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## **The effect of lustration on peace processes**

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# **The effect of lustration on peace processes**

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# Introduction

The term lustration comes from the Latin verb *lustratio*, meaning purification by sacrifice, which still captures the essence of it as a transitional justice mechanism. Lustration is highly controversial since it attributes collective guilt to those affiliated with a former regime. As Stinchcombe (1995) put it, lustration can be seen as setting up a ritual boundary between a new, good regime and an old, bad, warlike, corrupt regime.

Though, lustration cannot be dismissed as a transitional justice mechanism because of its controversial nature just yet. For this, there is too little empirical evidence and the investigation has been too narrow. Additionally, the moral ambiguity has not prevented lustration from being used in practice and thus its effects are relevant to the real world.

In some instances, states have deployed lustration explicitly expecting it to reduce conflict. Despite this, the literature on lustration has failed to make a direct link to peace. Additionally, the context of international interventions is often absent, whilst there are many interesting cases in which lustration was externally imposed. This thesis will contribute to the literature on transitional justice and lustration by tackling these two underdeveloped elements. The research question guiding this effort is ‘what is the effect of lustration on peace processes?’

# Literature review

In order to grasp the state of the debate, I will analyse the literature on lustration. I will focus on identifying categories and gaps, as well as the main findings when it comes to the effects of lustration. The literature on transitional justice will also be discussed briefly since lustration falls under its umbrella.

## A CONTROVERSIAL MECHANISM

Lustration is a controversial process. This has multiple reasons. First, it is seen as principally contrary to a democratic state and rule of law (Czarnota, 2009; Stan, 2012). Lustration often does not work from the principle of ‘innocent until proven guilty’. Additionally, whereas in general international criminal justice is thought of as individualising guilt, lustration tends to do the opposite. Furthermore, some authors warn for ‘wild lustration’, meaning a lustration process founded on little evidence and lacking due process (Zięba, 2012). Also, lustration is often seen as a political tool. People get punished for supporting the ‘wrong’ and often losing regime. In this light, it can be seen as a form of victor’s justice. Taking this into account, it is no surprise that some deem lustration controversial or even morally ambiguous. However, in the next section, I will be examining its potential effects, which will display that the controversial nature of the process is not enough to discard it at face value.

## LUSTRATION: LITERATURE AND EFFECTS

Within the research on lustration, most authors have focused on the post-communist context. For example, David (2011) identifies two forms of lustration in his study on the Czech Republic, Hungary, and Poland, namely lustration as the traditional method of dismissal and an alternative model in which officials are granted a second chance if they cooperate in truth-seeking efforts. In earlier contributions, David (2006) identified inclusive, exclusive, reconciliatory, and mixed lustration systems. Czarnota (2009) focuses in her comparative case study on the effects of lustration in post-communist countries on the rule of law and other aspects of state functioning. The author finds that lustration plays a positive role in laying down foundations for a healthy public sphere, rule of law, and democracy.

The main effects that come to light with regards to lustration relate to reconciliation and trust, democratisation, and symbolism. As for reconciliation, David (2011) identifies two kinds of lustration systems that have distinct effects. Exclusive systems may establish trust at

the expense of reconciliation, while inclusive and reconciliatory systems may promote both trust and reconciliation. Horne (2014), finds a divergent impact of lustration on trust, both building particularised trust in social institutions and undermining generalised interpersonal trust.

A majority of the literature focuses on the effects of lustration on democratisation. David (2003) argues that certain models of lustration can have a positive effect on democratic consolidation in transitional states. Horne (2014), Czarnota (2002), Zięba (2012), and Letki (2002) also find a positive relationship between lustration policies and democracy. Zięba (2012) additionally argues that, other than their instrumental purpose of screening public officials, lustration policies may be seen as a symbolic act. In this, they mark the discontinuity with the past in order to rebuild society after transition.

Most of the findings listed above are solely derived from case studies done in the post-communist context, where most authors come to a relatively positive conclusion regarding the effects of lustration (David, 2003; Czarnota, 2009; Horne, 2014; Letki, 2002). However, there are other contexts in which authors are less optimistic. One example is Iraq, where Meierhenrich (2008) claims lustration had disastrous consequences on constitutionalism. Zeren (2017) finds that in Iraq, the vetting process was arbitrary and did not pay enough attention to individual responsibility. George (2017) performs an in-depth analysis about what exactly went wrong with the lustration methods applied in Iraq, contrasting the ineffectiveness of the deBaathification process there with the effective denazification campaign that took place in Germany after the Second World War. Yet, denazification was not without problems either, as Adams (2009) addresses in her detailed analysis of the process in Bremen. She finds that the initially effective campaign eventually collapsed under its bureaucratic weight. Denazification is another example of lustration outside of the post-communist context, in which the lustration policies were imposed by outside actors.

## TRANSITIONAL JUSTICE EFFECTS

Since the literature on lustration is relatively limited, in this section, I will briefly situate lustration in the broader body of literature on transitional justice. Marginalisation or stigmatisation are seen as major potential effects of transitional justice mechanisms (Kersten, 2016). The idea behind this is that people will not want to associate themselves with individuals under investigation by a transitional justice body. Through marginalisation, spoilers can be isolated, and eventually they can even be removed. Removing spoilers as part

of a justice effort can help reinforce sustainable peace and bolster reconciliation. For example, Meernik finds the removal of those accused of war crimes the most positive direct connection between the International Tribunal for the former Yugoslavia and societal peace in Bosnia (2005). Lustration can be a way of removing these spoilers.

#### GAPS IN THE LITERATURE

All in all, the research on the effects of transitional justice is extensive, yet the research on lustration is underdeveloped. The peace versus justice debate is a very prevalent discussion, certainly when it comes to transitional justice in the context of international interventions. What is remarkable, then, is that none of the literature on lustration as a mechanism of transitional justice makes an explicit link to peace. Democratisation as part of a liberal peace conception has been investigated thoroughly. Yet, this is a very narrow conception of peace and one with an obvious Western bias. Additionally, the context in which these effects have been investigated is limited. Almost all literature focuses on effects in post-communist countries. However, as mentioned before, there are other contexts in which lustration seems to have had very different effects. With this thesis, I will try to mitigate these gaps by directly linking lustration to peace and placing the focus outside of the post-communist context.

# Theoretical framework

## THEORY AND EXPECTATIONS

This chapter will set out the theoretical framework of this thesis. In doing so, I will make explicit the expectations and concepts I am working with.

For lustration, authors generally come to a positive conclusion with regards to its effect on democratisation (David, 2003; Czarnota, 2009; Horne, 2014; Letki, 2002). In the literature on transitional justice and within the peace and justice debate, democratisation is often seen as part of peace (Richmond, 2006). Based on the literature on transitional justice more broadly, lustration can be assumed to have a positive effect on peace by removing spoilers. Namely, it makes sure they cannot run for office anymore or generally play any other active role in society (David, 2003).

The process behind the effect of lustration on peace is that through lustration, spoilers are removed from society. Spoilers make the peace process more difficult, for example by blocking negotiations or stirring up unrest. By removing these individuals from society, democratisation can be reached more easily and is often more sustainable. Additionally, it may dissipate calls for revenge. Thus, by removing spoilers, lustration can positively affect peace. However, I also expect lustration to have negative effects on peace. Lustration often causes people who worked for the government or the military to lose their jobs. These people, resenting the new government that cast them out, may then use their skills elsewhere, for example in terrorist organisations. In this manner, lustration may have undesired side-effects that actually cause conflict.

## CONCEPTUALISATION

In this paragraph, I will conceptualise the key terms of this thesis. Starting with peace, I will be following Galtung's (1969) definition. Galtung defines two types of peace, namely negative peace, which refers to the absence of personal violence, and positive peace, which refers to the absence of structural violence. Positive peace is an elusive and broad concept. For it to be workable, I will focus on two aspects of it, namely rule of law and democratization. I choose to include these aspects of positive peace in my definition because lustration is often employed with the goal of establishing a democracy. Thus, it would be inappropriate to leave these elements out. A conceptualisation based on negative peace complemented by these aspects of positive peace will fit the goal and scope of my research



best. I purposefully do not opt for a definition that is related to a liberal notion of peace. This removes the Western bias that has been prevalent in earlier literature, but because lustration is often deployed with the goal of establishing a democracy, the liberal element cannot be ignored. However, by including positive peace as conceptualised above, I largely circumvent this disadvantage. In sum, the conceptualisation based on Galtung's notion of peace is pragmatic and flexible.

The second term that needs conceptualising is lustration. Chiu (2011) defines lustration as a symbolic purification through the assignment of collective responsibility for the previous regime's sins and any subsequent collective punishment for that responsibility. This is an accurate definition, as it captures the ultimate goal of lustration, namely ridding society of its past wrongdoers. On the other hand, Williams et al. (2015) define lustration as the vetting of public officials with regards to their ties with the former regime. This captures the essence of lustration, though it fails to explicitly state the collective nature of it. Zeren (2017) defines lustration as a transitional justice mechanism that aims to purify the public sphere of former regime members or of people who lack integrity. This definition explicitly sees lustration as a transitional justice mechanism, and it captures the aim of lustration well. Though, it would be a problematic working definition, mainly because of the use of the word 'integrity', which is hard to define and measure.

Considering these different conceptualisations, I find Chiu's definition most convincing. It captures the aim of lustration, its collective nature, as well as its often symbolic usage. Also, it makes explicit two essential parts of lustration, namely assigning responsibility as well as a form of punishment. Going forward, I will conceptualise lustration as the symbolic purification through the assignment of collective responsibility for the previous regime's sins and any subsequent collective punishment for that responsibility.

In sum then, the variables I will be working with in this thesis are lustration and peace. These are the independent variable and dependent variable respectively. Lustration is defined as the symbolic purification through the assignment of collective responsibility for the previous regime's sins and any subsequent collective punishment for that responsibility (Chiu, 2011) and peace as consisting of positive and negative peace (Galtung, 1969). My expectation is that lustration can positively affect peace, by removing spoilers and contributing to democratisation. I also expect lustration to have negative effects on peace, by provoking certain groups in society. In the coming chapters, I will investigate the relationship between lustration and peace using real-life cases.

# Methodology

In this chapter, I will discuss the research design of this thesis. The aim of this design is to answer the research question in a coherent and logical manner. I will discuss case selection, operationalisation, data collection, and method of analysis.

## A COMPARATIVE DESIGN

I will be investigating the relationship between lustration and peace by applying a comparative design comprising two cases. This allows for a more in-depth analysis of the process than a larger-N study while allowing for more generalisability and ability to contextualise than a single-case study.

As for case selection, the universe of cases consists of all cases in which lustration has been applied. For identifying the universe of cases, I used the transitional justice data index on vetting (Dancy et al., 2014). Table 1 in appendix A provides an overview of the universe of cases. Within the universe of cases, I identified four broad categories, namely post-communist cases, Latin American cases, cases with externally-imposed lustration, and others. I will focus on the category in which lustration was externally imposed since this thesis is situated in the broader literature on international interventions and transitional justice. This leaves the cases of Afghanistan, Germany, and Iraq. In Germany and Iraq, the lustration policies were far more invasive than in the case of Afghanistan. Also, in Germany and Iraq, the lustration targeted people belonging to a specific party. For comparative purposes, going forward, I will be investigating post-war Germany and Iraq. In both cases, lustration was enforced by an outside intervention, the cases are of intrinsic importance as they mark key events in recent history and the cases are not overrepresented in the literature. I treat post-war Germany and Iraq as illustrative cases of the relationship between lustration and peace, specifically in the context of international interventions.

