Iraq today is a democratic State that respects freedoms and is governed by a Constitution.

—Al Bayati, Iraqi Ambassador to the UN 2009

To be sure, the cost was high in the blood and treasure of the United States and also of the Iraqi people. But those lives have not been lost in vain. They gave birth to an independent, free, and sovereign Iraq. And because of the sacrifices made, these years of war have now yielded to a new era of opportunity. Together with the Iraqi people, the United States welcomes the next stage in U.S.-Iraq relations, one that will be rooted in mutual interest and mutual respect.

—Leon Panetta, US Secretary of Defence, 2011

In light of the analysis conducted in previous chapters, the occupation of Iraq can be divided into two phases—each with its own distinctive traits. The first and most significant of these phases, by virtue of the profound transformation of Iraqi society that it sought to bring about, involved the direct ruling of Iraq by the occupying powers through an occupation administration: the Coalition Provisional Authority (CPA). This phase lasted from mid-April 2003 until the end of June 2004. The second phase of the occupation of Iraq was a form of *sui generis* indirect occupation. Coalition Forces maintained control over Iraq due to the presence of a non-sover-

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1  UNSC Verbatim Record (18 June 2009) UN Doc S/PV.6145, 7.
eign indigenous government. By and large, this latter phase could be said to have ended when a government chosen by an elected Iraqi assembly took office at the beginning of 2005. However, even though it was not suspended as it occurs in a case of occupation, such sovereignty remained ‘limited’, as discussed in Chapter 5, until at least the end of the Interim Period due the continuing influence of foreign actors.3

The phase of direct occupation of Iraq can be described as a case of a relatively short transformative military occupation affecting the political, economic, and social structure of Iraq. It was a model of hybrid occupation, which comprised both unilateral and multilateral elements, predominantly the former. It was essentially unilateral in the determination of the policies to be pursued, as well as in the structure and the style of governance of Iraq. It had a multilateral trait in the Security Council’s support for the political and constitutional project prompted by the CPA. Despite the close involvement of the Security Council, the CPA was not a UN administration and did not act under the supervision of the Security Council, to whom it did not report. Notwithstanding the supportive stance of the Security Council and the participation of the IGC, an Iraqi body, in certain aspects of the governance of Iraq, the CPA was not a consent-driven occupation. It remained a substantially force-based enterprise throughout, which failed to gain legitimacy through the policies it enacted, as evidenced by the emergence of a gradual but steady insurgency.

By contrast, the period in which Iraq was under the administration of the Interim Government might be regarded as a form of indirect occupation. Far from being ‘sovereign’, the Interim Government was an indigenous administration operating under a framework defined by the Security Council to implement an agenda set during the formal phase of the occupation. There was no a formally established mechanism through which the indirect occupants could give daily instructions to the Iraqi govern-

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3 While it is beyond the purpose of this book to undertake an analysis of the events after the Interim Period, it may be noted that Emma Sky’s argument that Iraq remained in a situation of limited sovereignty even after the Interim Period is a strong one. In her view, the turning point in relations between the US and Iraq occurred only after the 2009 signing of the Withdrawal Agreement and the Strategic Framework Agreement which, says Sky, ‘solidified the coming shift in the United States’ relationship with Iraq from one of patronship to one of partnership’. See Emma Sky, ‘Iraq, From Surge to Sovereignty’ (2011) 90(2) FA 122.