

U.S. Edicts Curb Power Of Iraq's Leadership

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BAGHDAD, June 26 -- U.S. administrator L. Paul Bremer has issued a raft of edicts revising Iraq's legal code and has appointed at least two dozen Iraqis to government jobs with multi-year terms in an attempt to promote his concepts of governance long after the planned handover of political authority on Wednesday.

Some of the orders signed by Bremer, which will remain in effect unless overturned by Iraq's interim government, restrict the power of the interim government and impose U.S.-crafted rules for the country's democratic transition. Among the most controversial orders is the enactment of an elections law that gives a seven-member commission the power to disqualify political parties and any of the candidates they support.

The effect of other regulations could last much longer. Bremer has ordered that the national security adviser and the national intelligence chief chosen by the interim prime minister he selected, Ayad Allawi, be given five-year terms, imposing Allawi's choices on the elected government that is to take over next year.

Bremer also has appointed Iraqis handpicked by his aides to influential positions in the interim government. He has installed inspectors-general for five-year terms in every ministry. He has formed and filled commissions to regulate communications, public broadcasting and securities markets. He named a public-integrity commissioner who will have the power to refer corrupt government officials for prosecution.

Some Iraqi officials condemn Bremer's edicts and appointments as an effort to exert U.S. control over the country after the transfer of political authority. "They have established a system to meddle in our affairs," said Mahmoud Othman, a member of the Governing Council, a recently dissolved body that advised Bremer for the past year. "Iraqis should decide many of these issues."

Bremer has defended his issuance of many of the orders as necessary to implement democratic reforms and update Iraq's out-of-date legal code. He said he regarded the installation of inspectors-general in ministries, the creation of independent commissions and the changes to Iraqi law as important steps to fight corruption and cronyism, which in turn would help the formation of democratic institutions.

"You set up these things and they begin to develop a certain life and momentum on their own -- and it's harder to reverse course," Bremer said in a recent interview.

As of June 14, Bremer had issued 97 legal orders, which are defined by the U.S. occupation authority as "binding instructions or directives to the Iraqi people" that will remain in force even after the transfer of political authority. An annex to the country's

interim constitution requires the approval of a majority of Allawi's ministers, as well as the interim president and two vice presidents, to overturn any of Bremer's edicts. A senior U.S. official in Iraq noted recently that it would "not be easy to reverse" the orders.

It appears unlikely that all of the orders will be followed. Many of them reflect an idealistic but perhaps futile attempt to impose Western legal, economic and social concepts on a tradition-bound nation that is reveling in anything-goes freedom after 35 years of dictatorial rule.

The orders include rules that cap tax rates at 15 percent, prohibit piracy of intellectual property, ban children younger than 15 from working, and a new traffic code that stipulates the use of a car horn in "emergency conditions only" and requires a driver to "hold the steering wheel with both hands."

Iraq has long been a place where few people pay taxes, where most movies and music are counterfeit, where children often hold down jobs and where traffic laws are rarely obeyed, Iraqis note.

Other regulations promulgated by Bremer prevent former members of the Iraqi army from holding public office for 18 months after their retirement or resignation, stipulate a 30-year minimum sentence for people caught selling weapons such as grenades and ban former militiamen integrated into the Iraqi armed forces from endorsing and campaigning for political candidates. He has also enacted a 76-page law regulating private corporations and amended an industrial-design law to protect microchip designs. Those changes were intended to facilitate the entry of Iraq into the World Trade Organization, even though the country is so violent that the no commercial flights are allowed to land at Baghdad's airport.

Some of the new rules attempt to introduce American approaches to fighting crime. An anti-money-laundering law requires banks to collect detailed personal information from customers seeking to make transactions greater than \$3,500, while the Commission on Public Integrity has been given the power to reward whistleblowers with 25 percent of the funds recovered by the government from corrupt practices they have identified.

In some cases Bremer's regulations diverge from the Bush administration's domestic policies. He suspended the death penalty, and his election law imposes a strict quota: One of every three candidates on a party's slate must be a woman.

Iraqis have already scoffed at some of the requirements. Judges on the Central Criminal Court of Iraq, who were appointed by Bremer, have refused to impose 30-year sentences on people detained with grenades and other military weapons. At the same time, many Iraqi politicians contend that banning the death penalty was a mistake. Several have said they will push to reinstate capital punishment after the transfer of political authority.