A few specifications need to be made regarding the cases. First of all, it would be unfair to compare approximately 70 years of post-lustration developments in Germany to less than 20 years in Iraq. To even this out, I will focus specifically on the lustration policies in the initial phase and as put forward by the Allied Control Council (ACC) and the Coalition Provisional Authority (CPA). These are the institutions that were primarily responsible for the implementation of lustration in Germany and Iraq respectively. Additionally, it should be noted that when talking about Germany, I refer to West Germany. As East and West Germany

were two independent countries, it is necessary to choose one of the two for the comparative design. I choose West Germany as it lends itself better for comparison with Iraq since in both cases the major intervening party was the United States.

In sum, I will conduct a comparative case study, using Iraq and West Germany, focussing on the initial period in which the ACC and CPA were principally responsible for lustration. Investigating these cases can reveal certain conditions under which lustration might be more or less successful when it comes to achieving peace.

Lastly, several threats to internal and external validity have to be addressed. With a small-N case study, internal validity is usually relatively high. The researcher can carefully follow the causal process and rule out alternative explanations. However, the external validity is usually lower (Halperin & Heath, 2017, p. 174-175). I acknowledge this, and thus recognize that the findings of this study will not have a high generalisability. Moreover, a small-N comparison is often at risk of selection bias when it comes to the cases (Halperin & Heath, 2017, p. 223-227). By having carefully described the process of selecting the cases I will use, as well as not selecting on the dependent variable, I hope to minimise this bias.

## OPERATIONALISATION

Working from the conceptualisation laid out in the previous chapter, I will now operationalise negative and positive peace. Negative peace is operationalised as the level of interpersonal, physical violence. Indicators of this are violent deaths, sexual violence, lootings, and violent protests. Positive peace is operationalised as the degree to which a democracy and rule of law are present.

For establishing the level of peace, I will make use of indicators by the Varieties of Democracy Index (V-dem). V-dem is an often used and reliable source. Within the V-dem dataset, I will use the physical violence index for negative peace, and rule of law and democratic transition index for positive peace. The physical violence index measures the level of physical violence in the form of an interval, in which 1 signifies a high level of physical violence and 0 a low level of physical violence. The rule of law index does the same for the level of rule of law. The democratic transition index assesses whether there was a breakdown of democracy, no change, or a transition towards democracy. This seems like a more appropriate measure than an index that measures the level of democracy at a given time, since lustration is a measure of transitional justice and thus the transitional context is appropriate. Unfortunately, the data for West Germany between 1945 and 1951 is missing in

the V-dem data set. Thus, I will have to rely on other sources to establish the level of peace in West Germany. These will be specified in the next paragraph.

Lustration will be operationalised as the presence or absence of symbolic purification through the assignment of collective responsibility for the previous regime's sins and any subsequent collective punishment for that responsibility. However, as the cases were selected from a body in which all cases dealt with lustration at some point in their history, lustration will necessarily always be present. I will focus on formal lustration, meaning lustration based on laws, decrees or other official documents.

## DATA - COLLECTION

The data collection will mainly exist of archival sources. This is the most feasible and appropriate method of data for my research. It will allow me to follow the process in great detail, which is necessary to establish a link between lustration and peace. For the German case, I will mainly use public archives from the United States government. For the Iraqi case, I will use the official archives of the Coalition Provisional Authority in Iraq. The CPA issued 100 orders during the time it was active, all of which will be analysed. For West Germany, the process is less straightforward. The archives do not allow for a search based on keywords, as this leaves out certain important documents regarding lustration. Thus, I have instead made a selection of documents stemming from the ACC as well as the American Military Government that were important for the lustration process. This selection was made based on the literature on denazification. In the appendixes, an overview of all analysed documents can be found. Additionally, I will use secondary literature. This, in order to establish the sequence of events and properly assess the context.

As mentioned before, data for the German case is not available in any conflict indexes. Moreover, the archives for West Germany are highly decentralised, the records are not always reliable and often not digitalised (Henke, 1994). The sources not being digitalised poses a significant problem, as due to the Covid-19 pandemic, I am unable to travel to physical archives. Due to these constraints, I will have to rely largely on secondary literature for establishing the level of peace. Data for the case of Iraq can be found in indexes, however, for comparability purposes, I will also use secondary sources in addition to the V-dem data. Relying on secondary data is a disadvantage in that it is less reliable and less easy to compare than indexes. However, it does allow me to paint a more nuanced picture of the level of peace in the context of the two cases under investigation.

## MODE OF ANALYSIS

In this paragraph, I will discuss the method of analysis I will apply to the data described above. I will use structured focused comparison. This method is structured in that the researcher uses a set of general questions that fit the theoretical perspective as well as the research objective, and applies these to each case under study. It is focused in that it only deals with particular aspects of the cases under examination (George & Bennett, 2004). In the analysis chapters, a set of questions regarding lustration and peace will be asked of each case. Eventually, I will compare the answers and discuss the relationship between lustration and peace that is revealed during the investigation.

# West Germany (1945 - 1951)

In this chapter, I will analyse the lustration process of West Germany. The analysis will be guided by several sub-questions regarding the lustration process. Finally, I will establish the level of peace in West Germany during the period under investigation.

WHO, WHAT, WHERE, AND WHEN?

*What happened in West Germany between 1945 and 1951?*

Right before the end of the Second World War, the Allied Parties had a conference in Yalta. Here, they first publicly announced their goal of cleansing Germany from Nazi influences (Zeren, 2017, p. 262). This was a commitment of great magnitude, as about 8,5 million Germans had been members of the Nazi Party, and some Nazi-related organisations had an even greater amount of members.

On April 26, 1945 president Truman issued an official directive for the Military Government in Germany to start the denazification process (Zeren, 2017). The denazification process was mainly dealt with by the ACC, the institute governing the Allied Occupation Zones in Germany. The process soon took on several forms. First of all, the International Military Tribunal at Nuremberg was established (Zeren, 2017). Additionally, Fragebogen were sent out to all German citizens (Zeren, 2017, p. 266). This was a questionnaire people had to fill out themselves, which was used to categorise them according to their involvement in Nazi practices. In March 1946, the Military Government drafted the Law for Liberation from National Socialism and Militarism. This law transferred the primary responsibility for the denazification process to the Germans, and established five categories of perpetrators (Zeren, 2017, p. 268).

The Germans were generally not very fond of the denazification campaign the Allied powers had started. Thus, after the Law for Liberation went in effect, the Germans relaxed the denazification policy. The United States, the biggest promoter of a harsh denazification campaign, lost interest when in 1946, the Cold War emerged and Germany became more important economically (Goda, 2007). Denazification was officially abolished in 1951. Between 1945 and 1951, over 400,000 Germans were detained in internment camps in the name of denazification (Beattie, 2019).

## LUSTRATION

### *What were the key documents for the lustration policy?*

Lustration was in large part a decentralised process in Germany. Each of the occupying powers had its own way of interpreting denazification. However, the Allied Powers did specify some general guidelines. Before the ACC was established, they came together in Yalta and Potsdam and laid a central foundation for denazification there. In the documents resulting from the conferences, the Allied powers hold the Germans collectively responsible for atrocities committed during the war.

After the Potsdam Conference, the ACC was mainly responsible for the denazification policy. It issued multiple proclamations and laws regulating the lustration programme. For example, ACC proclamation No. 2 abolishes the National Socialist Party, and ACC law No. 1 repeals Nazi legislation. In addition to policy put forward by the ACC, directive JCS 1067 and the Law for Liberation play a key role in the denazification process as set forth by the American Military Government. The Law for Liberation's most important element is the establishment of five categories of perpetrators. These exist of persons exonerated, followers, lesser offenders, offenders, and major offenders. Although the law originates from the American Military Government, the established categories were also adopted by the ACC.

### *What was the aim of lustration?*

The main aim of lustration was to make sure Germany could never again be a threat to international peace. The Allied powers saw the eradication of any Nazi influences as necessary for accomplishing this. Furthermore, several of the documents make explicit that the policies put forward by the Allied powers are not considering the German people as a priority. The reasoning behind lustration in this case is purely based on contributing to the goals of the Allied powers. In aiming for peace, the Allied powers set the goal of making Germany a liberal democratic state with a strong rule of law. The Law for Liberation clearly sets forward this aim, stating that denazification is essential in securing a basis for democracy in Germany and peace in the world.

### *What was the method of lustration?*

The Fragebogen were an essential part of the lustration process, as this was the administrative backbone behind the program. Through the use of the Fragebogen and Spruchkammern, individuals were put in one of the five categories discussed previously. The category assigned to a person largely determined the type of sanctions that could be held against them. In the

American zone, the Fragebogen led to the removal of one third of personnel in the civil service (Romeike, 2016). However, the use of the questionnaires is highly controversial. A lot of Germans found it ridiculous that the Americans thought something like the Fragebogen could properly vet them (Jähner, 2020, p. 329).

*What patterns are present within these documents?*

When it comes to lustration, all documents examined show a commitment to a very harsh lustration policy. The Allied powers make very clear that they are to destroy all Nazi and militarist influence. There is a clear sense of collective guilt towards the Germans. Though, later documents do leave more room for amnesties and exemptions. For example, the Law for Liberation, which states that charges against a person can be mitigated or vacated if the person has shown a commitment to reconstructing Germany on a peaceful and democratic basis.

*What did the lustration process look like in practice?*

The previous questions have focussed on the lustration process as set forth in official documents. However, there is a discrepancy between the lustration policy as described and lustration as it was actually executed. Even though the documents put forward a harsh lustration policy, not nearly all people that had supported the Nazi regime were held accountable. A lot of individuals, also ones that belonged to higher categories of perpetrators, had been able to escape denazification efforts. The United States even helped some of them do so, through the covert Operation Paperclip (Goda, 2007). In addition to this, there were many more problems with the execution of the denazification policy. For example, people belonging to high socio-economic classes seemed to be able to avoid or delay their Fragebogen submission (Zeren, 2017). Moreover, the Fragebogen were highly susceptible to dishonesty. In the end, the denazification procedure led to the dismissal of 400,000 persons (Zeren, 2017). A large number, however, it is nowhere near the 45 million people involved in the Nazi Party network.

PEACE

*What was the level of peace in West Germany during and right after lustration?*

The period under investigation is a transitional period. One would expect to find higher levels of crime and general insecurity, and this was definitely the case in post-war Germany. However, estimating the full extent of post-war crimes has proven very difficult, as the



records are highly dispersed and not always reliable (Kehoe, 2016, p. 566-568). For example, Kehoe and Greenhalgh encountered a bias towards non-Germans, especially displaced persons, when it comes to crimes and crime reports (2020). Despite this difficulty concerning reliable data, some statements can be made about the state of peace in post-war Germany.

