

Striving for Democracy in Post-War IRAQ & AFGHANISTAN

In April 2004, the *Georgia Journal of International and Comparative Law* convened a conference of distinguished panelists and experts to discuss the significant legal, political, economic and security issues that post-war Iraq and Afghanistan will be handling for years to come.

“From Autocracy to Democracy: The Effort to Establish Market Democracies in Iraq and Afghanistan” included three panel discussions, a luncheon speaker and a keynote address by former U.S. Army Chief of Staff Gen. Eric K. Shinseki. Shinseki spoke about the security challenges facing post-conflict democracies. He also recalled several of the challenges he encountered in his 38-year career, having held a number of com-



Former U.S. Army Chief of Staff Gen. Eric Shinseki (l.) and chief conference organizer Clete Johnson (J.D.'04) go over a few details prior to Shinseki's keynote address. Photo courtesy of Professor Robert Brussack (J.D.'76).

mand and staff positions including commanding general of NATO peacekeepers in Bosnia. This address marked his first public speaking engagement regarding these matters since his retirement in the summer of 2003.

Shinseki's recollection of his experiences as commander of S4, a U.N. stabilization force that was active in Bosnia-Herzegovina during the late 1990s, provided attendees with vivid illustrations of the process of democratization, which is a “slow and arduous” process, he said. Shinseki stated throughout S4's mission, it was important to convey to “civilian counterparts and the international community” the intention to use force “sparingly” and as a last option.

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“Transitioning from autocracy to democracy is hard work. It is inherently risky, and the spread of democracy in post-conflict societies is a particular challenge,” Shinseki said. “Legitimacy is at least as powerful of a weapon in this struggle as pure military force. But, a peacekeeping force is necessary to create a safe and secure environment through the judicious use of force, if there is to be any hope of making the case for legitimacy,” he added.

Shinseki said peacekeeping is not an activity by itself but “one phase in a campaign of activities to establish security and stability in troubled lands.”

The panel discussions proved to be equally captivating. In panel one, Establishing the Rule of Law, panelist Rosa E. Brooks, professor at the University of Virginia School of Law, described why successfully rebuilding the rule of law in a post-conflict society is difficult. “First point, it’s hard because it’s hard. Second of all, it’s hard because you don’t rebuild the rule of law in a vacuum,” Brooks said. Another panelist Scott Carlson of the U.S. Sentencing Commission, said the “lessons learned” from international experience should be incorporated when developing strategic approaches to developing the rule of law.

In another panel, Building the Institutions of a Nation, Howard J. Wiarda, UGA Rusk Professor of International Relations and head of the Department of International Affairs, added variance to the discussion. He said he is more “skeptical and less hopeful” than most of the conference’s speakers, and it is “illusory to think these two countries [Iraq and Afghanistan] could be quickly remade as democracies.” Neither the civil society, political culture, level of socio-economic development nor institutional structure of the two countries makes it “conducive to democracy,” Wiarda said.

The third panel, Market Development in Iraq and Afghanistan, explored the “tools” necessary for the formation of a market democracy. Keith W. Crane, senior economist at the RAND Corporation who served as an adviser on economic policy for the Coalition Provisional Authority (CPA) in Iraq, said the outlook for Iraq’s economic growth is “bleak,” and the country is “gravitating toward a typical Middle-Eastern economic model of using oil wealth to

provide value-subtracting jobs for favored individuals.” Furthermore, O. Lee Reed, UGA Terry College of Business professor, said Iraq and Afghanistan must have “effective property institutions” in order to establish a strong market economy.

At the luncheon, Travis Hall, of the U.S. Army Judge Advocate General Corps and a former member of the Iraq Justice Ministry, led a discussion about the opportunities that exist for young public servants in Iraq. Hall served in both Kuwait and Iraq and was responsible for rebuilding the criminal courts in Iraq as part of the CPA.

“I want to encourage each and every single one of you who are interested in practicing internationally. . . . You will be rewarded richly in whatever commodity you seek, whether it is materialistic or altruistic. More importantly, our nation, at this time especially, needs its best and brightest to be engaged in these international endeavors,” Hall said. He told conference attendees he is confident that despite the obstacles he and his coalition members faced, the Iraqi judicial system will be a functional and “strong pillar” of a democratic Iraq.

The conference’s full proceedings will be published in a forthcoming issue of the *Georgia Journal of International and Comparative Law*.

- A. Tieler Giles

