



CHATHAM HOUSE

Chatham House, 10 St James's Square, London SW1Y 4LE

T: +44 (0)20 7957 5700 E: contact@chathamhouse.org

F: +44 (0)20 7957 5710 www.chathamhouse.org

Charity Registration Number: 208223

Transcript

Iraq: Fragile Progress

Ranj Alaaldin

Visiting Scholar, Columbia University

Zaid Al-Ali

Senior Adviser on Constitution Building, International IDEA; Author, *The Struggle for Iraq's Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy*

Chair: Neil Quilliam

Senior Research Fellow, Middle East and North Africa Programme, Chatham House

10 February 2014

The views expressed in this document are the sole responsibility of the author(s) and do not necessarily reflect the view of Chatham House, its staff, associates or Council. Chatham House is independent and owes no allegiance to any government or to any political body. It does not take institutional positions on policy issues. This document is issued on the understanding that if any extract is used, the author(s)/ speaker(s) and Chatham House should be credited, preferably with the date of the publication or details of the event. Where this document refers to or reports statements made by speakers at an event every effort has been made to provide a fair representation of their views and opinions, but the ultimate responsibility for accuracy lies with this document's author(s). The published text of speeches and presentations may differ from delivery.

IRAQ: FRAGILE PROGRESS

Neil Quilliam:

Good evening. I'm Neil Quilliam, I'm a senior research fellow here at Chatham House, in the Middle East and North Africa Programme. I'm very pleased to welcome you to this evening's event, 'Iraq: Fragile Progress'. It will be very interesting to see what that progress in fact entails and I'm sure our speakers tonight will allude to that in one way or another.

For this evening, the event is going to be on the record. It's going to be live streamed via the website, to members. If you wish to comment via Twitter, please use #CHEvents. I'm just going to say a few quick words, but nothing too substantive, about our two speakers, so we can actually launch straight into their talks. They're going to be talking for about 13 or 14 minutes each, then that should leave us with about 30 minutes for conversation and questions.

It gives me great pleasure to introduce Zaid Al-Ali, who is a senior adviser at IDEA. He was a legal adviser to the UN in Iraq between 2005 and 2010. On my left we have Ranj Alaaldin, who is a visiting scholar at Columbia University. He is also a doctoral researcher at the LSE and he looks into Shia mobilization, and has spent a lot of time in Iraq and has carried out extensive research there.

We'll hand straight over to Zaid. We've got about 13 or 14 minutes to talk about fragile progress.

Zaid Al-Ali:

Thanks very much. Thanks to the organizers for organizing this event.

I'll get straight to it: what is happening and what is wrong with Iraq today? As you know, if you've been following the news, violence has surged over recent months to levels not seen for years. Large swathes of the country are now outside the government's control. In recent days, we have started to get more reports of types of violence that we haven't seen since 2006–07 – beheadings and so forth – reoccurring now almost on a daily basis once again, things that we've not seen for years.

The type of violence and the conflict that is now taking place in Fallujah and Anbar is very difficult to follow, and no one knows exactly for now how it's going to turn out. But what we do know is that none of this is happening in a

vacuum. Apart from the obvious impact of the conflict in Syria, which has transformed the border region between Iraq and Syria into an even more lawless area than it was previously, with smuggling taking place on a daily basis, we have human rights abuses that have been taking place at an alarming level since 2003 – but increasing even more so now, with groups of people at a time being arrested for no good reason; detained without charge for days, weeks, months, sometimes even longer; subjected to brutal treatment and detention. If they're ever brought to court and if they are lucky enough to have been found not guilty, often they are even kept in detention illegally, in violation of court orders, really so that the guards can extract bribes. Women are subjected to sexual harassment, to rape, at alarming levels in Iraq today. The due process requirements and guarantees that are contained in the constitution are totally ignored.

Corruption, as you know, is completely out of control. It was described in 2006 as a second insurgency. Yet it's been close to ten years and the anti-corruption framework that exists today in Iraq – the legal framework that is supposed to protect our public monies from corruption and embezzlement – is almost exactly what it was in 2005 and 2006. Almost no changes have taken place, and the few changes that have taken place are really insignificant – nowhere near the type of reform that one would expect given the billions of dollars that have disappeared into thin air.

Services, as you know, are completely non-existent. Electricity, health care, education – now the environment is collapsing at an alarming rate, leading to hundreds of dust storms a year. Now two years in a row, debilitating floods that have destroyed billions of dollars of property. Riots and the torching of government offices are now commonplace, especially in the south of the country and especially during the summer months. Even worse, the combination of all this is the use of what's referred to in Iraq as the 'magic wands', which you may have heard of, which is the useless bomb detectors that Jim McCormick, a former British police officer who is now serving ten years in jail – the maximum penalty for fraud – having sold useless bomb detectors which do not function to the Iraqi government, to the tune of tens of millions of pounds. Those devices today, despite the fact that Jim McCormick has now been arrested and convicted of fraud in the sale of these useless devices, those devices are still in use throughout Iraq today. When confronted about the use of these devices, the prime minister said that in fact they did work – that the court decision was wrong, that they worked. That the problem was not the devices, the problem was that the police officers and soldiers were not properly trained in their use.

