

WHY THE OCCUPATION OF IRAQ ISN'T ENDING

The bogus 30 June 'sovereignty transfer' in Iraq

A **voices in the wilderness uk** briefing

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On 30th June the US will hand over 'sovereignty' to a so-called Iraqi Interim Government (IIG). The US and British governments will no doubt make a big song and dance about this being the 'end' of the occupation. In reality it will be nothing of the kind:

- The US/UK military occupation of Iraq will continue and the US will remain in control of the Iraqi army.
- The IIG will be a selected - not elected - body with zero democratic mandate. The deadline for the first elections (for a so-called Iraqi Transitional Government) is not until 31 Jan 2005 - if they ever materialise.
- The IIG is prohibited from reversing any of the laws that the US has passed since it occupied Iraq.
- The US will 'still control the bulk of Iraq's capital budget, largely funded by US taxpayers' (*Economist*, 24 April).
- The US is creating a new secret police force for Iraq which 'the Pentagon and CIA have told the White House ... will allow America to maintain control over the direction of the country' (*Sunday Telegraph*, 4 Jan)
- The US will simply be moving to an "embassy" [1] with about 1000 US – and 700 foreign – employees (*NYT*, 28 April) where 'most power will reside' (*AP*, 21 March).

THE ONGOING MILITARY OCCUPATION

After 30 June the US military occupation of Iraq will continue and the US will remain in control of the newly created Iraqi army.

The US problem

'[A]fter months of concern about the legal status of the 110,000 American troops ... after the occupation ends [sic] on June 30' US officials suddenly made the miraculous discovery that 'an existing United Nations resolution...gives American commanders the authority needed to maintain control after sovereignty [sic] is handed back...[and] can provide legal [sic] justification for the American military command to operate until 31 December 2005' (*New York Times*, 26 March 2004).

1511

Article 59 of Iraq's March 2004 Interim Constitution [2] states that 'the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of the United Nations Security Council Resolution 1511' and that 'this arrangement shall last until ratification of a permanent constitution and the election of a new government pursuant to that new constitution.' The US apparently believes itself to be the 'unified command' of a multi-national force authorised by the UN -

though there is no basis for this in the text of the resolution cited. 1511 'authorize[d] a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq' but there was no agreement as to whether it provided a UN mandate for the existing US and British forces in Iraq: the US claimed it did 'but other UN diplomats disagreed, insisting that the occupying forces remained just that' (*Financial Times*, 18 Oct).

The US is currently trying to obtain a new UN resolution authorising these arrangements but this is largely for public relations purposes – with typical arrogance it has already "granted itself" these rights.

December 2005 or December 2006?

According to the Interim Constitution, 'elections pursuant to a permanent constitution' – when the current US pretext for occupying Iraq expires - are supposed to take place 'no later than 15 December 2005.' However, if the permanent constitution drafted by the Transitional National Assembly [3] (TNA) is rejected when it is put to a referendum, or if the TNA fails to draft such a constitution by 15 August 2005, these elections could be pushed back until December 2006 or beyond. Since the Interim Constitution allows Iraq's Kurdish minority (with which the US is currently, for its own cynical purposes, allied) to veto the new constitution and since the Kurdish and Shi'a leadership are at loggerheads over the unresolved issues around future Kurdish autonomy these caveats could well kick in – if the process ever gets that far - extending the US 'mandate' for its military occupation even further into the future.

Enduring Occupation

Certainly the evidence suggests that the US is planning for the long haul. Thus the *Chicago Tribune* reports that 'US engineers are focusing on constructing 14 "enduring bases," long-term encampments for the thousands of American troops expected to serve in Iraq for at least two years. The bases would be key outposts for Bush administration policy advisers' (23 March).

Meanwhile the US has been 'moving rapidly to create a civilian-run Iraqi Defense Ministry that will work in tandem with the American military after [30 June]' (*Washington Post*, 28 March). 50 Iraqi officials have already been flown to Washington 'to attend a Pentagon-run school' (*Washington Post*, 26 March) and new laws have been promulgated establishing 'an Iraqi forces chief of staff and a national security adviser for three-year terms, and an inspector-general with a five year term' (*New York Times*, 26 March) – all to be appointed by the US.

The 'sovereignty issue'

One US official told the *New York Times* that there was 'no sovereignty issue for [Iraqis]' arising from having the Iraqi army under US command since 'nations like Britain ... h[ave] placed military contingents [in Iraq] under an American general' (26 March 2004). True, the analogy is not exact: the US has not invaded and occupied Britain killing tens of thousands of people; the British army in Britain has not been placed under US command; and US troops are not currently rampaging around Britain detaining people at will and killing them with impunity – but presumably these are not 'sovereignty issues' either.

THE IRAQI INTERIM GOVERNMENT

The IIG will be a selected - not elected - body with zero democratic mandate. The deadline for the first elections (for a so-called Iraqi Transitional Government) is not until 31 Jan 2005 - if they ever materialise.

The Iraqi Interim Government is the body to which 'full sovereignty' is ostensibly being handed on 30 June. The current plan is for UN envoy Lakhdar Brahimi to choose this body 'in consultation with the US occupation authority, the Governing Council and other institutions' – a process that will allow Iraqis 'less participation in the choice of the interim government than they would have had under' the completely undemocratic system of regional 'caucuses' that the US had previously proposed (*WP*, 15 April).

