democratic and broadly participatory, not merely through the election of a constituent assembly or a constitutional referendum (or ideally, both), but through the involvement of the widest possible range of stakeholders in the substantive discussions and procedural planning, and through the organization of an extensive national dialogue on constitutional issues and principles. As Jamal Benomar observes, "Constitutions produced without transparency and adequate public participation will lack legitimacy."[17] And illegitimate constitutions augur poorly for future stability.

Ultimately, the CPA did concede to the demand for an elected Iraqi constituent assembly, whose draft constitution is to be approved in a national referendum. The interim constitution also requires broad public consultation and debate in the making of the permanent constitution. But the interim constitution, while impressively liberal in many respects, was itself produced under great pressure of time through a process that was not transparent. As a result, many Iraqis were deeply aggrieved that major constitutional principles such as federalism, extensive minority vetoes, and a very limited role for religion in public life were being foisted upon them without debate. Through an extensive and expensive public-relations campaign, the CPA attempted to explain and "sell" the interim constitution to the Iraqi people after it was signed on 8 March 2004. But there was never a true dialogue, and the numerous objections that were raised received no response or consideration.

As a result, the status of the interim constitution, so crucial to defining the rules of the political game during what could be a two-year transitional period, and to protecting the rights of long-suffering and deeply anxious minorities, is now uncertain. The bargains struck by the Governing Council in the interim constitution do not yet have broad public understanding and support, and the newly elected Transitional National Assembly could attempt to declare some of its provisions null and void, ignoring the formidable requirements for amendment of the document. In short, when decisions are made by occupation powers and by their chosen interlocutors, without adequate national consultation and consensus, problems are kicked down the road and new ones are created that could undermine the prospects for democracy and tolerance.

Postconflict situations vary significantly in the degree to which the

occupying authority can exercise sovereignty and effect or mediate institutional change. In cases where the state is truly shattered, conflict has been endemic, and the population is exhausted and disorganized, a longer and more ambitious reconstruction project may be possible. In other instances, national patience and consent will be quite limited. As a general rule, the less multilateral the intervention, the less thoroughly discredited and destroyed the old state structures, and the stronger and more nationalistic the preexisting state, the more difficult it will be for an external authority to stage a prolonged and far-reaching project to rebuild the state. Among recent postconflict situations, Iraq was at the more difficult, impatient end of the spectrum in terms of tolerance for prolonged occupation.

The Road Ahead

These "lessons" from the U.S. experience in postwar Iraq are derived while the postwar history of that country is still being forged. Even with all the mistakes made by the United States—in failing to plan and prepare adequately for the postwar reconstruction of Iraq and in imposing a political occupation upon a proud and nationalistic people, suspicious of the West—it is still possible that Iraq could become a democracy if a political agreement can be reached that enables the elections to go forward with the broad participation of all major ethnic, religious, political, and regional groups. But every mistake has its consequences, not only in lives lost and resources wasted, but also in lowering the odds for future progress. In the near term, Iraq would be fortunate to witness the emergence of a semidemocracy through elections that were viewed by most Iraqis as flawed but still "reasonably credible."

Even such an incremental and partial success, however, will require rapid progress on two important fronts. First, the political arena must be widened so that all major Iraqi groups—including Sunni nationalists, Islamists, and Ba'athists not charged with a specific crime—participate in the electoral process. A stable and even partially democratic Iraq will not be possible unless all major groups decide that they have more to gain from the arena of peaceful politics than they do from violent insurgency and terrorism. Second, for violence to become a less plausible and less attractive political option, it must be met with a vigorous and vigilant response by a reconstructed Iraqi state. The most fundamental requirement of any state is a relative monopoly on the use of force. Until the army, national guard, police force, and other elements of the new security sector are sufficiently numerous, trained, armed, equipped, organized, and mobilized to establish law and order in the country, no political stability—democratic or otherwise—will be possible. Until the Iraqi state achieves that level of coherence and capacity, international (primarily U.S.) forces will need to provide the principal bulwark

against a total breakdown of order and a possible descent into civil war. While fending off total chaos, however, the presence of these forces is also a constant stimulus to insurgency. Until foreign forces are fully withdrawn from its soil, Iraq will never truly be at peace. Such are the dilemmas and contradictions at the heart of the intrinsically difficult task of building democracy after conflict.

NOTES

1. James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, Calif.: RAND, 2003), 165.

2. James Dobbins et al., *America's Role in Nation-Building,* 198.

3. James Dobbins et al., *America's Role in Nation-Building,* 165–66.

4. Simon Chesterman, *You the People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004), 123.

5. Simon Chesterman, *You the People,* 125.

6. James Dobbins, et al., *America's Role in Nation-Building,* 164.

7. Simon Chesterman, *You the People,* 257.

8. Simon Chesterman, *You the People,* 257.

9. Niall Ferguson, *Colossus: The Price of America's Empire* (New York: Penguin, 2004), 198, 223, 225.

10. Niall Ferguson, *Colossus,* 222.

11. Gladstone quote in Ferguson; the response is Ferguson's. Niall Ferguson, *Colossus,* 220, 222.

12. Simon Chesterman, *You the People,* 153.

13. Simon Chesterman, *You the People,* 153.

14. Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, Colo.: Lynne Rienner, 2002). See in particular in this collection Terrence Lyons, "The Role of Postsettlement Elections," 215–36.

15. Simon Chesterman, *You the People,* 243.

16. James Dobbins et al., *America's Role in Nation-Building,* 154.

17. Jamal Benomar, "Constitution-Making After Conflict: Lessons for Iraq," *Journal of Democracy* 15 (April 2004): 89.