Immediately after the war, the situation in Germany was miserable. Violent looting, sometimes even resulting in murder, was commonplace in 1945 and 1946 (Jähner, 2020, p. 433-434). The amount of police-recorded robberies increased by 800% in 1945 and in 1946 in Berlin alone there were 311 murders (Jähner, 2020, p. 67 and p. 240). Additionally, there was a lot of sexual violence in the post-war period. Approximately one in three Berlin women was raped by Allied troops during or right after the Battle for Berlin (Hsu-Ming, 1996). This number also includes Soviet troops. Hirschauer (2020) estimates the total number of rapes committed in the immediate post-war period to be 860,000. Furthermore, there were several incidents involving racism towards foreigners and Jews. For example, in August 1949 the *Süddeutsche Zeitung* published a reader's letter containing racist language against Jews and displaced persons. This led to a protest in which twenty police officers were injured and three displaced persons were sent to the hospital with bullet wounds (Jähner, 2020, p. 81).

When looking at the indicators of positive peace, rule of law and democracy, there is a clear increase during the post-war years. A formalised court system was quickly developed in 1945, although American and British army officers were virtually operating outside of it for years to come (Kehoe & Greenhalgh, 2020). Yet, as more power was transferred from the occupying forces to the Germans, the court system gained more authority. As for democracy, the transition was also relatively quick. The first elections took place in August 1949, and after that West Germany functioned as a parliamentary democracy with Konrad Adenauer serving as its first Chancellor (Jähner, 2020).

All in all, the level of peace has increased in the period under investigation. Most of the violent lootings and sexual violence were concentrated in the years 1945 and 1946 and decreased after that. Concerning positive peace, this increased as a rule of law and democracy were soon established in West Germany.

# Iraq (2003 - 2008)

In this chapter, I will analyse the lustration process in Iraq. The analysis will be guided by several sub-questions regarding the lustration process. Finally, I will establish the level of peace in Iraq during the period under investigation.

WHO, WHAT, WHERE AND WHEN?

*What happened in Iraq between 2003 and 2008?*

In March 2003, the United States invaded Iraq. Well before the invasion, various people and organisations involved in the planning of the invasion had agreed that some form of debaathification was needed. The Ba'ath Party was the party of dictator Saddam Hussein, based on the Ba'athist ideology, which aims for a pan-Arabic state based on secularism. Debaathification was first discussed in the Future of Iraq Study, where an analogy was made to the denazification process (Zeren, 2017). This analogy continued to be used in justifying the war.

Before the invasion, in January 2003, the Office of Reconstruction and Humanitarian Assistance (ORHA) was established. This organisation was meant to act as a temporary government. The ORHA was headed by Jay Garner, who had experience as an army officer, and with Iraq. During Garner's time in office, there was a consensus that US forces would use the Iraqi military to help improve internal and external security. However, in April, Garner was dismissed and the ORHA dissolved. Instead, the CPA was established (Pfiffner, 2010; Zeren, 2017). On May 6th, 2003, Paul Bremer was appointed as the head of the CPA. Bremer had no experience with Iraq or the military. He arrived in Iraq on May 12th, 2003, and soon after that issued the first orders by the CPA.

Bremer was in favour of a harsher debaathification policy than had earlier been discussed. He was backed up by the Department of Defense as well as vice-president Cheney. On May 16th, a mere four days after his arrival in Iraq, Bremer issued CPA Order 1. This entailed the exclusion of (former) members of the Ba'ath Party from the new Iraqi government and other public institutions. This order excluded approximately 85,000 people from certain positions (Pfiffner, 2010; Isakhan, 2015). Then, on May 23, CPA Order 2 was issued. This disbanded the Iraq army and other key institutions, which goes directly against plans made earlier that year, to try and keep the army intact. How this policy change exactly came about is still unclear.

Following significant protests, the CPA transferred sovereignty to the Iraqi interim government in June 2004 (Isakhan, 2015). Multiple bodies established by the CPA remained active, like the Debaathification Council that operated until 2008, when it was rebranded as the Higher National Commission for Accountability and Justice (AJC). The AJC attempted to reverse several of the harsher elements of debaathification (Isakhan, 2015). However, the debaathification laws have remained influential and highly politicised since then.

## LUSTRATION

*What were the key documents for the lustration policy?*

From the 100 analysed orders by the CPA, No. 1, 2, 5, 62, and 100 are most important when it comes to lustration policies in Iraq. Order No. 1 initiates the debaathification process, and Order No. 2 disbanded the Iraqi army and other institutions linked to the Ba'ath Party regime. Order No. 5 establishes the debaathification Council. Order No. 62 further specifies which persons will be disqualified from public office. Lastly, order No. 100 transfers the responsibility of CPA orders to the new government of Iraq.

*What was the aim of lustration?*

The aim of the lustration policies in Iraq as laid out in CPA documents is to liberate the Iraqi people from the dictatorship of Saddam Hussein and the Ba'ath Party. Numerous orders open with statements that take the point of view of the Iraqi people. For example, CPA Order No. 5 states “noting the grave concern of Iraqi society regarding the threat posed by the continuation of Ba'ath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba'ath Party officials”. In achieving the eradication of the Ba'ath Party, establishing a democracy and rule of law can be seen as secondary aims.

*What was the method of lustration?*

The orders issued by the CPA were to be executed by several institutions. All public service institutions had to implement the orders within their organisation. Additionally, military investigators and tribunals were key actors in the implementation of the debaathification policy. Here, Bremer was the overseeing authority. Later on, when the Debaathification Council was established, it took over this role from Bremer.

*What patterns are present within these documents?*

When it comes to lustration, the orders are very specific about wanting to rid Iraq of any influence of the former regime. Several orders state the continued threat of Ba'ath Party influence and networks. Additionally, the former regime is often held responsible for several enduring problems, like corruption and manipulation of the court system.

The first order issued by the CPA runs through a lot of the later policies. For example, a lot of ministries and other institutions established in later CPA orders are explicitly stated to hire in accordance with Order No. 1. There are very few opportunities for exemption and amnesties. One is stated in order No. 79 on nonproliferation programs. This order specifies that certain members of the former regime can stay on in their positions in the sense that they can be given an opportunity to redirect their expertise to transparent peaceful civilian activities. Moreover, a notable excerpt that came back in numerous orders was the commitment to 'fight unemployment with its associated deleterious effect on public security'. This is an interesting excerpt since the debaathification policies resulted in the mass unemployment of hundreds of thousands of people.

*What did the lustration process look like in practice?*

In the case of Iraq, too, there is a discrepancy between the lustration policies as set forth in the documents and lustration as it was actually implemented. At face value, enforcement was relatively strong as at least 805,000 people were removed from their position because of CPA Order No. 1 and No. 2 alone (Pfiffner, 2010). To put this number in perspective, 1,5 to two million Iraqis were estimated to be affiliated with the Ba'ath Party (Hatch, 2005). However, the implementation was flawed because of a lack of reliable data and thorough planning (Zeren, 2017). Moreover, individuals at the very top of the Ba'ath regime were often able to escape debaathification by using their network and extensive resources (Barakat, 2005). Additionally, the debaathification policy was highly politicised (Isakhan, 2015; Zeren, 2017). It has been used by the Shia government to strengthen its power and to marginalise Sunni's. This has resulted in an unequal implementation of the lustration policy, as Sunni's have been prosecuted even when their links to the Ba'ath Party are limited, while Shia politicians who were known to be active members of the former regime have not been prosecuted (Isakhan, 2015).

## PEACE

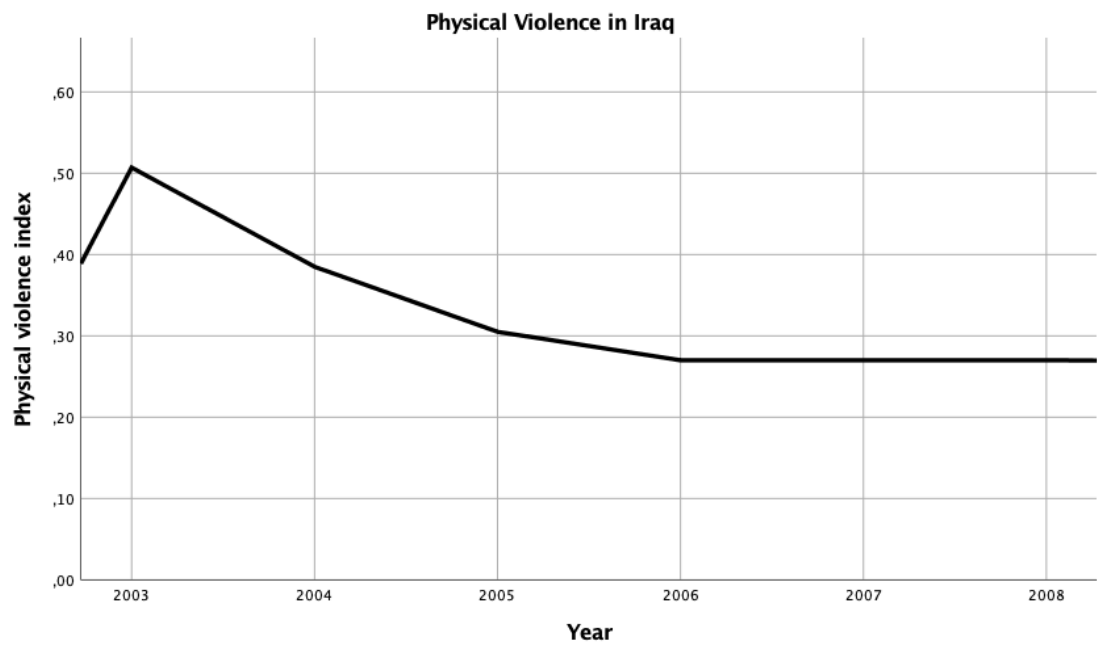
### *What was the level of peace in Iraq during and right after lustration?*

For establishing the level of peace in Iraq, I used indexes as well as secondary data. Starting with the physical violence index, Iraq scores somewhat in the mid-range. In this index, 1 signifies high physical violence and 0 low physical violence. The scores were at their highest in 2003, at 0,5 and increased to just below 0,3 (Coppedge et al., 2021). For the democratic transition, the data shows that there was a democratic transition ongoing in all years between 2003 and 2008 (Coppedge et al., 2021). Lastly, I consulted the rule of law index, which is an interval in which 1 represents a high level of rule of law and 0 a low level of rule of law. Between 2003 and 2008, the rule of law has improved in Iraq, though it is a modest improvement from 0,21 in 2003 to 0,28 in 2008 (Coppedge et al., 2021). Thus, generally, the level of rule of law in Iraq remained low.

