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A milestone constitution

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On October 15, 2005, about 10 million of Iraq's 15.5 million registered voters went to the polls to decide on the country's constitution. The draft of this constitution, which was designed by 25 Iraqi nationals representing the country's ethnic groups, had its fair share of critics. Among them, the most important were the Sunnis, who saw the draft as an attempt to undermine their position and to break the unity of the country, while the militants believed that its objective was to achieve goals set by the Americans for the country. The debates on federalism, the distribution of oil revenues and the identity of the country were major unresolved issues debated in the National Assembly on August 28, 2005. The Assembly left the Iraqis with two choices, neither of which was attractive. Should the constitution be approved, Iraq's third elections of the year for a new parliament would be held in December. But, if rejected, the Assembly will be dissolved and elections for a new assembly will be held, and the constitution will have to be rewritten.

Every thing started in July 2005, when a committee of 25 Iraqi nationals, chosen by the US-led coalition, met for the first time. The council was tasked with drafting a new constitution that would allow for the creation of a political system to help the country overcome the scourge of civil war and rebuild itself. After two delays, the draft was finalized and presented for the vote on 15 October. Human Hammoudi, chairman of the draft committee, described the moment as a "marvelous experience for all Iraqis". However, the Sunnis participating in the committee refused to be associated with the document.

Worries of division and marginalisation

The current draft opens up the possibility for the Shi'as to have a level of autonomy in the south of Iraq, similar to what the Kurds have achieved in Northern Iraq. The Shi'as have claimed their legitimate right to power after winning the majority through the United Iraqi Alliance (UIA), under the leadership of Grand Ayatollah Ali Sistani, that won 48 percent of the votes in the January elections. As this is just shy of a two-thirds majority, the UIA may have to form an alliance, probably with the Kurds during the elections of January. Long disregarded under Saddam despite their dominant numbers—Shi'as make up 60 to 65 percent of the Iraqi population—they are now preparing to politically dominate Iraq for the first time in a hundred years. Indeed, the Shi'as see their victory as a major watershed in Iraq's history, contributing to the "birth of a new nation in a new region".

On their part, the Sunnis are fearful that this development could lead to the dissolution of their country. Forming just 20 percent of the population and bereft of the political dominance they enjoyed under Saddam, the Sunnis have now become the political minority. The Sunnis

stress the future of the former Ba'th (Renaissance) party. During Saddam's rule, Iraqis were obliged in many cases to join the Ba'th—with a 2.4 million-strong membership then—which served as one of the pillars of his rule. Following the US-British occupation of Iraq in 2003, the party was dissolved along with its affiliates. The Sunnis understandably fear that they will be ignored and deprived from participating in the building of the country and from holding posts in the government offices and ministries. Hence, they want assurances that they will be treated as the other citizens. The identity of the country was also an issue that created differences among the draft. According to Article 3 of the draft, "Iraq is a multiethnic, multi-religious and multi-sect country. It is part of the Islamic world and its Arab people are part of the Arab nation". What the Sunnis therefore want is for Iraq to be mentioned as an Arab country. Otherwise, it is feared that Iraq, which helped found the Arab League, may be disqualified.

Oil: a gift or a curse?

In his book *Understanding Power*, US scholar Noam Chomsky argues that the control of Middle East (including Iraqi) oil is key to running the world. More than 65 percent of this wealth is located in southern Iraq—Shi'a land, that is. With the Shi'as controlling oil resources of the south and the Kurds controlling those in the north, the Sunnis could find themselves with nothing. The draft document stipulates that oil revenues will be used for the benefit of all Iraqis, but the Sunnis fear that this guarantee would be worthless were federalism to become a reality, coupled with their potential marginalization from any future oil exploration, development, and hence revenue. The militants clearly understood the profound significance of oil very early on. In November 2004, two maritime terrorist operations took places in the Al -Basra and Khor Al -Ayama Iraqi oil terminals. Militants have conducted other operations against the oil infrastructures; recently, a "Unit of oil" was reportedly formed with the objective of "destroying the blood that gives life to the Americans and the local government". This step appeared to be an implementation of what Osama bin Laden said in December 2004 when he urged the militants to concentrate their operations on the oil, in particular in Iraq and the Gulf.

The last amendments

According to the Iraqi election law, the constitutional draft fails if two-thirds of voters in at least three provinces vote against it. Any objection to the draft means that everything has to start from square one: Firstly, the current National Assembly will be dissolved, secondly, an election for a new National Assembly will be held by December 15 of this year, thirdly, a second draft will have to be completed by August 15, 2006; lastly, a new referendum will be held by October 15, of the same year. If the constitution fails a referendum a second time, no body knows what will happen. As a result, the Sunni-based Islamic party has issued a statement calling the Sunnis to participate in the referendum and to approve the draft. But several Sunni organizations—the Iraqi Council for National Dialogue and the Association of Muslim Scholars, among them—have condemned the agreement and are urging voters to either boycott the referendum or vote No. Moreover, just days before the referendum, the draft committee agreed on some changes in the draft to ensure that no purging of Sunni Arabs from official positions would occur simply because of their former Ba'thist credentials. A Ba'thification Committee should only examine cases where a crime has been committed. Furthermore, a committee will be set up after December's parliamentary elections to re-examine the constitution and propose further and possibly far more profound amendments.

Looking ahead

According to the referendum results, three Sunni provinces rejected the constitution (with two provinces having more than two third majority required). However, 78 percent of Iraqis voted for the draft while 22 percent rejected it. On their part, the militants soundly rejected the “infidel constitution”, maintaining that Jihad would be continued wherever the enemy was. Now that the constitutional draft has been approved, Iraqis will have to go to polls on December 15 of this year. Nonetheless, we would do well not to ignore the Sunni opposition to the draft. The new government will have its hands full with rebuilding the Iraqi nation and solving key issues still in dispute. A constitution does not necessarily guarantee freedom; rather, it is freedom that guarantees a constitution. Perhaps more than any thing else, is the remaking of the Iraqi that is most needed.

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