Iraq in Light of the January Elections

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In the second in a series of occasional ORG briefing papers from key international commentators and experts, David Beetham discusses the invasion of Iraq and the consequences for democracy in light of the elections of January 2005.

The invasion and occupation of Iraq raise fundamental questions for domestic, regional and international politics, whose consequences are likely to remain with us for a generation. Although not all these consequences are yet clear, the Iraq elections of January 2005 provide a useful opportunity to take stock, and attempt provisional answers to some of these questions. This paper will address three of them:

1. Does the inauguration of electoral democracy in Iraq provide a sufficient justification for the invasion of March 2003?

2. What has the experience of Iraq taught us about the problems of promoting democracy through military invasion and occupation?

3. What are the likely prospects of the government brought into being by the recent elections being able to solve any of these problems?

These questions are obviously closely inter-linked, but they can be treated separately for purposes of analysis.

Q1. Does the inauguration of electoral democracy in Iraq provide a sufficient justification for the invasion of March 2003?

The governments responsible for the invasion of Iraq have been very keen that the international community should 'move on' from debating the pros and cons of the war, to considering how Iraq's fragile democracy can be supported and strengthened. A preoccupation with the former issue is backward looking, they argue, while the forward looking agenda is the only one that now matters.

This argument is mistaken, on a number of counts. First, the validity or otherwise of the justifications for the war has profound implications for the *future* of international law and international relations. Secondly, the question of how Iraq's fledgling democracy can be supported and strengthened cannot be divorced from the circumstances of the invasion and occupation which led to its emergence. Thirdly, the fact of elections is now being heralded by these same governments as a sufficient

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justification for the original invasion. For all these reasons the issue of justification is still politically very much a live one.

There is of course a powerful argument, made most recently in Philippe Sands' book, that the invasion was simply illegal under international law.[i] However, the political arguments used to sway public opinion have always moved beyond the issue of international legality; and it has been a consistent contention of Tony Blair in particular that moral and political considerations can override legal ones. So it is these broader arguments that will be considered here.

Before reviewing these arguments, it is essential to enter a caveat. Being glad that the Saddam dictatorship has fallen and that elections have taken place does not entail endorsing the war that made both possible. By the same token, being opposed to the war does not entail being hostile to the democratic revival that is a product of the invasion, or of wishing it anything but well. Democrats should be supportive of all attempts by a people to exercise their right to vote and to practise self-government. But this does not mean endorsing the war, as its proponents would have us believe. That would imply that the fact of elections has to trump every other consideration. This is precisely what is at issue.

The fact that democratisation in Iraq has now become the prime political justification for the war is evidence of how far previous justifications have worn thin. Yet the democratisation argument cannot be wholly divorced from these others, as I shall show; so it will be necessary to review them all briefly:

1. First and most central at the time of the invasion was the threat to international security from Saddam's weapons of mass destruction (WMD), both actual and planned, which had to be pre-empted. This justification has now collapsed under the weight of evidence that Saddam had neither the weapons nor the capacity nor even any plans to revive it. The massive failure of Western intelligence involved in this fiasco has undermined whatever political credibility attached to the idea of 'pre-emptive defence', though the suspension of disbelief in secret intelligence continues to be demanded of the public in support of unlimited detention without trial at home and abroad.

2. The WMD argument was bolstered in the US by the claim that Saddam's Iraq was a haven for international terrorists in general and members of al-Qaida in particular. Other than one or two training camps on the northern borders of Iraq outside Saddam's control, there was never a shred of evidence for this assertion. Nevertheless, it was made much play of by the White House, since it enabled the war in Iraq to be presented as part of the global 'war on terrorism', and as a natural extension to the war in Afghanistan, which had received much broader international endorsement. The fact that the US and UK invasion has itself led to Iraq becoming a magnet for international terrorism may now give a superficial plausibility to this argument, but it never had any validity at the time of the invasion. Indeed, it has become a classic example of the self-fulfilling prophecy.