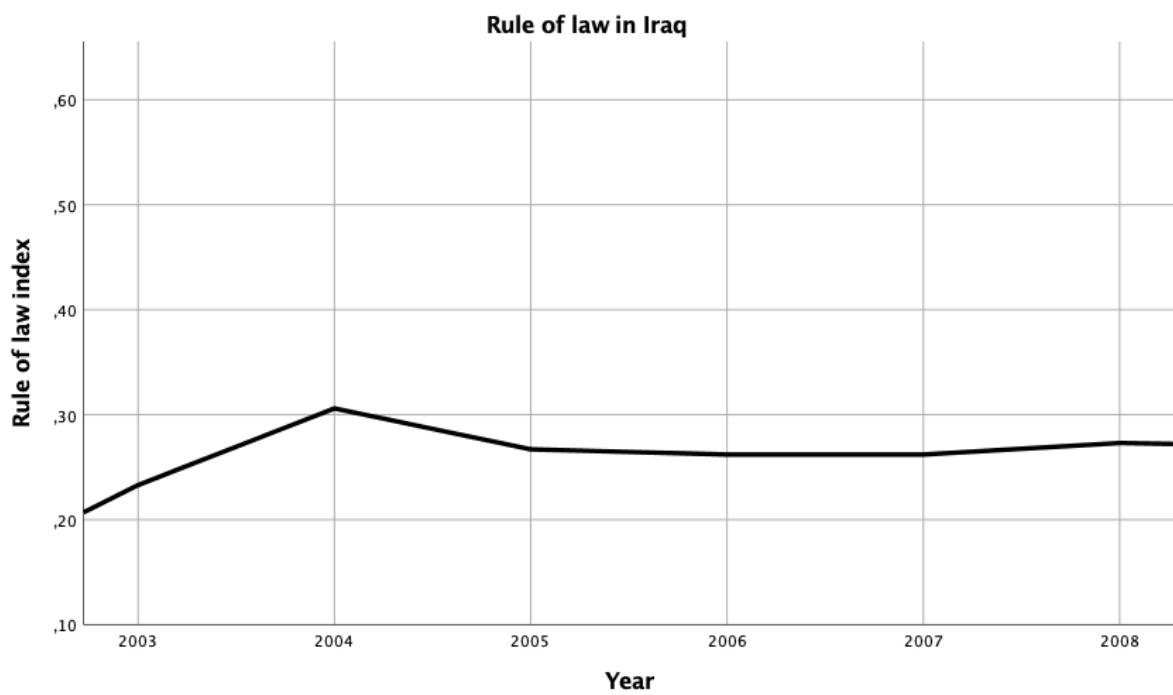
This image is only partly reinforced by secondary literature. When it comes to negative peace, obtaining good demographic data is difficult in event of invasions and ongoing war (Brownstein & Brownstein, 2008). However, several studies on the number of violent deaths in Iraq during the invasion have been done. These studies come up with different estimates, varying between 47,668 and 601,027 violent deaths between 2003 and 2006. Additionally, violence was found to be the leading cause of death among Iraqi adults. Furthermore, massive looting took place right after the invasion. Yet, this is reported to have declined under CPA rule (Isakhan, 2015). This does not mean, however, that there was less violence in general under CPA rule. Notably, between 2006 and 2008, political divisions manifested in violence. In this period, a lot of insurgent groups arose, some of which were largely made up of former Ba'athists. Despite the lack of reliable data, it is safe to conclude that the level of negative peace was fairly low in Iraq during the period under investigation.

When it comes to positive peace, the literature paints a grimmer picture of democratisation than the index does. It is true that in 2005 democratic elections were held in Iraq. However, the Shia-dominated government soon adopted an increasingly authoritarian nature (Isakhan, 2015). At the end of the period under investigation, Iraq has not made a large improvement regarding democratisation. The 2007 Freedom House rates Iraq 'not free' (Whitehead, 2009). When it comes to the rule of law in Iraq, the literature tends to agree with the data stemming from the V-dem index in that the rule of law is very weak in Iraq (Pimentel & Anderson, 2013).

**Graph 1. Physical Violence in Iraq**



**Graph 2. Rule of Law in Iraq**



# Comparison

In this chapter, I will investigate the relationship between lustration and peace by comparing West Germany and Iraq.

## LUSTRATION

There are a number of similarities as well as differences between West Germany and Iraq regarding their lustration programmes. First of all, the aim set out in the lustration documents is different. For the case of Iraq, it is much more focused towards the Iraqi's, whereas in the West German case, the Allied powers are clear in that the policies are there for their own goals, not those of the German people.

When it comes to the method for implementing lustration, both cases struggled with this. The extent of the lustration projects was underestimated, leading to a poor organisation. Though, there are also differences between the cases. Notably, in the case of West Germany, the Allied powers left a major responsibility with the civilians by trusting them with filling out the Fragebogen. In Iraq, this was not the case. Also, the categories established for the enforcement of the lustration policies were different. In Germany, the categories seemed to be based more on conduct, rather than rank alone. Contrastingly, in the case of Iraq, the rank someone had within the Ba'ath Party solely determined the category one was ascribed to. As for patterns present in the documents, both lustration processes were initially very harsh. However, in Germany, there was more room for exemptions in later years and documents. This was not the case for Iraq, where the hard-line approach was carried out consistently through the period under investigation.

In practice, the observation that overall Iraq had the harsher lustration process holds up. The process also seemed slightly more arbitrary, as a lot of school teachers and other nominal members of the Ba'ath Party were punished severely, while this happened to a lesser extent in Germany. This can be partly attributed to the differences in categorisation earlier discussed. Moreover, both countries eventually took over control of the lustration programmes from the ACC and CPA respectively. When West Germany was handed over this authority, it almost immediately relaxed the lustration policies and soon abandoned them all together. This, in contrast to Iraq, where the government did not ease off on the lustration policies and has still not abandoned them to this day.

## PEACE

Both countries had a low level of peace at the start of the lustration policies. This is no surprise, as both countries had just come out of a major conflict. However, looking at the entire period under investigation, one can say the level of peace was higher in Germany. This is because major outbursts of violence significantly decreased after 1946, and a democracy and rule of law were soon established at a high functioning level. Meanwhile, in Iraq, violence continued to occur frequently and heavily, the newly established democracy was severely flawed, and rule of law remained weak.

What then can explain these different outcomes when it comes to peace, and what role does lustration play in this? First of all, it is important to note that the German society was less divided than the one in Iraq, where there are major ethno-religious cleavages. Among these groups, the perceptions of deBaathification differ a lot. The Kurdish and Shia communities generally have a more favourable feeling towards it than Sunni's (Isakhan, 2015). Within this divided landscape, lustration laws were highly politicised, resulting in unfair punishment of certain groups, as discussed in the previous chapter. The attitude towards lustration was more uniform in West Germany, as most Germans had a great disliking towards denazification. There, when Germany gained control over the lustration policies, it was soon abandoned. Under these circumstances, denazification was vastly less politicised than its Iraqi counterpart.

Moreover, the case of Iraq seems to embody the critique that lustration is inherently undemocratic and goes against the rule of law. In Iraq the lustration policies have been continuously used in undemocratic and arbitrary ways by the new regime. That this did not happen in West Germany might be explained by the fact that Germany had experience with democracy and rule of law in its not-so-distant past. This experience may affect the ease with which it was adopted again after the war.

In sum, the sectarian divides in Iraq proved to be a toxic and unstable foundation for lustration. Lustration had a negative effect on peace in that it exacerbated these sectarian divides. This exacerbation led to more and new forms of violence, mainly by militias. In addition to that, the way in which lustration was employed continuously breached principles of democracy and rule of law. In West Germany, this negative effect was neutralised, as society was more uniform. However, lustration cannot be said to have had a positive effect on peace. Lustration was weak and spoilers were not thoroughly removed, and thus lustration likely was not the determinant factor for a high level of peace in Germany.



# Conclusion

Coming back to the research question ‘what is the effect of lustration on peace processes?’, there are a few remarks to be made. First and foremost, this research has shown that context matters. The society in which lustration is applied and how this is done have a great impact on the final outcome. When looking at the case of West Germany and Iraq combined, lustration has not had a positive effect on peace. In large part, this can be attributed to the lustration policies being implemented inappropriately, lacking proper planning and method. This resulted in lustration campaigns that did not tackle major offenders and nevertheless had negative side effects, mainly in the case of Iraq. Iraq especially embodies all controversial elements of lustration. In both cases, lustration did not remove major spoilers like expected. In fact, in Iraq the lustration policy might have even created new spoilers.

These findings are in stark contrast with those discussed in the literature review. There, most authors came to a relatively positive conclusion when it comes to lustration. This discrepancy can be explained by the new context this thesis explores. Previous literature’s findings were mainly based on post-communist cases, in which lustration was an internal process. However, in both West Germany and Iraq, lustration was imposed through an external intervention. The author of *Learning from the Germans* reiterates this point by writing ‘working-off-the-past is not something that can be imposed from without’. She continues ‘only the internal confrontation, begun in the late ‘60s by the children of those who opposed any confrontation with the past at all, would have a chance’ (Neiman, p. 33). This suggests another explanation for the different outcomes between Iraq and West Germany, namely that in West Germany, later generations took it upon themselves to purify German society from nazism. There is an argument to be made for this, however, that goes beyond the scope of this thesis.

The findings of this thesis are academically and socially relevant. It shows that lustration should be thoroughly planned, otherwise the side-effects could be disastrous, like in the case of Iraq. However, avoiding these negative effects all together might be a hard if not impossible task. Academically, it has shed light on a new context in which the effects on lustration are different than in the overrepresented post-communist context.

This thesis has several strengths and weaknesses. To start with the latter, the lack of proper data poses a significant issue. Mainly in the case of West Germany, this may have resulted in less accurate findings. Additionally, the scope and scale of this research are

limited. Comparing more cases, as well as explicitly investigating alternative explanations, would make findings more robust. When it comes to strengths, an in-depth analysis of important documents relating to the lustration processes was conducted, which lacks in previous literature. Also, the research has properly laid out the context in which lustration took place. Lastly, this thesis provides a unique point of view by selecting cases that are underrepresented in the literature and have the common factor of lustration being externally imposed.

Future research can mitigate some of these weaknesses, by conducting similar research that is larger in scale and scope. Also, an author having more resources and access might be able to collect more primary data. Moreover, future research might elaborate on the discrepancy between internally and externally imposed lustration. I have slightly touched upon this, however in an exploratory more than an explanatory manner. Investigating this difference further can shed light on whether or not lustration has a viable future as a transitional justice mechanism.

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## Appendix A- Table 1 universe of cases

<b>Post-communist cases</b>	<b>Latin American cases</b>	<b>Cases with externally imposed lustration</b>	<b>Other</b>
Albania (1995 / 2008)	Argentina (1990 / 2003)	Afghanistan (2004 / 2005)	East Timor (2006)
Bosnia and Herzegovina (1995 / 1996 / 2004 / 2007)	Dominican Republic (1978)	Germany (1946 / 1990 / 1991)	Ethiopia (1991 / 1992 / 2006)
Bulgaria (1992 / 1997 / 2006)	El Salvador (1992)	Iraq (2003)	Greece (1974)
Czech Republic (1991 / 1998)	Nepal (2006 / 2008)		Haiti (1987 / 1994)
Estonia (1995)	Paraguay (1989)		Kenya (2011)
Georgia (2011)	Peru (1991)		Liberia (2003)
Hungary (1994 / 2002)			Nigeria (1987 / 1999)
Kosovo (1999 / 2005 / 2008)			Philippines (1986)
Latvia (1995)			Portugal (1974 / 1974)
Lithuania (1991 / 1999)			Sierra leone (1996)
Macedonia (2008)			Turkey (1983)
Poland (1997 / 2007)			
Romania (1999 / 2010)			



Serbia (2003)			
Slovakia (2002)			
Slovenia (1994)			

*This table is based on data by Dancy et al., 2014. The categorisation was made by me. The table shows the country in which lustration took place, as well as the years in which it took place.*

# Appendix B - ACC and other West German documents

All documents were retrieved from [https://www.loc.gov/rr/frd/Military\\_Law/enactments-home.html](https://www.loc.gov/rr/frd/Military_Law/enactments-home.html)

