

# **A way out of the impasse: free elections within a specific timeframe under UN supervision**

Ghassan Atiyyah — Iraqi File, Baghdad, 11 September 2003

Iraqis are well aware that the credit for bringing down Saddam Hussein and his regime is due principally to the US administration, and specifically to President Bush. Accordingly, many Iraqis welcomed the coalition forces as liberators rather than occupiers. The emphasis they themselves placed on their liberating role added an extra dimension to public expectations of the post-war period. Iraqis thought they could look forward not only to economic and social improvements, but also to exercising their long-denied political rights. But after four months of American rule, Iraqis have seen their fear of Saddam Hussein and his repressive agencies replaced by fear and terror of a different kind: due to the widespread anarchy, violence, killing, theft, and abduction of children and women (there have been some 400 cases of girls being kidnapped). In addition, they have been deprived of the few basic necessities of daily life they used to enjoy (electricity, water and fuel), not to mention employment opportunities.

Although the country's infrastructure had been damaged by years of sanctions and war, the most damage was inflicted by those Iraqi elements who exploited the post-war breakdown of order and security to wreck what remained of it.

## **The breakdown of order and security**

The question that troubles many Iraqis is why didn't the occupation authorities anticipate the post-invasion anarchy, and, once it happened, why didn't they take decisive measures to stop it? They protected some sites, such as the oilfields and the oil ministry, but neglected others. As a result, it was not just the regime that collapsed, but the entire state and its institutions too.

Yet no provision was made for workable alternatives. Consequently, the occupation authorities today face a major reconstruction problem. And Iraqis wonder how come the US managed to oust the all-powerful regime in three weeks, yet failed to restore the electricity in three months?

The occupation authorities could have made use of the Iraqi police and army, after purging them of Saddamist elements. To its credit, the army did not fight, thus helping reduce the number of Iraqi and American casualties during the fall of Baghdad. Nevertheless, the Pentagon decided to dissolve the Iraqi military, instead of reconstituting it in a manner that would have made use of some of its components, or at least prevented them from turning into a hostile force of hundreds of thousands of unemployed and disaffected men. The subsequent attempt to correct this mistake by

paying soldiers' salaries did not address the problem of the wounded pride of these thousands of trained servicemen, which makes them potential recruits to sabotage under the guise of waging an "anti-colonial" struggle.

US Defense Secretary Rumsfeld's declaration on September 6 that maintaining security is the responsibility of Iraqis was meanwhile seen by Iraqis as a dereliction of the occupying power's duty under international law, as noted in UNSCR 1483.

### **Iraqis may have been the victims of their high expectations. But the**

Coalition Provisional Authority (CPA) has been the victim of power-struggles between decision-making centres in Washington. The preconceived ideological "visions" of some of them have helped create new enemies for the US in Iraq and unite them, via short-sighted policies such as dissolving the defence ministry and army, so-called "de-Baathification," and according minority treatment to the Sunnis. This has aroused their fears and united them in suspicion of Washington's motives, if not driven some of them to take up arms against it. The sheer numbers of people discharged illustrate the scale of the damage: 400,000 soldiers, 100,000 policemen, and 22,000 information ministry employees. Ironically, while the information ministry was dissolved, the ministry of culture, with Baathists in senior posts, was retained. That decision was taken in Washington without consulting Iraqis. The CPA promptly realised it was a mistake, and is now considering how to rectify it.

Violence and terrorism cannot be combated without a measure of support and cooperation from the communities that harbour and abet the perpetrators, namely former soldiers, Baathists, and disaffected inhabitants of the "Sunni triangle."

### **De-Baathification: the enemy is Saddamism**

The decision to "de-Baathify" was taken under the influence of preconceptions in Washington that certain Iraqi elements helped promote. In dealing with the Baath Party, the choice is between adopting what could loosely be called the Soviet model after the fall of communism, or the German model after the fall of Hitler. Iraq's experience bore a far closer resemblance to the Soviet case. In post-war Germany, moreover, the process of democratisation took years, and was accompanied by huge injections of funds from the US treasury. Neither the time nor the money are available today. But despite the unsuitability of the German model to Iraq, it was the one chosen by the dominant policymakers in the US. This served to unite thousands of Iraqis, many of whom would otherwise have been prepared to cooperate with the new dispensation, against the interim administration.