3. If the first two arguments could, with some stretching, be described as variants of a self-defence justification for war, in the absence of explicit UN authorisation, a third appealed to humanitarian considerations. Invasion would save Iraqi lives and

free the people from the personal insecurities of an arbitrary regime. The prevention of humanitarian crisis had already been invoked to justify the no-fly zones in Iraq during the 1990s, and the bombing of the Federal Republic of Yugoslavia in the Kosovo crisis of 1999. Blair elevated it into a general principle in a speech in South Africa later that year, when he said: 'The international community has a responsibility to act. Sometimes, if collective action cannot be agreed or taken in time [this will be] through countries with a sense of global responsibility taking on the burden.'[ii] The argument was put more precisely in a speech by the foreign office minister Baroness Simon: 'Cases have arisen when… a limited use of force was justifiable in support of purposes laid down by the Security Council but without the Council's express authorisation when that was the only means to avert an immediate and overwhelming humanitarian catastrophe.'[iii] Such arguments and precedents helped create a certain mindset in New Labour which facilitated justification for the Iraq war.

But did the situation in Iraq in 2003 meet the requirement of 'limited use of force to avert an immediate and overwhelming human catastrophe'? Hardly. The no-fly zones already in place, whatever their own legality, were successfully preventing helicopter attacks on the northern Kurds and the southern Arabs. Such ongoing humanitarian emergency as there was in the country was contributed to by the UN sanctions regime, in which the US and UK were themselves largely complicit. And a full-scale ground invasion hardly counted as 'limited use of force'.

Some defenders of the humanitarian case for intervention have tried to strengthen the argument by treating the utilitarian calculation of costs and benefits as if it could be applied retrospectively, by counting backwards; but this is fallacious reasoning. You cannot say, well, tens of thousands of people were killed by the war, but those are more than offset by the hundreds of thousands killed by Saddam in the past. In a utilitarian justification you can only count *forwards*: by intervening you will save more lives *in the future* than you destroy by the war. Such a justification looks very inadequate, given the scale of devastation of the past two years, and the creation of a situation in which the security of life in Iraq is every bit as arbitrary as under Saddam's regime. Such were always predictable consequences of an invasion, and were indeed widely predicted.

4. Given the collapse of these original justifications for the war, the elections of January 2005 are now being used as the main argument to defend the war as a just one, or at least as justified. Democracy and freedom, it is said, have no price, and cannot therefore be subject to any crude utilitarian calculus. Iraq's elections are being presented as part of the global struggle for democracy on the part of oppressed peoples and their supporters in the West. Parallels are drawn with the introduction of democracy in Bosnia Herzegovina, in Kosovo, in Afghanistan and other countries where the West has intervened militarily. Even political science is playing its part in this comparison. In the January 2005 edition of the *Journal of Democracy*, devoted to the theme of 'Building democracy after conflict', Iraq is treated as an equivalent case of post-conflict re-construction to those of Bosnia, Kosovo and Afghanistan, and as presenting common problems.[iv]

The parallel is misleading, however. It is not only that in Iraq the US and UK were the main instigators of the conflict, for which re-construction is now the remedy. It

is that in the other cases introducing democracy was always a secondary consideration to the main purpose of military intervention, which was either primarily self-defence and the removal of a threat to peace and security (Afghanistan), or humanitarian (Bosnia, Kosovo). Democratisation came afterwards, as it had done after the Second World War in West Germany and Japan, and after the Indian invasion of East Pakistan in 1971 and the Tanzanian invasion of Uganda in 1979. What is novel and unique to Iraq is the idea that democratisation could serve as the only or prime justification for an unprovoked invasion.

It is understandable that politicians responsible for sending their country's troops to their deaths should want to convince the public that they have not died in vain. But it is inconceivable that it could ever be elevated into a general principle of international conduct, that the absence of democracy should serve as the justification for the unilateral invasion of a sovereign country. Who would decide? What would the threshold for democracy be? And what implications would it have for international peace and security? Tony Blair may have remarked to Peter Stothard: 'People ask why we don't get rid of Mugabe, why not the Burmese lot. Yes, lets get rid of them all. I don't because I can't, but when you can you should.'[v] But this could hardly serve as a considered principle of international relations.