Name of Document	General Topic	Excerpts	Notes
Yalta Conference document	Leaders of the UK, Us and Soviet Union discuss the defeat of Germany	<ul style="list-style-type: none"><li>- Under the agreed plans the forces of the three powers will each occupy a separate zone of Germany</li><li>- Coordinated administration and control has been provided for under the plan through a Central Control Commission</li><li>- It has been agreed that France should be invited by the three Powers, if she should so desire, to take a zone of occupation</li><li>- It is our inflexible purpose to destroy German militarism and Nazism and to ensure that Germany will never again be able to disturb the peace of the world</li><li>- We are determined to disarm and disband all German armed forces (...),</li></ul>	<ul style="list-style-type: none"><li>- This is the first document in which the Allied powers state their goal of denazification</li><li>- Specifically, they make explicit their aim to disband the military and to remove any Nazi influence from the German public sphere</li><li>- They make explicit that without removing Nazi influences, there is no hope for a good future for Germany</li></ul>

		<p>remove all Nazi and militarist influence from public offices and from the cultural and economic life of the German people</p> <ul style="list-style-type: none"> <li>- It is not our purpose to destroy the people of Germany, but only when Nazism and militarism have been extirpated will there be hope for decent life for Germans and a place for them in the comity of nations</li> </ul>	
Potsdam declaration	<p>This document lays out plans for cleansing German society of any Nazi influences.</p> <p>This was part of the four political principals for</p>	<ul style="list-style-type: none"> <li>- The Allied armies are in occupation of the whole of Germany and the German people have begun to atone for the terrible crimes committed under the leadership of those whom, in the hour of their success, they openly approved and blindly obeyed</li> <li>- German militarism and Nazism will be extirpated and the Allies will take in agreement together, now and in the future, the other measures necessary to assure that Germany never</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt talks of holding Germans, as a collective, accountable. It can be seen as a form of victor's justice.</li> <li>- The second excerpt showcases a commitment to deNazification, as well as linking it to peace.</li> <li>- The third excerpt showcases a commitment to democratisation and peace.</li> <li>- This document builds on the statement made in the Yalta conference that Germany should pay the allied powers reparations.</li> <li>- The third excerpt showcases a commitment to democratisation and peace.</li> <li>- The fourth and fifth excerpt go into depth on the procedure of denazification. It also showcases a commitment to democratisation and rule of law.</li> <li>- The sixth excerpt showcases a commitment to justice.</li> </ul>

	<p>the occupation, known as the four D's: Denazification, Demilitarization, Democratization, and Decentralization</p>	<p>again will threaten her neighbours or the peace in the world.</p> <ul style="list-style-type: none"><li>- It is the intention of the Allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis.</li><li>- The purposes of the occupation of Germany by which the Control Council shall be guided are (i) the complete disarmament and demilitarisation of Germany and the elimination or control of all German industry that could be used for military production, (ii) to convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made</li></ul>	
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		<p>chaos and suffering inevitable, (iii) to destroy the National Socialist Party and its affiliated and supervised organisations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda, (iv) to prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.</p> <ul style="list-style-type: none"><li>- 4. All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated. 5. War criminals and those who have participated in planning or carrying out</li></ul>	
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		<p>Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgement. Nazi leaders, influential Nazi supporters and high officials of Nazi organisations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned. 6. All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany. 7. German</p>	
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		<p>education shall be so controlled as to completely to eliminate Nazi and militraist doctrines and to make possible the succesful development of democratic ideas. 8. The judicial system will be reorganised in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.</p> <ul style="list-style-type: none"> <li>- The Three governments reaffirm their intention to bring those criminals (red.: war criminals) to swift and sure justice</li> </ul>	
Allied Control Council Proclamati on No. 2	Certain additional requirements imposed on Germany	<ul style="list-style-type: none"> <li>- All German land, naval and air forces, the S.S., S.A., S.D. and Gestapo, with all their organisations, staffs and institutions, including the general Staff, the Officers Corps, the Reserve Corps, military schools, war veterans organisations and all other military and quasi-military organisations, together with</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt showcases the commitment to disband all German military organisations</li> <li>- The document specifies far-reaching measurements by which the Allied Control Council gains control over Germany and Germans, e.g. Germans will be prevented from leaving the country without ACC approval and the control over all German public properties and finances</li> <li>- It also specifies that German authorities are obliged to provide information for trials of principal Nazi leaders</li> <li>- The second excerpt marks the section that explicitly deals with denazification policies</li> <li>- In the third excerpt, the denazification policy is explicitly linked</li> </ul>

		<p>all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in accordance with methods and procedures to be laid down by the Allied representatives.</p> <ul style="list-style-type: none"><li>- Section XI - The National Socialist German Workers Party is completely and finally abolished and declared to be illegal</li><li>- The German authorities will comply promptly with such directions as the Allied Representatives may issue for the abolition of the NSDAP and of its subordinate organisations, and of all Nazi public institutions created as instruments of Nazi domination, and of such other organisations as may be regarded as a threat to the security of the Allied forces or to international peace</li></ul>	<p>with international peace</p>
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Allied Control Council Law No. 1	Repeal of Nazi legislation		<ul style="list-style-type: none"> <li>- This document consist of a list of Nazi laws that are being repealed</li> </ul>
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<b>Name of Document</b>	<b>General Topic</b>	<b>Excerpts</b>	<b>Notes</b>
Allied Control Council Law No. 2	Liquidation of Nazi organisations	<ul style="list-style-type: none"> <li>- The National Socialist German Labour Party, its functions, affiliated associations and supervised agencies, including para-military organisations and all other Nazi institutions established as instruments of party domination are hereby abolished and declared illegal</li> <li>- All real estates, quipments, funds, accounts, records and other property of the organisations abolished by this law are confiscated</li> </ul>	<ul style="list-style-type: none"> <li>- This document, including the appendix, specifies all Nazi institutions that were abolished and declared illegal</li> </ul>
Directive JCS 1067	Laid out the main featurions of American	<p>Basic objectives of Military Government in Germany</p> <ul style="list-style-type: none"> <li>- It should be brought home</li> </ul>	<ul style="list-style-type: none"> <li>- This directive was issued by the Commanding General of the United States forces of occupation in Germany</li> <li>- The first excerpt showcases a view of collective responsibility of</li> </ul>

	<p>occupation policy in the postwar period</p>	<p>to the Germans that Germany's ruthless warfare and the fanatical Nazi resistance have destroyed the German economy and made chaos and suffering inevitable and that the Germans cannot escape responsibility for what they have brought upon themselves</p> <ul style="list-style-type: none"> <li>- Germany will not be occupied for the purpose of liberation but as a defeated enemy nation. Your aim is not oppression but to occupy Germany for the purpose of realising certain important Allied objectives.</li> <li>- The principal Allied objective is to prevent Germany from ever again becoming a threat to the peace of the world. Essential steps in the accomplishment of this objective are the elimination of Nazism and militarism in all their forms (...)</li> </ul> <p>6. Denazification</p>	<p>the Germans for the atrocities committed during the war</p> <ul style="list-style-type: none"> <li>- The third excerpt showcases a commitment to peace, and the essential role lustration plays in this according to the Americans</li> <li>- The fourth excerpt lays down the basic principles of denazification</li> <li>- The fifth excerpt lays down who exactly falls under denazification policies (not fully included here)</li> <li>- The sixth excerpt is about disbanding the military</li> <li>- The seventh excerpt builds further the lustration policies by specifying how to handle suspects and arrests</li> </ul>
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		<ul style="list-style-type: none"><li>- A proclamation dissolving the Nazi Party, its formations, affiliated associations and supervised organisations, and all nazi public institutions which were set up as instrument of Party domination, and prohibiting their revival in any form, should be promulgated by the Control Council.</li><li>- All members of the Nazi Party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises such as (...)</li></ul> <p>7. Demilitarisation</p> <ul style="list-style-type: none"><li>- In your zone you will assure that all units of the German armed forces, including paramilitary organisations, are dissolved</li></ul>	
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		<p>as such, and that their personnel are promptly disarmed and controlled. Prior to their final disposition, you will arrest and hold all military personnel who are included under the provisions of paragraph 8.</p> <p>8. Suspected War Criminals and Security Arrests</p> <ul style="list-style-type: none"> <li>- You will search out, arrest, and hold, pending receipt by you of further instructions as to their disposition, Adolf Hitler, his chief Nazi associates, other war criminals and all persons who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes</li> </ul> <p>9. Political activities</p> <ul style="list-style-type: none"> <li>- You will prohibit the propagation in any form of Nazi, militaristic or pan-German doctrines</li> </ul>	
Allied Control	Removal from office and from	<ul style="list-style-type: none"> <li>- In the Zones, in view of the urgent necessity for</li> </ul>	<ul style="list-style-type: none"> <li>- This document specifies what persons are to be treated as ‘more than nominal participants in Party activities’, e.g. persons who</li> </ul>

<p>Council directive No. 24</p>	<p>positions of responsibility of Nazis and of persons hostile to Allied purposes</p>	<p>producing rapidly and in maximum quantity such commodities as food, fuel and building material which are required, not only for German economy, but also for that of other European countries, zone commanders may postpone the immediate removal of an individual providing (i) the temporary retention of the individual is, in the opinion of the Zone Commander, essential and (ii) that the individual was not an important member of the Nazi Party and played no more than a nominal part in its activities and is not hostile to the Allied purposes, and that (iii) the individual is removed as soon as practical</p> <ul style="list-style-type: none"> <li>- The eradication of nazism and militarism will require the elimination and exclusion from any positions of control or influence of persons likely to perpetuate an</li> </ul>	<p>have been avowed believers in Nazism or racial and militaristic creeds</p> <ul style="list-style-type: none"> <li>- It also specifies what the term ‘public office’ includes, it states that the effect of the definition is that an investigation will be required for all persons in public employment above that of ordinary labour</li> <li>- The first excerpt specifies a possible exception / postponement of applying the general denazification policy</li> <li>- The second excerpt showcases a commitment to democratisation</li> <li>- The document specifies categories of persons related to denazification in paragraph 10</li> <li>- The third excerpt specifies that complying with the lustration policies has a higher priority than merit when it comes to holding public office</li> </ul>
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		<p>undemocratic tradition, in addition to persons coming within categories listed in paragraph 10 and therefore subject to compulsory removal, the following types should be closely examined (...)</p> <ul style="list-style-type: none"> <li>- It is essential that the head executive German officials (...) should be confirmed anti-nazis even if this entails the employment of persons less well qualified to discharge their administrative duties</li> </ul>	
<p>Law 104 for the Liberation from National Socialism and Militarism</p>	<p>Liberation from national socialism and militarism</p>	<ul style="list-style-type: none"> <li>- American Military Government has, during the past months following the surrender carried out the removal and exclusion of National Socialists and Militarists from public administration and other positions</li> <li>- American military government has now decided that the German people may share the responsibility for liberation from National Socialism</li> </ul>	<ul style="list-style-type: none"> <li>- The third excerpt showcases a link between denazification, peace and democracy</li> <li>- The fourth excerpt states that (non)membership alone does not determine the degree of responsibility under this law</li> <li>- The fifth excerpt sets out the aims of this policy / law</li> <li>- The sixth excerpt refers to the Fragenbogen</li> <li>- This law establishes five categories of offenders, ‘in order to make a just determination of responsibility and to provide for imposition of sanctions’. The five groups are: major offenders, offenders (activists, militarists and profiteers), lesser offenders (probationers), followers and persons exonerated</li> <li>- Excerpt 7 explicitly states the ability to fulfill duties as a citizen of a peaceful and democratic state as a criterium for the category of ‘lesser offender’</li> <li>- The document also states the sanctions going with each category</li> </ul>