Finally, sectarianism has not improved but worsened in Iraq since 2003. It is the worst indictment of the system of government and the occupation and the election system that sectarianism and people's willingness to live together has gotten worse over time and not better. People in 2003 were much more willing to be forgiving and to live together than they are today. What is the cause? Rather than seek to improve their performance, rather than admit failure, government officials scandalously resort to sectarianism on a daily basis to protect themselves from criticism, in the most vulgar way possible. If I had more time, I would show you examples. What I would invite you to do is to research the phenomenon online.

All this is taking place against a backdrop of government that is almost never held accountable for its actions – or inactions, as the case may be. How did this come to pass? There are different starting points. I trace this to the manner in which the constitution was drafted and to its content.

There is an official narrative as to how the constitution was drafted – an official and accepted narrative. The official narrative is that elections took place in January 2005; the elected representatives of the people drafted the constitution, through a drafting committee; and that that constitution was put to referendum in October 2005 and accepted by 80 per cent of the population. That is the official narrative.

There is an untold story about how the constitution was actually drafted, and it's much more sinister. The drafting committee that was putting together the draft was essentially dissolved in August 2005, in violation of the rules, and replaced by a shadowy group of people whose identity for the most part is still not known today. This group of people wrote the most salient parts of the constitution, namely the federal system of government. The federal system of government was not drafted by the people who were elected in January 2005. It was drafted in secret and behind closed doors.

What did the federal system of government provide? It provided for a federal system in which regions and provinces were far more powerful than the central government, and in which the central government had essentially no power – no power to raise taxes, no power over airspace, no power over agriculture, no power over education, etc. A central government essentially devoid of all sources of income and devoid of any power.

The good news is that after the constitution entered into force and after the following elections, there was a widespread agreement among the political class that the constitution could not be implemented – that the federal system of government, apart from the Kurdistan region, could not be implemented in

the rest of the country. The bad news is that that left us with no rules, no rules according to which our system of government could function. Without a constitution in place that was being applied willingly by the political class, we were left with no rules. Every system of government and every constitutional system depends on, for its success, the political class – its goodwill and its capability and its capacity – in order to implement the text. Without that type of goodwill and capacity, then the necessary implementation will be a failure. In our case, we were even more at the mercy of our political class given that we did not have a functioning constitution in place – a constitution that the political class was willing to implement.

So the question becomes: who were these people? Who were these political elites? What was their willingness and what was their capacity like? The answer to that question is that for the most part, our political elites were formed in exile, spent decades without meaningful employment, spent decades being schooled in the art of deceit and conspiracy when involving themselves in failure after failure in their futile effort to remove a single individual from power – Saddam Hussein. They were also very adept at engaging in moral compromise, a very important point. Moral compromise is almost a prerequisite to be involved in the occupation effort after 2003. More principled Iraqis either refused to participate in government or were pushed out or disappeared.

You may argue that the Iraqis chose these leaders, because after all we did have elections on several occasions in 2005. I would respond that we never had any choice. By 2005, these individuals, our ruling elites, had been in power for two years; had already had the benefit of decades of assistance from the United States, the United Kingdom, Iran, Gulf countries. National elites, people who were stuck in the country, never had any hope. During the two years, from 2003 to 2005, in which these political elites were in power, they had access to money, to privilege, to visibility and to weapons. Any group of people that sought to challenge these individuals in free and fair elections would never stand any chance.

So what is the solution? Is it revolution, *coup d'état*, civil war? None of those appear to be convincing outcomes for Iraq – neither desirable as a current outcome, or feasible or realistic. Elections – the current system is rigged in the favour of the current group who are ruling the country. The best outcome that we could hope for is that Nouri al-Maliki, our current prime minister, will not return for a third term. If that were to be the case, then at least we would have a chance for a new dynamic that will allow for some type of outcome, some type of negotiation to resolve our situation. But even if that were to

come to pass, the rest of the ministers who would be in government would in any event be derived from the same group of elites, so therefore the same methods, the same sectarianism, the same levels of corruption.