## **Some ministries were virtually stripped of staff, as most were former**

Baathists -- naturally enough in a country that was subjected to 35 years of one-party rule. The party reserved important jobs exclusively for its members, and until the late 1980s only allowed party members to complete their higher studies or gain admission to university. Inevitably, during those 35 years, many of the people who graduated, were appointed to important state jobs, and rose to leading positions in the various ministries, didn't believe in the Baath's ideas let alone Saddam's. Party membership was merely a career necessity for them. Now they find their careers terminated, while the new ministries search for new staffers who may lack their predecessors' expertise and skills. It would not be feasible to rely on the skills of returning expatriate Iraqis. Conditions in Iraq deter exiles and expatriates from returning at present.

Most of those who have returned, other than for visits, have done so on highly-paid short-term contracts to the CPA or private companies. Their privileged status causes resentment among locally-recruited staff, understandably when someone is paid \$15,000 per month for doing a job which earns an equally qualified compatriot \$300-500. Thus, "de-Baathification," insecurity and unemployment are combining to drive more qualified Iraqis out of the country at a time when they are most needed.

## **The Governing Council**

Instead of enabling the Iraqi people to govern themselves, the CPA assumed rule of Iraq itself. It could argue that the formation of an Iraqi interim authority had to be deferred because of the failure of Iraq's political forces and elites to agree on a common formula. Indeed, they wouldn't have even reached agreement on the formation of the Governing Council (GC) without CPA pressure.

Sixteen of the Councils members had not been living under Baathist rule, so had ample time to develop a joint political program capable of filling the vacuum resulting from Saddam Hussein's downfall. But even at their last pre-war meeting in Arbil in February, they failed to unify their efforts. They treated the impending change in Iraq as an American effort from which they would profit.

The CPA formed the GC in June, after a succession of resistance attacks and acts of sabotage, and at the urging of friendly Iraqi political forces.

Although the appointment of 25 people to the Council it was supposed to dilute the influence of the "Group of Five" former opposition groups (the two Kurdish parties, SCIRI, INC and INA), they have dominate its proceedings, to the detriment of the independent members. When 17 of the Council members voted in favour of electing a single president for the GC, they were overruled by the five parties, who imposed a system under which the presidency rotates between just nine members. Similarly, the

most important cabinet portfolios were awarded to the "Group of Five."

The GC composition was based on the ethnic and confessional makeup of Iraqi society, thereby inaugurating a sectarian approach whose potentially dangerous consequences cannot be overlooked.

This same sectarian approach was reflected in the two most important decisions taken by the GC: those concerning the formation of the Constitutional Committee and the Interim Government. In establishing the (supposedly specialist) Constitutional Committee, instead of appointing members on merit, each GC member was left to name one representative to sit on the body. The composition of the Interim Government was determined in the same way. As a result, relatives and partisans of GC members were appointed, and the Council's composition was mirrored in the distribution of cabinet portfolios. Some ministries were abolished and others were created, not on practical grounds but principally to conform with the share-out of posts along ethnic and sectarian lines. Moreover, the GC did not reach out to any of the political forces that had been excluded from it.

The adoption of an ethnic and sectarian formula is understandable as a temporary measure, given the failure of Iraqi political elites to reach agreement on an alternative mechanism. But it threatens to become established and institutionalised, and this is alarming. Those who might cite the Lebanese case as a model for Iraq should note that Lebanon suffered a succession of civil wars due to this kind of sectarian set-up, and that it continues to threaten to blow the country apart.

Power or sovereignty should not be transferred to the GC as currently constituted, but to a new elected representative body. The role of the GC in its present form should be to facilitate the emergence of such a body, not to replace it.

## **Drafting the constitution**

If democratic principles are to be respected, an elected body should assume the responsibility for composing a draft constitution and then putting it to the people in a general referendum. That is what the Iraqis did under British rule eight decades ago. In 1924 they elected their first Constituent Assembly, which undertook the task of adopting a draft constitution after putting it to a popular referendum.

Although the GC intends to put any constitution drafted under its auspices to a referendum, the fact remains that the formula people will be asked to vote on will not have been arrived at by their elected representatives.

This is no mere detail. If the constitution isn't drafted by an elected body, that will be perceived as an attempt to impose the inclusion of certain ideas into it. Ideas like federalism - a subject of ongoing controversy and debate in Iraq- and institutionalised

power-sharing along sectarian/ethnic lines.