		<p>and Militarism in all fields. The discharge of the task thus entrusted to the German people will be accomplished by this Law, within the framework of Control Council Directive No. 24</p> <ul style="list-style-type: none"> <li>- To liberate our people from National Socialism and Militarism and to secure a lasting base for German democratic national life in peace with the world, all those who have actively supported the National Socialist tyranny, or are guilty of having violated the principles of justice and humanity, or of having selfishly exploited the conditions thus created, shall be excluded from influence in public, economic and cultural life and shall be bound to make reparations</li> <li>- External criteria, such as membership of the NSDAP, any of its formations or other organisations, shall</li> </ul>	<ul style="list-style-type: none"> <li>- Youth and christmas amnesties are referred to in the document</li> <li>- The document states that criminal offences by National Socialists or Militarists may be criminally prosecuted independently of this law</li> <li>- A Minister for Political Liberation will be appointed, and will be responsible for carrying out this law, it is stated explicitly that he must be pro-democratic</li> <li>- Tribunals will be set up to enforce this law</li> <li>- The document states the burden of proof lies with the accused</li> <li>- There are opportunities for appeal, but not for any review</li> <li>- Excerpt nine explicitly states a commitment to reconstructing Germany on a peaceful and democratic basis as a criterium for mitigating or vacating charges against an individual</li> <li>- Excerpt ten states a far-reaching denazification policy</li> <li>- The document states several reasons for temporary exemptions under Article 60</li> <li>- On reinstatement under Article 64, the document states that in order for a person to be reinstated, they should possess the positive political, liberal and moral qualities necessary to the development of genuine democratic institutions</li> <li>- The appendix further specifies the categories established by the Law for Liberation</li> </ul>
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		<p>not be decisive by themselves alone for the degree of responsibility under this Law</p> <ul style="list-style-type: none"><li>- The Law for Liberation has four main objectives: (1) to provide just and effective procedures for judging every individual according to the degree of his responsibility for the wrongs committed by the Nazi regime; (2) to impose upon those found responsible definite sanctions designed to eliminate their influence in the community and to bar them from public office and positions of responsibility in important private undertakings; (3) to provide opportunities for rehabilitation through probation for lesser offenders; and, (4) to remove disqualifications from exonerated persons and from followers (nominal Nazis) who have paid their fines and against</li></ul>	
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		<p>whom no employment sanctions have been invoked</p> <ul style="list-style-type: none"><li>- Every German above the age of 18 will fill out and submit a registration form</li><li>- A lesser offender is (...) who, because of his character may be expected, after he has proved himself in a period of probation, to fulfill his duties as a citizen of a peaceful, democratic state</li><li>- Persons whose cases have been finally disposed of by the Military Government agencies or German Tribunals in other Zones of occupation pursuant to Control Council directive No. 38 will not be prosecuted under the Law for Liberation</li><li>- If after a substantial period of time after the final decision, a respondent has manifested by his whole conduct that he has completely turned away from Nazism, and that he is</li></ul>	
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		<p>fit and willing hereafter to participate in reconstructing Germany on a peaceful and democratic basis, the public prosecutor may, after a thorough examination of the case, propose to the Minister for Political Liberation to mitigate or vacate the decision against the respondent</p> <ul style="list-style-type: none"> <li>- From the effective date of this law, persons who are enumerated class I or II of the list attached to this Law, or who were otherwise members of the NSDAP or one of its formations except the HJ and BDM, shall not be employed or active in all public and private enterprise, non-profit and welfare organisations, as well as in professions; except ordinary labour</li> </ul>	
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Name of Document	General Topic	Excerpts	Notes
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<p>Allied Control Council directive No. 38</p>	<p>The arrest and punishment of criminals, Nazis, and militarists and the internment, control and surveillance of potentially dangerous Germans</p>	<ul style="list-style-type: none"> <li>- The object of this paper is to establish a common policy for Germany covering (b) the complete and lasting destruction of Nazism and Militarism by imprisoning and restricting the activities of important participants or adherents to these creeds (c) the internment of Germans, who, though not guilty of specific crimes are considered to be dangerous to Allied purposes, and the control and surveillance of others considered potentially so dangerous</li> </ul>	<ul style="list-style-type: none"> <li>- The document builds on the categories established in the Law for Liberation and also explicitly states who fall into said categories, similarly to the Law for Liberation, as well as makes explicit the sanctions according with each category</li> </ul>
<p>Article 131 of the Basic Law</p>	<p>Persons formerly in the public service</p>	<ul style="list-style-type: none"> <li>- The legal relations of persons, including refugees and expellees, who on 8 May 1945 were employed in the public service, have left the service for reasons other than those recognised by civil service regulations or collective bargaining agreements and have not yet been reinstated or are employed in positions that do not correspond to those</li> </ul>	<ul style="list-style-type: none"> <li>- Marks the official end of denazification</li> </ul>

		<p>they previously held shall be regulated by a federal law. The same shall apply, <i>mutatis mutandis</i>, to persons, including refugees and expellees, who on 8 May 1945 were entitled to pensions and related benefits and who for reasons other than those recognised by civil service regulations or collective bargaining agreements no longer receive any such pension or related benefits. Until the pertinent federal law takes effect, no legal claims may be made, unless <i>Land</i> law otherwise provides.</p>	
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# Appendix C - CPA documents

All documents were retrieved from <http://www.cpa-iraq.org/regulations/> (in case this link is no longer valid, the archive can still be visited via <https://web.archive.org/web/20100206084411/http://www.cpa-iraq.org/regulations/>)

Order No.	General Topic / Title	Excerpts	Notes
1	Debaathification of Iraqi Society	<ul style="list-style-type: none"><li>- Disestablishment of the Ba'ath Party</li><li>- This order implements the declaration by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society</li><li>- Full members of the Ba'ath Party holding the ranks of regional command member, branch member, section member and group member are hereby removed from their positions and banned from future employment in the public sector</li><li>- Individuals holding positions in the top three layers of management in every national government ministry, affiliated corporations and other government institutions (e.g.,</li></ul>	<ul style="list-style-type: none"><li>- This order establishes a hard-line lustration process</li><li>- It does not contain any information about the assumed effects of lustration or how it will contribute to peace in Iraq.</li></ul>

		<p>universities and hospitals) shall be interviewed for possible affiliation with the Ba'ath Party, and subject to investigation for criminal conduct and risk to security. Any such persons detained to be full members of the Ba'ath Party shall be removed from their employment.</p> <ul style="list-style-type: none"> <li>- The administrator of the CPA or his designees may grant exceptions to the above guidance on a case-by-case basis.</li> </ul>	
2	Dissolution of entities	<ul style="list-style-type: none"> <li>- Recognising that the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption</li> <li>- A termination payment in an amount to be determined by the Administrator will be paid to employees so dismissed, except those who are Senior Party Members as defined in CPA order No. 1</li> <li>- Dissolved entities are: the ministry of defense, the ministry of information, the ministry of state for military affairs, the Iraqi intelligence service, the national security bureau, the directorate</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt seems to imply that dissolving certain entities would make sure they cannot be used s instruments of torture, repression and corruption anymore, or that because they did this, they must be punished</li> <li>- All individuals deemed Senior Party Members will not be paid anything</li> </ul>

		<p>of national security, the special security organisation, all entities affiliated with or comprising Saddam Hussein's bodyguards, military organisations, paramilitaries and other organisations</p> <ul style="list-style-type: none"> <li>- Dissolved military organisations: the army, air force, navy, air defence force and other regular military services, the republican guard, the special republican guard, the directorate of military intelligence, the Al Quds force, and emergency forces</li> </ul>	
3	Weapons Control		
4	Management of property and assets of the Iraqi Ba'ath party	<ul style="list-style-type: none"> <li>- Acting in accordance with the Administrator's Order Number 1 of May 16 2003</li> <li>- Acting on behalf, and for the benefit, of the Iraqi people</li> </ul>	<ul style="list-style-type: none"> <li>- This order specifies that the CPA will take control of all properties and assets formerly belonging to the Ba'ath Party. In taking this control, the Iraqi people should provide information, failing to do so can result in penalties.</li> </ul>

Order No.	General Topic / Title	Excerpts	Notes
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5	Establishment of the Iraqi de-Baathification council	- Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Baath party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba'ath party officials	- Establishment of a denaathification council, to be made up entirely of Iraqi citizens selected by and serving the discretion of the Administrator (Bremer).
6	Eviction of persons illegally occupying public buildings		
7	Penal code		
8	Traveling abroad for academic purposes		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
9	Management and use of Iraqi public		



	property		
10	Management of detention and prison facilities		
11	Licensing telecommunications services and equipment		
12	Trade liberalisation policy		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
13	The central criminal court of Iraq	<ul style="list-style-type: none"> <li>- Committed to promoting the development of a judicial system in Iraq that warrants the trust, respect and confidence of the Iraqi people</li> <li>- The CCCI shall apply Iraqi law as modified by applicable CPA orders and this order</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt shows a commitment to establishing rule of law</li> <li>- Specifies that judges cannot have any affiliation with the Ba'ath Party</li> </ul>

14	Prohibited media activity	<ul style="list-style-type: none"> <li>- Committed to creating an environment in which freedom of speech is cherished and information can be exchanged openly and freely</li> <li>- Media organisations are prohibited from broadcasting or publishing original, rebroadcast, reprinted, or syndicated material that e) advocates the return to power of the Iraqi Ba'ath Party or make statements that purport to be on behalf of the Iraqi Ba'ath Party</li> </ul>	
15	Establishment of the judicial review committee	<ul style="list-style-type: none"> <li>- Noting that the Iraqi justice system has been subjected to political interference and corruption over the years of Iraqi Ba'ath party rule</li> <li>- Noting that it is inherent to the stability of any society that the judicial system is independent and impartial but is seen to be so</li> </ul>	<ul style="list-style-type: none"> <li>- Showcases a commitment to the rule of law</li> </ul>
16	Temporary control of Iraqi borders, ports and airports		

Order No.	General Topic / Title	Excerpts	Notes
17	Status of the Coalition Provisional Authority, MNF - Iraq, certain missions and personnel in Iraq	<ul style="list-style-type: none"> <li>- Noting the adoption of a process and a timetable for the drafting of an Iraqi constitution by elected representatives of the Iraqi people in the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004</li> </ul>	<ul style="list-style-type: none"> <li>- Excerpt shows a commitment to democratisation on the long-term</li> </ul>
18	Measures to ensure the independence of the central bank of Iraq		
19	Freedom of assembly	<ul style="list-style-type: none"> <li>- Concerned by the exploitation of demonstrations by persons intent on inciting violence against the Iraqi people, the CPA and coalition forces</li> <li>- Determined to remove the unacceptable restrictions on human rights of the former Iraqi Ba'ath Party regime, and to promote the freedom of the Iraqi people to demonstrate in a peaceful and orderly manner</li> </ul>	<ul style="list-style-type: none"> <li>- Shows a commitment to liberal democracy principles</li> <li>- Lays down parameters for demonstrations</li> </ul>

