

In Iraq, Timing Is Everything

By Ronald Bruce St John | January 13, 2004

The Bush administration, in the mid-November Agreement on Political Process signed by L. Paul Bremer for the Coalition Provisional Authority and Jalal Talabani for the Iraqi Governing Council, came face to face with the fundamental issue in Iraq. In the pursuit of democracy, does the United States work out a process and a calendar that fits Iraqi needs or one that dovetails with the logic of the 2004 presidential election? Unfortunately, but not surprisingly, the White House opted for the latter.

At first glance, the agreement is a positive step, providing for a three-stage transition to a sovereign Iraqi government. The devil is in the details. Key clauses in the agreement make implementation difficult, if not impossible—and may hamstring future prospects for a united, democratic Iraq.

In the first stage, the Iraqi Governing Council, in close consultation with the Coalition Provisional Authority, is to draft and approve before end-February 2004 a Fundamental Law, setting forth the scope and structure of a sovereign Iraqi transitional administration.

This will prove a daunting task for a Governing Council that has yet to metamorphose into an effective decisionmaking body. Many of its members are former exiles with little legitimacy and no popular local constituency. Iraqis also criticize the upfront involvement of the Coalition Provisional Authority, arguing that popularly elected representatives should decide the framework of a new Iraqi government.

The second stage of the agreement provides for the “election” of a Transitional National Assembly before end-May 2004. In the third stage, this assembly will elect an executive branch and appoint ministers to constitute a provisional government. If this aggressive schedule can be met, the new government will assume full sovereign powers for governing Iraq by end-June 2004, symbolically ending the U.S. occupation months before the U.S. presidential election.

While the agreement calls for the election of members to the Transitional National Assembly, there is no mention of popular elections. Instead, assembly members will be selected by caucuses—not a direct vote—in each of Iraq’s 18 governorates. Under the plan, the participants in the caucuses will have to be approved by 11 out of 15 members of an organizing committee selected by the Governing Council and the members of U.S.-appointed councils at province and local levels.

The selection process is all too reminiscent of the ill-fated approach the U.S. used to appoint neighborhood, district, and city councils in mid-2003. Meant to be the

vanguard of democracy in Iraq, these local councils have performed unevenly, at best. Most have no budget, no authority, and no power. Paid by the Americans and often ignored by the Governing Council, local council members are often dismissed by fellow Iraqis as impotent lackeys of the occupation force.

Criticism of the Plan

The U.S. plan for the creation of a sovereign Iraqi administration has been criticized by Shi’ite leaders, especially Grand Ayatollah Ali al-Sistani, Iraq’s most powerful Muslim cleric. The ayatollah has also called for a fundamental law that recognizes Iraq as an Islamic state and ensures no Iraqi law will be permitted to conflict with Islamic law. While he does not want clerics running the government, Ayatollah Sistani wants Islamic law to be the law of the land.

Shi’ite leaders have tremendous clout in Iraq. Selected by the people, some observers have suggested Ayatollah Sistani is the sole legitimate force in Iraqi politics today. The Shi’ite calls for direct, popular democracy are difficult for the White House to ignore because they are exactly what the Bush administration has said it wants to bring to Iraq. Shi’ite spokesmen favor direct assembly elections in mid-2004, arguing direct elections are more realistic and will increase the legitimacy of any future government.

American authorities resist the idea of national elections, arguing a detailed census followed by preparation of a voter roll would be time-consuming and vulnerable to manipulation and violence. The Ministry of Planning responded to their concerns in early November 2003 with a detailed, 10-month plan to count Iraq’s entire population and create voter registration lists, opening the way for national assembly elections in September 2004. To date, American planners have rejected this relatively quick census plan as still too slow.

Critics of the latest American plan emphasize that direct elections would also reduce dissatisfaction with Governing



Council performance. The council has become a symbol, not of unity, but of the ethnic and sectarian divisions within the country. And it threatens to institutionalize a form of confessional politics, similar to the failed system that produced the Lebanese civil war. Given the council's lack of popular support, Iraqis are rightly concerned with a caucus process in which the Governing Council can have a significant impact on the outcome.

The creation of a sovereign Iraqi transitional administration touches on the future identity of Iraq as a state and a nation. The Shi'ites have demanded national elections, which will almost surely bring them to power since they constitute approximately 60% of Iraq's population. The Sunnis and Kurds, both minorities with some 20% of the population each, fear elections would lead to Shi'ite domination, further marginalizing them.

The Challenge

The difficult challenge facing the Coalition Provisional Authority is to help the Iraqis create a constitution that fairly and democratically balances the role of the Shi'ite majority with the Sunni and Kurdish minorities. The agreed upon solution must be acceptable to Iraq's neighbors and be granted legitimacy by the United Nations if it is to endure. The design of the fundamental law and the method chosen to form the Transitional National Assembly are critically important to this total process because they will establish precedents for representative government in Iraq.

The Bush administration, wrongly focused on a speedy transfer of sovereignty to a friendly Iraqi government, has

its priorities upside down. The real priority in Iraq today is an electoral process that ensures a legitimate government, valid in the eyes of Iraqis and the rest of the world.

The White House is concerned a summer of electioneering in Iraq, followed by elections in the weeks before the U.S. presidential election, could reinforce the American public's image of conflict and confusion in Iraq, making it difficult for President Bush to declare victory in what has become the central issue of his presidency. On the contrary, Washington's real concern should be that a hasty turnover of power next July to whatever slapdash body is formed could result in civil war by November.

What needs to be done? The declared goal of the Bush administration is to create in Iraq the most democratic government in the Arab world. To achieve this goal, the occupation authorities need to listen to all Iraqis, involving as many as possible in the creation of a durable democratic system. This means forming alliances with moderate Shi'ite groups, reconstituting Iraqi army units, involving the international community, and organizing elections for a provisional government.

The sooner the Governing Council is replaced by a more representative, independent, and legitimate government, the better. If the Bush administration takes the time to do the job right, President Bush might just end up with the victory in Iraq he so desperately wants—and needs, in spite of himself.

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