This perception would impede the process of adopting a constitution, undermine its legitimacy, and cause further problems. It would also provide more ammunition to forces that do not want the new Iraqi experiment to succeed.

The argument that elections cannot be held immediately and that the GC needs time to prepare for them is understandable. It took a year for elections to be held in Iraqi Kurdistan after it was freed from the control of Saddam's regime. The GC could compile a register of electors over the course of several months, drawing on those used by the previous regime and the lists available from the oil-for-food program's ration-card system, while giving absentees and excludées every opportunity to register as voters. That would allow elections to be held in the spring of next year, while enabling political parties and public opinion to engage and participate effectively.

Should this course be pursued, the GC should be given the task of preparing for elections to a Constituent Assembly (rather than that of adopting a draft constitution), and of completing the necessary procedural steps within a year at most. The CPA can assist it by providing a climate of security, and the UN by helping ensure the freedom and fairness of the elections.

### **Recent remarks by the chairman of the GC's Preparatory Constitutional**

Committee, Fuad Maasoum, acknowledging that the commission which drafts the constitution ought to be elected may reflect a positive change in thinking. But he failed to specify how it would be elected.

Some GC members have cited the need for a new census to be held as an argument for postponing the holding of general elections, either for a parliament or a constituent assembly. This has inevitably been perceived as a delaying tactic, given that the unavailability of accurate numbers about the relative size of different groups of the population was not seen as an impediment to apportioning seats on the GC along ethnic and sectarian lines.

### **Are early elections in the interest of the US?**

The US has committed itself to holding free elections in Iraq, and any climb down from that would constitute a defeat for its declared aims in the Middle East. But there are disagreements over the appropriate timing.

Personally, before I returned to Iraq I used to favour the option of deferring elections for as long as need be, in order to enable a competent and effective administration to

first institute economic and social reforms. But under current conditions in Iraq, and with Washington unable to furnish the necessary funds or sufficient military forces, it will be difficult to provide either the security or the prosperity envisaged. Any delay in holding elections would therefore render a service to the forces of extremism and backwardness in their various guises. Anything that Washington and London may stand to lose from elections held on a specified date pales in comparison to what they would lose from continued anarchy, or from maintaining a military occupation that is costly in both human and material terms.

In this sense, early elections are the roadmap guiding both Iraq and the US out of the current dilemma: when retaining or reinforcing US troops puts a burden on both sides because of the hostility they attract as occupying forces, whereas withdrawing them in the absence of a replacement would be an invitation to anarchy. Moreover, engagement by Iraqis in electoral politics would pull the rug out from under the advocates of political violence. The internal elections recently held by trade unions and professional associations attest to this. It would also keep the majority of Iraqis convinced of the need to cooperate with the US in order to restore the country to political and economic health, in addition to protecting it from some of its neighbours.

Given their mosaic-like reality, Iraqis need a friendly outsider to play the role of facilitator or referee - not ruler- in helping ensure that the rights of all are upheld. To perform such a role the US would have to act to reassure all components of the Iraqi people that it is not biased against them. Adhering to parliamentary and democratic rules would bolster Iraq as a "model," whereas bending them under whatever pretext would weaken the future Iraq.

Proceeding with elections and specifying a date by which they would be held would also undermine the extremist forces that want to impose their own political agenda by force and sabotage.

Deploying more international forces would not in itself solve the problem, but prolong the existing unrest in the name of resisting occupation. Neither would rounding up and cracking down on thousands of "Baathists," and waging war on the "Sunni triangle." That would exacerbate the division of Iraqis into victors and vanquished, setting the stage for internal conflict that could degenerate into civil war. What Iraq needs is a just national reconciliation, not vendettas and score-settling.

### **A positive UN role**

The adoption of such a political agenda would provide the basis for a compromise draft Security Council resolution, under the which the UN would contribute additional forces to supervise early elections (without waiting for a new draft constitution) that culminate in the transfer of power to elected representatives of the Iraqi people. That

would lift a huge military and financial burden from the coalition forces, in addition to securing the UN's participation in aiding in the reconstruction of Iraq.

It is incumbent on the occupying powers to work towards early elections, and not leave it to the GC (which they appointed) to decide the nature of the constitution or the timing of future elections.

**Baghdad, 11 September 2003**

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