So what are we left with? The only possible option, at least in the near to medium term, is civil society. Civil society has had some measure of success in Iraq over the past few years. That success includes changes to the electoral law that took place in 2010. Those changes and improvements – I won't discuss them in detail, but improvements were made in 2010 solely at the insistence of civil society, including political leaders and religious leaders. Not political parties, but forces outside the political parties. They insisted on the change and parliament felt obligated to implement those changes. Reconciliation initiatives after the reduction of violence in 2008 – civil society organizations throughout the country organized at their own initiative reconciliation initiatives from 2008 to 2011. Hundreds of events took place. Demonstrations relating to the Arab Spring in some parts, and also in relation to a lack of electricity supply, are organized regularly throughout the country – organized by civil society, in an organized fashion. Also, the success in relation to MPs' benefits. Some of you may know that MPs in Iraq earn extraordinary amounts of money. The only reason why this is being debated and discussed nationally is because of the insistence by civil society.

Civil society has had some success, albeit in the larger scope of things perhaps not so significant. It has had some success in forcing issues to be on the national agenda. So the solution, insofar as I'm concerned – if there can be a solution to our current problems – is to create a national agenda for reform, through civil society, that will impose itself on the political class. That would happen through civil society organizations, through religious organizations. All would sign up and all would force the political parties to debate the issues in a serious fashion. Even if only 5 per cent of the agenda were implemented eventually, that in and of itself would be a far greater measure of success than anything that's happened over the past ten years.

That's all I'll say for now. Thank you.

Neil Quilliam:

Thank you very much, Zaid. Some very sobering thoughts but also a little ray of hope, maybe. If I could turn straight over to you, Ranj.

Ranj Alaaldin:

Thanks very much, Neil. Thanks to Chatham House for having me here. Zaid focused primarily on Iraq's constitution, laws, regulations, and looked at the constitution as the root of Iraq's problems today. And of course, against this backdrop, discussed Iraq's politics and problems. I'd like to focus primarily if not entirely on the political context, the political realities and the social realities that I think underpin Iraq's problems today – its challenges and the challenges it will face in the future.

I've had the benefit of reading Zaid's book, which is slightly unfair perhaps. Essentially in the book, and kind of like his presentation, there is an emphasis on the present and the future. But what's missing, I thought, is the past. It's easy to forget sometimes that the so-called new Iraq emerged after thirty years of dictatorship – a dictatorship that brutally suppressed its people, which waged war on its neighbours, but also a dictatorship which continues to influence the Iraqi society and state today. Put in other words, I think it's important to look at pre-2003 Iraq as well as post-2003 Iraq when analysing and appraising the country.

I'd like to focus particularly on the issue of sectarianism, principally because in my opinion it is the most influential and significant of Iraq's problems, in terms of its impact on state and society. There is this conception that sectarianism emerged after 2003 – that it was an American creation – when in fact it was an Iraqi creation which emerged from the late 1950s, late 1960s onwards, and which was of course exacerbated by regional events like the Iranian revolution, the Iran-Iraq war and of course the 1991 uprising. That's perhaps why I disagree with Zaid when he refers to or submits the notion that Iraq's current ruling elite were parachuted into Iraq, into power, given that parties like the Islamic Dawa Party, like ISCI, like the Kurds even, have extensive ties to their respective communities and constituencies. You'll notice that I didn't mention any Sunnis there, but Shia and Kurd only. That's mainly because in the pre-2003 Iraq, the Sunni identity was primarily manifested in the Iraqi state itself. In other words, the Sunnis were, if you want to put it, sectless, I'd say. But of course that's changing now in post-2003 Iraq and it's something we can discuss in the Q&A, the question of Sunni mobilization.

So why does all this matter? Why does it matter that Iraq had sectarianism before 2003? For two reasons. Number one, I think it's significant because it means that the Iraqi state had no choice but to be defined by sectarian mobilization, by identity politics. In other words, the political process had no choice but to be defined by identity politics. However, that doesn't necessarily

mean that identity politics or the mobilization of Sunni and Shia communities had to be violent, had to translate into violent conflict. The Shia and the Kurds contest politics in Iraq on the basis of their identities yet the two haven't come to blows like the Sunni and the Shia have. And of course, different identities make for pluralistic societies, pluralistic democratic processes.

So the question here is: why was there a war between the Sunni and the Shia communities? Of course it's a complicated issue and certainly the ten minutes that I have wouldn't do the debate justice, but we can go into it in the Q&A session.

Firstly, I would argue that there is a link between the post-2003 violence and the Sunni Arab decision to reject the new Iraq and the new constitution. The Sunni Arabs were led by the Sunni Arab elite, who actually today are the ones who most often make references to the Iraqi constitution as the basis of their criticisms and their arguments. Secondly, because elements of the Sunni community chose to boycott peaceful means through which to negotiate with their Iraqi counterparts. Civil war also took place because underpinning this post-2003 mobilization of the Sunnis was a myth, perhaps one of the greatest myths of post-2003 Iraq – namely, that the Sunnis were marginalized and disempowered, which simply wasn't the case. Even today, Iraq's problems and challenges get reduced to this idea that the Sunnis were marginalized, are being suppressed. I think it was about a month ago that an analyst or a scholar, I can't quite remember, compared the situation of the Sunnis in Iraq to the civilian population in Syria.