20	Trade bank of Iraq		
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Order No.	General Topic / Title	Excerpts	Notes
21	Interim exercise of Baghdad mayoral authority		
22	Creation of a new Iraqi army	<ul style="list-style-type: none"> <li>- The continued existence of the New Iraqi Army beyond the period of CPA's authority is subject to a decision by the future internationally recognised, representative government, established by the people of Iraq</li> <li>- No person involved in Ba'ath party activity within the leadership tiers described in CPA/ORD?16 May 2003/01 shall be eligible except with specific permission of the CPA</li> </ul>	<ul style="list-style-type: none"> <li>- Building on the promise made in Order No. 2 to create a new army after the dissolution of the previous one</li> <li>- The first excerpt showcases a commitment to democratisation</li> <li>- The document specifies that members of the New Iraqi Army cannot have any political affiliation</li> </ul>
23	Creation of a code of military		<ul style="list-style-type: none"> <li>- Building on Order No. 22</li> </ul>

	discipline for the new Iraqi army		
24	Ministry of science and technology	<ul style="list-style-type: none"> <li>- Recalling that Iraq's scientific expertise was employed in a manner inconsistent with accepted notions of scientific development and for purposes directed by the former regime</li> <li>- Understanding that redirecting the efforts of Iraq's scientific and technical research efforts away from weapons development is necessary to transform and modernise Iraq's industrial base in support of the continued economic development of Iraq</li> </ul>	<ul style="list-style-type: none"> <li>- Redirecting scientific development away from weapon development, while later it was found that there were no sign of (nuclear) weapon development in Iraq at the time of the invasion</li> </ul>

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
25	Confiscation of property used in or resulting from certain crimes	<ul style="list-style-type: none"> <li>- Understanding the need for a fair process to ensure that the rights of innocent persons are not infringed by unwarranted confiscation of property</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to rule of law</li> </ul>

26	Creation of the department of border enforcement	<ul style="list-style-type: none"> <li>- Recognising that border controls are essential to the establishment of a free and safe Iraq</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to (negative) peace</li> </ul>
27	Establishment of the facilities protection service	<ul style="list-style-type: none"> <li>- The FPS is an organisation of trained, armed, uniformed entities charged with providing security for ministry and governorate offices, government infrastructure, and fixed sites under the direction and control of governmental ministries and governorate administrations</li> <li>- Persons who have participated in Ba'ath Party activity within the leadership tiers described in CPA Order No. 1 (...) may not serve in the FPS in any capacity except by the express grant of an exception by the CPA</li> </ul>	<ul style="list-style-type: none"> <li>- Debaathification continues in newly established institutes</li> </ul>
28	Establishment of the Iraqi civil defense corps	<ul style="list-style-type: none"> <li>- Understanding the need to address promptly threats to public security and stability resulting from wrongful acts or disasters</li> <li>- Recognising that continued attacks and acts of sabotage by Ba'athist remnants and terrorists intent on undermining security</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt showcases a commitment to (negative) peace</li> <li>- The second excerpt explicitly recognises Ba'athists as a threat to peace in Iraq</li> <li>- People that fall under members of the Ba'ath Party as laid out in Order No. 1 cannot be employed in the Iraqi civil defense corps</li> <li>- Members of the defense force cannot be in any way politically active or affiliated</li> </ul>

		in Iraq necessitate the temporary establishment of an Iraqi constabulary force to operate with Coalition Forces to counter the threat and maintain security in Iraq	
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Order No.	General Topic / Title	Excerpts	Notes
29	Amendment to law of estate lease	<ul style="list-style-type: none"> <li>- Concerned that widespread eviction of tenants will have a destabilising effect on the security and well-being of Iraqi citizens</li> </ul>	<ul style="list-style-type: none"> <li>- Interesting first excerpt, since the unemployment of all people caused by Order No. 1 and No. 2 does not lead to this concern</li> </ul>
30	Reform of salaries and employment conditions of state employees	<ul style="list-style-type: none"> <li>- Public service employees who lost their civil service positions as a result of the implementation of CPA Order 1 (...) are not entitled to retirement benefits</li> </ul>	
31	Modification of penal code and criminal proceedings law	<ul style="list-style-type: none"> <li>- Recognising that instances of kidnapping, rape and forcible vehicle larceny represent a serious threat to the security and stability of the Iraqi population</li> <li>- understanding that attacks of</li> </ul>	<ul style="list-style-type: none"> <li>- Implies insecurity / instances of violence</li> </ul>

		looting or sabotage against electrical power and oil infrastructure facilities undermine efforts to improve the condition of the Iraqi people	
32	Legal department of the ministry of justice		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
33	Ministry of municipalities and public works		
34	Amendment to Coalition Provisional Authority order number 2	- The Board of Supreme Audit shall not be considered a 'Dissolved Entity'	
35	Re-establishment of the council of	- Recognising that a key to the establishment of the rule of law is a judicial system staffed by	- First excerpt showcases a commitment to rule of law



	judges	capable persons and free and independent from outside influences	
36	Regulation of oil distribution		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
37	Tax strategy for 2003		
38	Reconstruction levy		
39	Foreign investment		
40	Bank law	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security through stable financial markets</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases link made between unemployment and security</li> </ul>

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
41	Notification of criminal offenses	<ul style="list-style-type: none"> <li>- Determined to act decisively to ensure public security and to prevent acts of sabotage and terror</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to peace</li> </ul>
42	Creation of the defense support agency	<ul style="list-style-type: none"> <li>- No person who was a full member of the Ba'ath party holding the rank of regional command member, branch member, section member or group member shall be eligible for employment in the DSA except with specific permission of the Administrator</li> </ul>	<ul style="list-style-type: none"> <li>- Building on Order No. 22, DSA should act as administrative and logistical support of the New Iraqi Army</li> </ul>
43	New Iraqi dinar banknotes		
44	Ministry of environment	<ul style="list-style-type: none"> <li>- Hiring shall be consistent with CPA order No. 1 and any authorised implementation thereof</li> </ul>	

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
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45	Non-governmental organisations		
46	Amendment to Coalitional Provisional Authority Order No. 39		
47	Amendment to Coalitional Provisional Authority Order No. 38		
48	Delegation of authority regarding an Iraqi special tribunal	<ul style="list-style-type: none"> <li>- Acting on the appeal of the U.N. Security Council in Resolution 1483 to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice</li> <li>- Acknowledging that the Governing Council, reflecting the general concerns and interests of the Iraqi people, has expressed a desire to establish a Special Tribunal to try members of the Ba'athist regime accused</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases that the prosecution of Ba'athists is continued outside of Iraqi borders and explicitly seen as part of justice</li> <li>- Second excerpt showcases that lustration is sought to be supplemented with formal prosecution in the form of a Special Tribunal</li> <li>- The third excerpt showcases a commitment to rule of law and the idea that failure to provide justice may lead to revenge attacks (transitional justice as leading to deterrence)</li> <li>- Order is accompanied by the statute of the Special Tribunal</li> </ul>

		<p>of atrocities of war crimes</p> <ul style="list-style-type: none"> <li>- Determined to prevent any threat to public order by revenge actions or vigilantism and to promote the rule of law in accordance with applicable international law</li> </ul>	
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<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
49	Tax strategy of 2004		
50	The ministry of displacement and migration	<ul style="list-style-type: none"> <li>- Recognising that the return, relocation, and reintegration of refugees and internally displaced persons is vital to Iraq's social and political stability</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to peace</li> <li>- Hiring shall be in accordance with CPA order No. 1</li> </ul>
51	Suspension of exclusive agency status of Iraqi state company for water transportation	<ul style="list-style-type: none"> <li>- Determined to create conditions for the development of a free market economy by encouraging trade and open competition</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to key aspects of liberal democracy</li> </ul>

52	Payment of pensions for judges and prosecutors who die while holding office		
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Order No.	General Topic / Title	Excerpts	Notes
53	Public defender fees	<ul style="list-style-type: none"> <li>- Recognising the fundamental human right and indispensability to justice of representation at court by competent criminal defense counsel, as reflected in CPA Memorandum No. 3</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to rule of law</li> </ul>
54	Trade liberalisation policy 2004		
55	Delegation of authority regarding the Iraq commission on public integrity	<ul style="list-style-type: none"> <li>- Avowing that corruption is the bane of good government and prosperity</li> <li>- Noting that Iraq has long prohibited corruption in government, but that enforcement has been arbitrary</li> </ul>	<ul style="list-style-type: none"> <li>- Excerpts show a commitment to good government</li> </ul>

		and intermittent and that corruption has proliferated under the Ba'ath regime	
56	Central bank law		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
57	Iraqi inspectors general	<ul style="list-style-type: none"> <li>- Noting that the former regime fostered inefficiency and corruption in Iraqi governmental institutions, and that a concerted effort is needed to restore public trust and confidence in these institutions</li> <li>- Inspectors general shall be selected without regard to political affiliation (consistent with applicable debaathification policy)</li> </ul>	<ul style="list-style-type: none"> <li>- Restoring damage done by former regime</li> <li>- Debaathification policy mentioned explicitly</li> </ul>
58	Maysan and Muthanna courts of appeal	<ul style="list-style-type: none"> <li>- Recognising further that the former regime manipulated the court system against disfavoured regions and peoples of Iraq by denying them access to local justice</li> </ul>	<ul style="list-style-type: none"> <li>- Commitment to rule of law (contrary to former regime according to excerpt)</li> </ul>

59	Protection and fair incentives for government whistleblowers	<ul style="list-style-type: none"> <li>- Avowing to protect the rights of every Iraqi to expose government corruption and wrongdoing by contacting and cooperating with these institutions</li> <li>- Committed to providing meaningful avenues for the Iraqi people, individually and collectively, to hold government leaders and institutions accountable without fear of repercussion or retribution</li> </ul>	<ul style="list-style-type: none"> <li>- First two excerpt showcase a commitment to good governance / democratisation / positive peace</li> </ul>
60	Ministry of human rights	<ul style="list-style-type: none"> <li>- Recognising that the Iraqi people have long suffered from terrible abuses of their fundamental human rights and fundamental freedoms; and that the implementation of the rule of law and a system of protection of human rights and fundamental freedoms, as well as the adoption of international standards of human rights and the revival of traditional Iraqi standards of humane treatment are vital to Iraq's social and political stability</li> <li>- The interim Minister shall ensure, at a minimum, that programs and policies are</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to rule of law and links it explicitly with social and political stability</li> <li>- Second excerpt showcases commitment to holding Ba'athists accountable for any atrocities committed</li> <li>- Personnel is selected in accordance with CPA orders, and thus Order No. on debaathification</li> </ul>

		developed and implemented to address the atrocities committed by the Ba’athist regime (...)	
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Order No.	General Topic / Title	Excerpts	Notes
61	Amendment to Coalition Provisional Authority order No. 45		
62	Disqualification from public office	<ul style="list-style-type: none"> <li>- Concerned that groups and individuals are attempting to undermine Coalition efforts, (...), to create conditions in which the Iraqi people can freely determine their own political future</li> <li>- Determined to assist the Iraqi people in establishing an internationally recognised, representative government by creating an environment in which democratic institutions can be formed, personal liberties can be safeguarded, and the rule of law is respected and can be enforced</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to and concern about democratisation</li> <li>- Second excerpt showcases a commitment to democratisation and rule of law</li> <li>- The order states that the Administrator of the CPA can disqualify individuals from participating in an election or holding public office at any level if that individual, i.a., was a full member of the Ba’ath Party or has publicly espoused political philosophies or legal doctrines contrary to the democratic order and rule of law being established in Iraq</li> </ul>