There are some supporters of the war on the Left who argue that state sovereignty is an outmoded idea, and should not be allowed to stand in the way of universal principles of democracy, political freedom and the protection of human rights. This is not only a dangerous position, given the continuing importance of sovereignty to international law and security. It also ignores the powerful normative significance the principle of sovereignty has for people, especially former colonial peoples with their not so distant memories of struggles for independence. And it overlooks the intrinsic connection between that principle and the values of democracy and political freedom. Democracy shares with sovereignty the core idea of popular self-determination, of which one is the internal, the other the external, expression. Similarly, the concept of political freedom in its earliest formulation in the ancient Greek world meant freedom from foreign domination before domestic political freedoms. The fact that the one does not guarantee the other, as we all know, does not excuse us ignoring the connection. National sovereignty is a moral and not just a legal category, and is so because of the value that people put on it.

In conclusion, the justification for the Iraq war on grounds of democratisation is only being advanced because the other justifications have proved untenable. Yet it can only have any validity as a secondary consideration to other justifications, not as a legitimate principle on its own, whether of international law or morality.

Q2. What has the experience of Iraq taught about the problems of promoting democracy through military invasion and occupation?

Although a different question from the first, this is obviously related to it. On the one hand, the practicability of any such enterprise cannot be irrelevant to the question of its justification. And, on the other hand, how convincing any justification is in the

eyes of citizens of the country being invaded is not irrelevant to its practicability. Now it may be argued that the problems encountered by the occupying forces in Iraq have been entirely the product of 'mistakes' made in the early weeks after the fall of Baghdad. These certainly exacerbated the situation, but there is good evidence that the problems are intrinsic to the enterprise of democratisation through invasion, which is deeply self-contradictory in a number of ways. These can be itemised briefly:

1. Invasion brings the destruction or collapse of the existing state apparatus, which produces a vacuum at three levels simultaneously – security, administration and politics. Of course that means an end to oppression, and what we see is an immediate flowering of civil society, in journals, newspapers, free associations, and so on. But we also see a flowering of a very *uncivil* society, because what comes with the destruction of an oppressive state is not only an end to state oppression, but the collapse of the state itself in its different modes. To be sure there has been a process of state reconstruction under way in all these three modes in Iraq, but that has at the same time been systematically compromised by the fact of the occupation itself, and the way in which the Iraqi personnel necessary to the new state apparatus have become identified with the occupying powers who are training them and for whom they are seen to be working.

2. Invasion brings a radical shift in the balance of forces between the different communities making up the country (we should avoid the use of the word 'ethnic' here because that implies treating them as fixed entities). Here it is the balance between Shia and Sunni, and between Kurds and the rest of Iraq. It is a common feature of all the Western military interventions over the past decade – in Africa, the former Yugoslavia, Afghanistan – that they have brought with them a radical shift in the balance of forces between the main local communities, sometimes intentionally so, sometimes unintentionally; but all bringing a legacy of resentment on the part of those losing out. Such resentments make the process of democratisation especially complicated and precarious.

   Now I place these two items – state and nation – first, because it is an accepted tenet of most of the recent literature on the 'transition to democracy' that the two most essential *preconditions* for democracy are a) a state whose writ runs reasonably effectively throughout the territory and b) a minimal level of agreement on nationhood and on the relative powers of the regions and communities that make it up.[vi] Without these you may have elections, but not necessarily democracy – witness Afghanistan, where the writ of the elected president does not run far beyond Kabul, because the local warlords have stepped into the vacuum created by the invasion; and where a shift in the political balance to the disadvantage of the Pashtun has led to the continuance of low intensity warfare in that region of the country.[vii] Iraq is not necessarily the same, but the processes set in train by the invasion are similar.