UN officials recently announced that 'ordinary Iraqis would be invited to nominate candidates for the post of electoral commissioner to oversee the process of elections' (*Guardian*, 4 May). However full-page adverts in the Iraqi press apparently 'fail[ed] to mention that Paul Bremer, the US administrator in Iraq, w[ould] pick the winning candidate ... from a UN shortlist.' Meanwhile the director of the UN's electoral assistance division recently told reporters that 'elections... could be postponed unless security improves' (*WP*, 4 May) – something that it unlikely to happen as long as the occupation continues.

The IIG is prohibited from reversing any of the laws that the US has passed since it occupied Iraq. The Interim Constitution states that 'the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government [4]'. In particular the IIG is powerless to change any of these laws, including the illegal economic reforms introduced by the US permitting mass privatisation (see **voices** October 2003 briefing *Iraq for Sale* for details).

The US Government also wants to deny the IIG the authority to pass new laws. According to US Undersecretary of State Marc Grossman, "The interim government should not have a law-making body. We don't believe that the period between the first of July and the end of December should be a time for making new laws" (*WP*, 23 April). In the meantime the US has shown no such scruples, passing at least 15 new laws for Iraq since the signing of the Interim Constitution - creating a new Ministry of Defence, national intelligence service, stock exchange and public broadcasting service amongst other things (see www.cpa-iraq.org).

'A DECISIVE VOICE'

The US will 'still control the bulk of Iraq's capital budget, largely funded by US taxpayers' (*Economist*, 24 April)

'[T]he \$18.4 billion voted for Iraqi reconstruction last fall by the United States Congress – including more than \$2 billion for the new Iraqi forces – will give the Americans a decisive voice.' (*New York Times*, 26 March). "We'll have more levers than you think, and maybe more than the Iraqis think," a senior US official told the paper last November.

A NEW SECRET POLICE FORCE & A NEW "EMBASSY"

The US is creating a new secret police force for Iraq which 'the Pentagon and CIA have told the White House ... will allow America to maintain control over the direction of the country' (*Sunday Telegraph*, 4 Jan).

The CIA is hoping that 'the very existence of a strongly pro-American security force will terrify civilians who are currently supporting the insurgency' into desisting (see **voices** briefing *Unusual Compromises* for details).

The US will simply be moving to an "embassy" (1) with about 1000 US – and 700 foreign – employees (*NYT*, 28 April) where 'most power will reside' (*AP*, 21 March).

The new US "ambassador" to Iraq, John Negroponte, is notorious for his previous role as Ambassador to Honduras where he was 'instrumental in assisting the Contras' (*Independent*, 15 April) – the proxy army the US used to attack "soft targets" (ie.

undefended civilians) in Nicaragua during the '80s – as well as helping to cover up the activities of Battalion 316, a Honduran 'secret army unit trained and supported by the [CIA]' which 'kidnapped, tortured and killed' hundreds of Honduran citizens (*Baltimore Sun*, 11 June 1995).

The US State Department estimates that 'the costs in FY 2005 to operate the US mission could exceed \$1 billion' and until a new embassy compound is built the US will 'continue to use the former Republican Palace where the CPA is currently located, for most non-public operations' (www.state.gov/p/31719.htm).

Meanwhile the US has been seeking to 'cement [its] presence beyond [30 June] ... appointing a host of Iraqis to new posts whose tenure will last into the planned 18-month transitional period and beyond' (*Economist*, 3 April). According to *Associated Press* 'the American face in Iraq will undergo only a symbolic change, with the ambassador installed in a new chancery building but US affairs still handled in Saddam Hussein's former Republican Palace... [t]he fledgling Iraqi government will be capable of tackling little more than drawing up a budget and preparing for elections, top US and Iraqi officials say.' "We're still here. We'll be paying a lot of attention and we'll have a lot of influence," a 'top US official' told the wire agency.

THE CONTINUING OCCUPATION

As 'top US officials' explained to the *Los Angeles Times* last year 'the new Iraqi government's sovereignty [sic] still will rest on a foundation of US military force and money' (28 December).

Since the occupation will continue, so will the pattern of abuses identified in a recent report by Amnesty International: Iraqis shot dead during demonstrations; arbitrary arrests and indefinite detention without charge; house demolitions and collective punishment; and the torture and ill-treatment of detainees (Iraq: One Year On, Amnesty International, 18 March 2004) – a pattern of abuses which has dramatically escalated recently with the killing of over 600 people in Fallujah, 'the vast majority of [whom] were women, children and the elderly' according to the director of the town's general hospital (*Guardian*, 12 April).

Likewise the corporate invasion of Iraq will continue and the US will be well placed to fulfil what the *Financial Times's* Middle East editor correctly identified as its 'desire to control Iraq's political transition while making it appear that it is driven by Iraqis' (*Financial Times*, 17 Jan).

Furthermore the idea that the occupation has somehow 'ended' is likely to become a crucial weapon in the struggle to undermine opposition to the invasion and occupation both here and in the US. The anti-war movement must act now to expose this fraud.

FOOTNOTES

[1] The scare quotes are the *Daily Telegraph's*!

[2] March 2004 document produced by the US and the US-appointed Governing Council, mapping out the official post- 30 June political process.

[3] Legislative arm of the Iraqi Transitional Government (the elected body supposed to replace the IIG by 31 Jan 2005)

[4] See footnote 3 above.

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