As a side note, what I really recommend is that researchers head to Washington, the National Defense University, because what you will see there is that the post-2003 Sunni insurgency was in fact a pre-planned enterprise. The Baath regime, as the Baath regime secret files and intelligence reports show over in Washington, had a plan to initiate an insurgency straight after the toppling of the former regime. This exacerbated the situation and this more or less opened up the space for foreign and domestic jihadists to enter the country, which more or less took the country to the brink.

Zaid in his book – if I remember correctly, you mentioned that the Sunnis rejected the intervention and the political process from the outset, but in fact what this rejection did is mobilize the Shias like they have never been before. A traditionally divided Shia community, divided along political, tribal, ideological lines, were mobilized and unified to contest power in the Iraqi state

like they have never before, because of the fears and uncertainties that the Sunni Arab rejection introduced.

This brings me to the ongoing conflict in Anbar. I think what both Zaid and myself have been talking about is the lack of a unified vision in Iraq, or a lack of a unified Iraqi identity. All this is relevant in the context of the Anbar conflict because the conflict wasn't the result of Prime Minister Maliki's actions, in terms of dismantling the protest sites or targeting individual Sunni politicians. They were certainly triggered by those actions but I would say they are simply the result of the post-2003 climate, the 2006–07 civil war which never really ended. Anbar is simply an extension of that conflict. Many interpretations of that conflict is that it kind of ended; one side won – the Shia – and one side lost – the Sunni. This is, of course, a very simplistic analysis. It never really ended. More so is the fact, I'd say, that the Sunni Arab militants took the tactical decision to retreat and the Shia side – again, simplifying these terms, Sunni and Shia – the Shia side, rather than defeating their opponents, they've only really managed to contain the violence and the military operations emanating from various sections of the Sunni community.

What does this mean for the future? It means that conflict can be contained but I think there will be more Anbari kind of conflicts in Iraq. There will be many more conflicts similar to the Anbar conflict in the future, perhaps elsewhere in the province. One of the greatest fears is that the conflict in Anbar and elsewhere could engulf the broader country and then repeat the 2006–07 civil war, which would again take Iraq back to the brink, perhaps in a way which it can't really recover from, like it has done over the past five or six years.

In conclusion, I disagree with the argument that the problems Iraq has can be fixed by the constitution, simply because of the deep-rooted animosities and competing visions for the future. What Zaid more or less suggested requires respect for the constitution. Let's say even if you had the perfect constitution tomorrow, that still requires certain adherence to the constitution – but that requires reconciliation, which requires unity. For me, that's just too ambitious at this point, and therefore Iraq has to work with what it has. In many respects, you could say the Iraqi political process is reflective of the society itself – not necessarily in terms of divisions between individual Sunnis and Shias; Sunnis and Shias have historically lived together, there was no dispute about that. But rather about the uncertainties, in that integration might come at the expense of one side or the other.

I believe violence can be contained but not eliminated, especially because of the conflict in Syria, which is giving militants in Iraq the momentum. They are likely to look to capitalize on that. On Maliki, I'd suggest caution about calling for the removal of Iraq's single most popular politician. We'll come to that. We've seen in the region elsewhere, the ramifications that calling for a democratically elected leader can have. At the same time, calling for the wholesale removal of the regime – kind of rewriting Iraq from the outset – again, very dangerous, because that essentially means you'd be taking the country back to a transitional phase. We saw what that transitional phase entailed after 2003.

Iraq needs realistic proposals. I think there is a tendency to call for a stronger state, a centralized state, and then at the same time proponents of a centralized, stronger Iraqi state call for the removal of a leader that they argue has displayed authoritarian tendencies – which is a contradiction, in my opinion. Decentralized power, perhaps even federalism, might be the solution possibly for Iraq. We've seen the idea gain support by local actors on the ground, particularly in the Sunni northwest. That in turn, I think, will allow for some breathing space to emerge, the breathing space that Iraq needs – and Iraqis need, as a people – to reconcile their differences, to try to forge some kind of unified Iraqi identity. Without that breathing space, this won't be possible.

Finally, the past two years, for me, have been a remarkable restraint on the part of the Shia community. We have seen the number of times that Shia political and clerical leaders, most notably Ayatollah Sistani, have come out in condemnation against sectarian killings and political violence. When I'm speaking to Iraqi Shias, particularly from Najaf, they always ask me: where is the equivalent from the Sunni Arab community? It doesn't exist at the moment, which is very important, especially because of the conflict in Syria, which has exacerbated these divisions. I'm also always reminded of the fact that in places like Anbar and I believe in Mosul as well, the Saddam-era flag still flies. I think I'll leave it there.