3. The third item on the list follows from the first two, and could be called the legitimacy-security paradox, which is particularly stark in Iraq. Because the regime created after the invasion has been widely perceived to lack legitimacy, it has provoked resistance and intensified insecurity; while the means used to

deal with resistance has only further delegitimated the regime, not to mention bringing international opprobrium to the occupying forces. Some commentators insist there is no such thing as an organised Iraqi resistance, only a motley of disaffected groups concentrated mainly in the Sunni heartland. Yet they clearly have a lot of tacit domestic support. And where they are concentrated happens to be in and around the country's capital, not out in the periphery; and they have a disturbing capacity to hit key targets beyond that heartland. Whatever term may be used to explain these atrocities – the work of nihilists, fundamentalists, or whatever – cannot alter the fact that they are manifestly a product of the invasion itself.

4. The fourth of the ways in which the invasion process comes to undermine the democratisation it seeks to promote, is that whereby the policy agenda of the invaders comes to pre-empt and set limits to the scope of a future democratic government. The most crass example of *pre-emption* in Iraq has been the decision to privatise the whole of state-run industry and services except oil, and to allow foreign companies to take them over. Not only has this increased unemployment, but it will leave an enormous legacy of resentment for an elected government. *Limitations* on that government, whether of policy or personnel, will be determined by the US interest in securing a pro-US, pro-Israeli regime, and one which is not shaped by radical Islamist forces. It was this interest that led to the US veto on early elections after Saddam's fall, which in turn further intensified the negative legitimacy-security cycle.

In sum, Iraq seems to provide a textbook case of the contradictions of attempting to bring democracy to a country by force from outside, and of the way in which intrinsic features of a unilateral invasion and military occupation come to frustrate the process of democratisation it seeks to achieve. Democracy through invasion may not be impossible; but it appears to be a deeply compromised project.

The question which calls out for an answer therefore is: why do none of these complexities and contradictions seem to have been anticipated? After all, the democratisation of Iraq has not served only as a retrospective justification for the invasion; regime change was always the privately expressed purpose of the neo-conservative group around Bush, as part of a grandiose plan to reconfigure the Middle East.[viii] The answer has to be sought in the mindset of this group, and in the process whereby anyone who was not 'on message' was systematically marginalised or excluded from the decision making arena. That mindset is characterised by two elements: an extraordinary belief in large-scale social engineering, provided it takes place abroad; and a highly simplified view of social and political processes. Both were evident in the recipes for economic liberalisation in Russia and elsewhere after 1990; where it was believed that, if you removed the state from the economy, a fully fledged market system would emerge regardless of any institutional conditions or supports. Both are now evident in the project for democratisation in Iraq: if you remove an oppressive state, democracy will spring up of its own accord. In other words, the many mistakes the Americans have made in their handling of the occupation were not accidental or avoidable, as is often claimed; they were inscribed in the nature of the project and its authors from the outset.

Q3. What are the prospects of the government brought into being by the recent elections being able to solve any of these problems?

The new government faces three main interlocking dilemmas, failure in any one of which could also undermine the solution to the others:

Nationhood

Elections do not solve the question of nationhood; rather they raise it, and can even militate against its solution. This is because agreement on nationhood requires consensus between all parties, whereas elections are typically majoritarian in character, and can be sharply divisive as between winners and losers in the contest for power. This is especially so where political parties are constructed along communitarian or confessional lines, rather than cutting across them; and where the introduction of electoral democracy radically shifts the balance of power between the communities that make up the nation.

What are the chances that this dilemma can be overcome? Positive features are that the government created from the January election will be a broadly inclusive one, and that the key task of the national assembly will be the drafting of a constitution which will require consensus from all the country's communities. In addition the prime minister designate, Dr. Jaafari, has gone out of his way to placate the sensitivities of ethnic and religious minorities, and has toned down earlier statements suggesting a commitment to the introduction of sharia law.