63	Public security sector death and disability benefits		
64	Amendment to the company law No. 21 of 1997		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
65	Iraqi communications and media commission	<ul style="list-style-type: none"> <li>- Recognising that open and rigorous debate based upon free exchange of information is essential to the development of a modern democracy and the holding of free and fair elections in Iraq, and that key to this is unfettered and universal access to a vigorous, professional, free, independent and diverse media</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to democratisation</li> </ul>
66	Iraqi public service broadcasting	<ul style="list-style-type: none"> <li>- Underscoring the significance of the media in building a democratic society and the need to encourage a professional, impartial and independent</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to democratisation</li> </ul>

		broadcasting sector	
67	Ministry of defence	<ul style="list-style-type: none"> <li>- Acknowledging the need to take measures to provide for the security of the Iraqi people and their inherent right to form a national self-defense capability for a free Iraq</li> </ul>	<ul style="list-style-type: none"> <li>- Building on Order No. 2</li> <li>- The ministry is there to ensure (negative) peace</li> </ul>
68	Ministerial committee for national security	<ul style="list-style-type: none"> <li>- Recalling that the U.N. Security Council Resolution 1483 (2003) calls upon the CPA to promote the welfare of the Iraqi people through effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future</li> </ul>	<ul style="list-style-type: none"> <li>- Hiring shall be in accordance with CPA order No. 1</li> </ul>

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
69	Delegation of authority to	<ul style="list-style-type: none"> <li>- Recalling that the U.N. Security Council Resolution 1483 (2003)</li> </ul>	<ul style="list-style-type: none"> <li>- Building on Order No. 2, in which the Iraqi Intelligence Service was dissolved</li> </ul>

	establish the Iraqi national intelligence service	<p>calls upon the CPA to promote the welfare of the Iraqi people through effective administration of the territory, including in particular working towards the restoration of conditions of security and stability</p> <ul style="list-style-type: none"> <li>- Acknowledging that timely and accurate information about terrorism, domestic insurgency, espionage, narcotics production and trafficking, weapons of mass distruction, serious organised crime and other issues related to the national defense or threats to Iraqi democracy is essential to the security of Iraq</li> </ul>	<ul style="list-style-type: none"> <li>- First excerpt showcases a commitment to (negative) peace</li> <li>- Second excerpt showcases that threats to democracy are seen as a broader threat to security (link negative and positive peace)</li> </ul>
70	Amendments to reconstruction levy		
71	Local governmental powers	<ul style="list-style-type: none"> <li>- Recalling the adoption of the Transitional Administrative Law (TAL) on 8 March 2004 to govern the affairs of Iraq during the transitional period from 30 June 2004 until a duly elected government, operating under a permanent and legitimate constitution achieving full</li> </ul>	<ul style="list-style-type: none"> <li>- First and second excerpt showcase a commitment to democratisation</li> <li>- The third excerpt is an explicit reference to lustration policies</li> </ul>

		<p>democracy shall come into being</p> <ul style="list-style-type: none"> <li>- Noting that the system of government in Iraq shall be republican, federal, democratic and pluralistic (...)</li> <li>- Local councils are responsible for (...) recommending appropriate action to Governorate Councils with respect to government officials, on the basis of misconduct, inefficiency or Ba'athist Party affiliation</li> </ul>	
72	Iraqi radioactive source regulatory authority		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
73	Transfer of the Iraqi civil defense corps to the ministry of defence		

74	Interim law on securities markets	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security</li> </ul>	<ul style="list-style-type: none"> <li>- Unemployment as bad for public security (negative peace)</li> </ul>
75	Realignment of military industrial companies	<ul style="list-style-type: none"> <li>- Furthering commitments to promote public order and safety and restore the conditions of security and stability for the Iraqi people</li> <li>- Determined to secure and dispose of these stockpiles and to assign responsibility for reconstituting military industrial companies and reassigning their employees as necessary for the promotion of peace, security, and stability in Iraq</li> </ul>	<ul style="list-style-type: none"> <li>- First and second excerpt showcase a commitment to (negative) peace</li> <li>- Stockpiles unattended to as a consequence of CPA Order No. 2</li> </ul>
76	Consolidation of state-owned enterprises		

Order No.	General Topic / Title	Excerpts	Notes
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77	Board of supreme audit		
78	Facilitation of court-supervised debt resolution procedures	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security</li> </ul>	
79	The Iraqi nonproliferation programs foundation	<ul style="list-style-type: none"> <li>- Recognising that United Nations Security Council Resolution 1540 (2004) affirms that proliferation of nuclear, chemical, and biological weapons and their means of delivery constitutes a threat to international peace and security and requires that all States take effective measures to prevent the proliferation of such weapons</li> <li>- The INPF shall have authority to develop, approve, and finance science, technology, and commercialization projects and related activities carried out at institutions and</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt signifies a commitment to international peace</li> <li>- The second excerpt seems like an exception to the general debaathification as laid out in CPA Order No. 1</li> </ul>

		<p>facilities, public and private, located principally but not solely in Iraq in order to provide individuals employed by the former regime in the development, creation, or production of WMD, particularly those who possess knowledge and skills related to nuclear, chemical, and biological weapons, or delivery systems (collectively “WMD and delivery system personnel”), opportunities to redirect their expertise to transparent peaceful civilian activities that further the scientific, technological, nonproliferation, and economic development of Iraq.</p>	
80	<p>Amendment to the trademarks and description law No. 21 of 1957</p>	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect</li> </ul>	

		on public security	
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<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
81	Patent, industrial design, undisclosed information, integrated circuits and plant variety law	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security</li> </ul>	
82	Iraqi national foundation for remembrance	<ul style="list-style-type: none"> <li>- Recognising that the Iraqi people have long suffered from terrible abuses of their fundamental freedoms and human rights</li> <li>- Acknowledging that the Iraqi people are still uncovering long-hidden evidence of the brutality inflicted on them by the previous regime</li> <li>- Noting that accounting publicly for the past atrocities and educating the Iraqi people about</li> </ul>	<ul style="list-style-type: none"> <li>- The first three excerpts seem to signify reconciliation and establishing a historical record of atrocities (other elements of transitional justice)</li> <li>- The fourth excerpt then links this with democratisation</li> <li>- Personnel will be employed in accordance with CPA Order No. 1</li> </ul>



		<p>them will serve as a crucial safeguard against future abuses of fundamental freedoms and human rights</p> <ul style="list-style-type: none"> <li>- The Iraqi National Foundation for Remembrance (the “Foundation”) will take steps to ensure that the atrocities of the previous regime are memorialized so that current and future generations of Iraqis will understand and remember this dark period of Iraqi history and take those steps necessary to preserve an open and democratic government which protects human rights, fundamental freedoms and dignity.</li> </ul>	
83	Amendment to the copyright law	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect</li> </ul>	

		on public security	
84	Amendments to Coalition Provisional Authority Order No. 37 and Order No. 49		

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
85	MISSING DATA	MISSING DATA	MISSING DATA
86	Traffic code		
87	Public contracts		
88	Rights of judicial officials to return to the judiciary after certain government		

	service		
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<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
89	Amendment to the labour code - law No. 71 of 1987	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security</li> </ul>	
90	Special task force for compensating victims of the previous regime	<ul style="list-style-type: none"> <li>- Understanding that justice for the crimes of the past regime demands proper compensation for the victims and their families</li> <li>- Acknowledging that under the former regime, many lost their jobs, their property and their lives because they opposed the regime, refused to join the Ba'ath Party or simply were related to someone considered by the previous regime as an opponent</li> </ul>	<ul style="list-style-type: none"> <li>- Commitment to justice (here in the form of compensation)</li> </ul>

91	Regulation of armed forces and militias within Iraq	<ul style="list-style-type: none"> <li>- Recalling that U.N. Security Council Resolution 1483 (2003) calls upon the CPA to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability</li> <li>- Noting that the former oppressive regime of Saddam Hussein has been removed</li> <li>- Acknowledging that those who fought against the Ba'athist regime in resistance forces should receive recognition and benefits as military veterans for their service to their people</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt signifies a commitment to (negative) peace</li> <li>- The second excerpt is a reference to the debaathification policies</li> <li>- The third excerpt states people who helped in the debaathification process or fought the Ba'athist in another manner should be rewarded for this effort</li> </ul>
92	The independent electoral commission of Iraq	<ul style="list-style-type: none"> <li>- Noting that the Law of Administration for the State of Iraq for the Transitional Period (the "TAL") provides for the Iraqi people to choose their government through genuine and credible elections</li> </ul>	

		<p>to be held no later than 31 January 2005</p> <ul style="list-style-type: none"> <li>- Determined to achieve the transitional goals of the TAL, including the drafting and ratification of a permanent constitution, and the establishment of an elected government under that constitution</li> </ul>	
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<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
93	Anti-money laundering act of 2004		
94	Banking law of 2004		
95	Financial management law and public debt law	<ul style="list-style-type: none"> <li>- Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect</li> </ul>	

		on public security through stable financial markets	
96	The electoral law	<ul style="list-style-type: none"> <li>- Noting that the Law of Administration for the State of Iraq for the Transitional Period (the “TAL”) provides for the Iraqi people to choose their government through genuine and credible elections to be held by the end of December 2004 if possible and, in any event, no later than 31 January 2005</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt showcases a commitment to democratisation</li> </ul>

<b>Order No.</b>	<b>General Topic / Title</b>	<b>Excerpts</b>	<b>Notes</b>
97	Political parties and entities law	<ul style="list-style-type: none"> <li>- Noting that the Law of Administration for the State of Iraq for the Transitional Period (the “TAL”) provides for the Iraqi people to choose their government through genuine and credible elections to be held by the end of</li> </ul>	<ul style="list-style-type: none"> <li>- The first excerpt showcases a commitment to democratisation</li> </ul>

		December 2004 if possible and, in any event, no later than 31 January 2005	
98	Iraqi ombudsman for penal and detention matters	<ul style="list-style-type: none"> <li>- To be eligible for appointment as Ombudsman the person must: c) have a background of opposition to the Ba'ath Party, non-membership in the Ba'ath Party or membership that does not fall within the leadership tiers described in CPA Order No.1, and d) have no criminal record unless the record consist only of a political or false charge made by the Ba'ath party regime</li> </ul>	<ul style="list-style-type: none"> <li>- Debaathification is applied in the office of the Ombudsman</li> </ul>
99	Joint detainee committee		
100	Transition of laws, regulations, orders, and directives issued by the Coalition Provisional Authority	<ul style="list-style-type: none"> <li>- Recognizing that the Government of Iraq will be responsible for interpreting and implementing these laws, regulations, orders, memoranda, instructions and directives following the transfer of full governing authority on 30 June 2004</li> </ul>	<ul style="list-style-type: none"> <li>- This order states that CPA Order No.1 section 1(6) shall be rescinded in its entirety</li> <li>- This order transferred the responsibility of the lustration / debaathification policy to the new Iraqi government</li> </ul>