

# Iraq Is About to Get A Political Deal

by Hussein Askary

“For the lack of horses, they put saddles on dogs.”  
—*Iraqi saying*

Although scouts can be helpful sometimes, you do not entrust them with such an important mission as running a major hospital, where there are a great number of seriously ill people and complicated operations to carry out. Likewise, with the mission of drafting a new constitution for Iraq: A gaggle of former guerrilla leaders, theology juniors, and “five-star-hotel” exiles from London were told to draft the constitution. On top of that, they had a miserable U.S. Ambassador blowing hot air down their necks, day in and day out. This Ambassador’s latest great achievement is helping create one of the most spectacularly failed states in this century: the Afghanistan which this year became the source of 90% of the world’s opium.

But, wait a minute! Why should anyone be so imprudent as to try to reinvent the Iraqi nation, which has a 5,000-year historical identity? Moreover, Iraq already had a constitution from 1959, after the liberation of Iraq from the puppets of the British Empire. All one needed to do, is to add some new clauses, and make amendments to remove the dirt that has accumulated during the tragic years of Saddam Hussein’s dictatorial rule.

At the time this article was being written, the Iraqi National Congress (Parliament) gave the Constitution Drafting Commission one more week beyond the Aug. 15 deadline, to come up with a finished draft of the constitution. The Commission had missed the U.S.-instilled deadline, spoiling George Bush’s already besieged vacation in Crawford, Texas. It is unlikely that the Drafting Commission will make it to the next deadline of Aug. 22.

## Flashback

From the beginning of the planning of the invasion of Iraq by the neo-con cabal under Vice President Dick Cheney’s direction, the idea was to achieve two main objectives: 1) dismantling the concept of the sovereign nation-state, by force; 2) inaugurating the era of pre-emptive warfare, which was revived by Cheney in the early 1990s, after a long death in Hitler’s burned bunker.

This and nothing more was the motive behind the war. It had little, if anything, to do with Iraq per se. The virus, which has become the cause of the current constitutional disease, is

called the Transitional Administrative Law (TAL). It was planted in Iraq’s political body following the 2003 invasion, by U.S. Viceroy of Iraq Paul Bremer. This was done after the dismantling of all Iraqi national institutions, such as the Army, security forces, police, government ministries, and administrative bodies. National archives were torched, and historical records, monuments, and artifacts were destroyed or stolen. The Iraqi political groups that are in power now had to sign on to that Transitional Administrative Law in order to be handed the formal political leadership they occupy today.

Some of the leading Iraqis who followed in the wake of the massive bombardment of Iraq, being the sons of this nation (although many have British passports), have tried to get the best out of this virus to heal the wounds of Iraq. But others, like Prof. Albert Wohlstetter’s protégé and neo-con asset Ahmad Chalabi, very consciously intended to destroy this nation, and later reshape it as something else, not a nation-state.

## What Is the TAL?

Drafted with the help of Noah Feldman, Professor of Law at the New York University School of Law, under Bremer’s Coalition Provisional Authority (CPA), the TAL had its foundations established in a December 2002 conference in London, attended by the same Iraqi groups mentioned above. The conference was held under the auspices of the U.S. State Department and British Foreign Office. That was the time when both the Bush Administration and Blair’s government in Great Britain had made up their minds about launching the invasion of Iraq. It was in that conference that the idea of an Iraqi “federation” was introduced, but it only became “law” after the invasion.

Unless the Iraqi people tear down and outlaw that “law,” there will be no future for Iraq. Article 4 of the TAL states: “The system of government in Iraq shall be republican, federal, democratic, and pluralistic. . . .” The TAL banned the idea of a centralized government. Although it states that the basis for federation should be “geography and historical realities,” and not ethnicity or religion, the TAL rejects the former non-federal system of 18 geographically defined provinces, which were based on geography, and not nationality or religion.

This “law” also makes it impossible to change its content. Article 3-A states: “This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council.” Therefore, for the political groups in Iraq to be approved by the occupation power, they had to sign on to this recipe for mass-suicide.

## Iraqi Aristotelian Syllogism

What made it possible for a great number of Iraqis to unconsciously accept such a destruction of their nation, is



U.S. Army/Pfc. Ferdinand Thomas

*“Let them eat political promises?” Secretary of State Condoleezza Rice and Iraqi Prime Minister Ibrahim al-Jafaari at a press conference in May 2005 discussing “improvements . . . for the Iraqi people.”*

a strange form of Aristotelian syllogism, spread through a massive brainwashing campaign in Iraqi and Arab media. An example of this Aristotelian syllogism is: Saddam Hussein’s criminal regime was a centralized government. From this follows: Centralized government is *b-a-d*. Another example: Regulated centralized economic programs of Saddam Hussein’s criminal regime are the cause of Iraq’s economic catastrophe. From this follows: Regulated, centralized economy is *b-a-d*. Privatization, deregulation, and decentralization are *g-o-o-d*.