Against these positive features has to be set the boycott of the recent elections by almost all the Sunni community, and their further marginalisation from power and privilege which will follow the more intensive de-Baathification process that is envisaged by Dr. Jaafari. How Shia expectations of capitalising on their new parliamentary majority can be met without reinforcing Sunni resentment at their loss of power is unclear. Equally unclear is how the Kurdish demand for autonomy, if not outright independence, can be met without fragmenting the Iraqi state, and leading to chronic conflicts over the distribution of oil revenues. These dilemmas are likely to find expression in fundamental disagreements about the shape of a new constitution.

The security-legitimacy paradox

Central to everything else is whether the security-legitimacy paradox can be resolved. Clearly an elected government will have more legitimacy than one appointed by the occupying powers. But will it be able to improve security without eroding this legitimacy by the manner in which it does so? Here the presence of the occupying forces, and the government's reliance on them, is as much a part of the security problem as its solution, given the widespread hostility of the Iraqi population to their continuing presence. Necessary conditions for the improvement of security would seem to be the following: a commitment by the occupying forces to a rapid and total withdrawal of troops, and to their replacement by an international peace-keeping force under UN auspices paid for by the coalition governments; and early negotiations by the Iraqi government with the domestic insurgents, so as to separate them from criminal elements and foreign Islamists.[ix] The US is unlikely to accept the first of these conditions, and will consequently squander the narrow window of opportunity it

now has to declare its withdrawal under the guise of 'mission accomplished'. It must also be questioned how many countries would agree to contribute troops to a UN force. Without this condition, however, it is difficult to see what negotiations with domestic insurgents would be about, or what incentive they might have to call off what most see as a struggle for national liberation and the restoration of Iraqi sovereignty.

The economy

The economy was in poor shape when the invasion took place, but the huge destruction of infrastructure, the imposition of wholesale privatisation and the favouring of foreign contractors by the US have led to widespread destitution in the country. Again it is difficult to see the US agreeing to the reversal of its economic policies, since for the neo-conservatives democracy means privatisation plus elections, and, as we can now see, in that order. Yet improvement of the economy and of basic living conditions for ordinary Iraqis is crucial to establishing the legitimacy of an elected government. And without economic improvement, it is difficult to see how the cycle of corruption established under the interim government of Allawi can be broken, since corruption is bred in conditions of scarcity.

In conclusion, the question about the future of Iraqi democracy after the elections comes down to a simple one. It is whether the Iraqis will be allowed to determine their own affairs under some genuinely international protection force; or whether the continuation of a façade and tutelary democracy under US hegemony will simply repeat the cycle of compromised political legitimacy, widespread insecurity and disrupted basic services that have characterised the military occupation since 2003.

Notes and References

[i] Philippe Sands, *Lawless World*, London, Allen Lane, 2005, chapter 8.

[ii] Quoted in David Beetham et al., *Democracy under Blair*, London, Politico's and Methuen, 2003, p.282.

[iii] Quoted in Simon Chesterman, *Just War or Just Peace?*, Oxford, Oxford University Press, 2001, p.216.

[iv] *Journal of Democracy*, vol.16, no.1, January 2005, pp.5-88.

[v] Quoted in Peter Stothard, *30 Days: a Month at the Heart of Blair's War*, London, Harper Collins, 2003, p.42.

[vi] See the classic work by Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, Baltimore, Johns Hopkins University Press, 1996, chapter 2.

[vii] For a recent assessment of the situation in Afghanistan, see Panjak Mishra, 'The Real Afghanistan', *New York Review of Books*, vol. LII, no.4, 10 March 2005, pp. 44-48.

[viii] John Kampfner was one of the first to produce the evidence for this, and to identify Blair's visit to Crawford, Texas, in April 2002, as the moment when Blair committed himself and the UK to Bush's plan for regime change in Iraq. See his *Blair's Wars*, London, The Free Press, 2003, chapter 8.

[ix] For a current assessment from Baghdad along these lines see Patrick Cockburn in *London Review of Books*, vol. 27, no.4, 17 February 2005, pp.38-39.