Some of the Iraqis recently appointed by Bremer as inspectors and commissioners said they should have been given their jobs months ago. Had that happened, they insisted, they would have had more time to build support for the activities.

"There are some doubts about my work," said Nabil Bayati, the inspector general in the Ministry of Electricity, who is charged with rooting out waste, fraud and abuse. People in the ministry, he said, "don't understand it yet."

Siyamend Othman, the chief executive of the Iraqi Communications and Media Commission, said his fellow commissioners were only appointed three weeks ago. "Had this commissions been set up six months ago, we would have been in a far more secure position than we are today," he said. "We would have had six months to prove and to show to the Iraqi people our worth and what we're capable of doing, and why this commission is such an important institution."

In recent weeks, Bremer has issued orders aimed at setting policy for a variety of controversial issues, including the future use of radioactive material, Arab-Kurd property disputes and national elections planned for January.

On June 15, Bremer signed an order establishing the Iraqi Radioactive Source Regulatory Authority as an independent agency regulating radioactive material in Iraq. His order forbids, even after the transfer of sovereignty, any activity involving radioactive material except under requirements established by the agency.

On June 19, in an effort to keep unemployed Iraqi weapons scientists from working for other nations, Bremer established the Iraqi Non-Proliferation Programs Foundation, a semi-governmental organization set up to provide grants and contracts to people who worked on Saddam Hussein's chemical, biological and nuclear arms programs. An initial grant of \$37.5 million was set aside by Bremer to pay the scientists' expenses to attend international conferences so they can be retrained for non-weapons employment.

The foundation, which has been exempted from a ban on government support to former high-ranking members of Hussein's Baath Party, is also supposed to establish a venture capital fund to promote the commercial development of products and technologies by former employees of Iraqi weapons programs, according to the order setting up the foundation.

On May 28, Bremer signed an order establishing a Special Task Force on Compensating Victims of the Previous Regime. The task force, appointed by Bremer, is to devise a means for determining the number of victims, estimate fair compensation and recommend a system under which claims could be made and adjudicated. An endowment of \$25 million was set aside from oil income to be used to compensate victims and their families, according to the order authorizing the task force.

But perhaps Bremer's most far-reaching and potentially contentious order is the election law, which he signed June 15. The law states that no party can be associated with a

militia or get money from one. It also requires the electoral commission to draft a code of conduct barring campaigners from using "hate speech, intimidation, and support for, the practice of and the use of terrorism."

The law, signed last week, is intended to establish the framework and policies that will govern next year's national elections to select a 275-member national assembly. But experts in Arab world elections have questioned how the law will be received by the Iraqi people once its terms are widely known. Some predicted that the rules would be challenged and perhaps ignored by the interim Iraqi government.

"I foresee real political conflict about these rules," said Amy Hawthorne, an Arab specialist at the Carnegie Endowment for International Peace who studies elections.

"The laws came out from behind a curtain while armed conflict is going on," said Hawthorne, who expects people and parties to challenge the laws after July 1 because "they were created under the [occupation] authority and their legal status is a bit murky."

"The notion of [the U.S.] decreeing election law prior to June 30 is unfortunate," said Leslie Campbell, who has worked in Iraq for the National Democratic Institute.

Financing elections, difficult in the United States, could be an even greater problem in Iraq where not only the wealthy but also foreign countries such as Iran, Saudi Arabia and even the United States are openly putting money into political parties and politicians. The Bremer law calls on parties to "strive to the extent possible to achieve full transparency in all financial dealings" and calls on the electoral commission to consider issuing regulations.

Campbell said such a law "may be a lot cleaner than letting the commission have it out with the interim government in a messy way, but it is not good that the electoral commission is not promulgating key parts of the law."

Campbell said it would be difficult, if not impossible, to enforce the provision separating militia members from politics since all the major Iraqi political parties are associated with armed organizations. Although the occupation authority has attempted to demobilize militias, most have not yet disbanded.

Juan Cole, a University of Michigan professor who specializes in Iraq, said the appointed electoral commission's power to eliminate political parties or candidates for not obeying laws would allow it "to disqualify people someone didn't like."

He likened the power of the commission to that of religious mullahs in Iran, who routinely use their authority to remove candidates before an election. "In a way, Mr. Bremer is using a more subtle form than the one used by hard-liners in Iran to control their elections," Cole said.

Pincus reported from Washington.