One can also add: Saddam’s criminal regime wasted Iraq’s resources to provide clean drinking water and electricity for air-conditioning during the hot Summer season. From this follows: Clean drinking water and air-conditioning are *b-a-d*. Any and everything could be blamed on Saddam, to justify the destruction and looting of this nation.

For historical and cultural reasons, there has been an implicit agreement among Iraqis that the Kurds in Iraq should have a kind of special status, reflected in limited autonomy. What the Kurdish leaders demand now, is semi-independence, with control over a great share of Iraq’s national raw materials. The Iraqi Shi’a and Sunni Arabs have never accepted such an independent status. More important, they never demanded a similar status for themselves as a sectarian group.

However, in the final, dramatic days of the drafting of the constitution, on Aug. 11, Abdulaziz al-Hakim, the leader of the Supreme Council of Islamic Revolution in Iraq (SCIRI), the largest Iraqi Shi’a political-military faction, dropped a political bomb. Using the same insane syllogism, he addressed a big crowd in the holy city of Najaf, demanding that the Shi’a region in southern Iraq be given a similar status to that of the Kurds.

Why? In order not to repeat the oppression of the Shi’a that was carried out by the Sunni Saddam Hussein. This does not make sense, because what it implies is that every Sunni in Iraq is a potential Saddam, a mass murderer of the Shi’a. The actual guarantee for the Shi’a, who are a majority in the country, and in the government and parliament today, is to lead a united-national government, and establish a covenant of reconciliation and honor with the other groups.

Just read what Article 52 of the TAL says: “The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime.”

Al-Hakim’s move raised suspicions that the intention behind it is to strike a deal in order to solve the constitutional dispute. What Iraq would get is a “political deal,” not a constitution. The Kurds sensed that al-Hakim’s move is to destroy the whole issue of “federation” for the Kurds, which would also give them control of the oil-rich city of Kirkuk. But they know that the ransom is, accepting the demand by the majority of Shi’a groups to establish a “religious state” in Iraq, and putting that in the constitution. It would be worded that “Islamic Sharia [religious law] is the source of all legislation.”

In return, the Kurds will have their independent status and thus avoid the religious-state status, because then they can have their own secular legislation within their separate utopia. The Sunni forces in Iraq are also inclined to accept a religious state, but cannot accept separate regions. The majority of the Shi’a clergy would accept such a division of the country, if they are allowed to keep control over the huge revenues of pilgrimage to the holy cities, and the charities that follow. These are huge funds.

## Horrifying Conditions

More than two year after the war of “liberation” of Iraq and of “reconstruction” efforts, living conditions in Iraq are even worse than the most horrifying conditions during the 1990s era of United Nations sanctions.

The talk about “contracting” to “rebuild” Iraq is a big lie. Most of the building that has taken place is in and around U.S. military bases and airports, and the largest share of “contracting” is with foreign private security firms (mercenaries) to protect Iraqi officials and installations and foreign contractors active in Iraq. According to a July 29 report in the *Washington Post*: “the Pentagon estimates there are 60 private security firms with as many as 25,000 employees in Iraq. Some elite personnel make \$33,000 a month”—a large sum, by Iraqi standards.

Many projects related to the rehabilitation of Iraq’s electricity grid were dumped by the U.S. Army Corps of Engineers to save money for security for other existing electricity stations. Security contracts cost billions of dollars each year.

A June 2005 United Nations Development Program (UNPD) survey of living conditions in 2004 was correctly described as “tragic” by an Iraqi minister. In short, the report indicates that the Iraqi people are suffering from a threatening shortage of jobs, housing, health care, electricity, and clean water. The situation in 2005 is even worse than in 2004, but no statistics are yet available.

The UNDP survey reveals that 85% of Iraqi households lack stable electricity. This means they have electric power about 3-6 hours per day. Only 54% have access to clean water. In other words, 46% of Iraqis have to use polluted river and well water. Only 37% of Iraqi households had access to sewage treatment. This was almost unthinkable during the 1980s and most of the 1990, despite two devastating wars.

### A ‘Major Deterioration’

“If you compare this to the situation in the 1980s, you will see a major deterioration of the situation,” said

Barham Salih, Minister of Planning in the current Iraqi government, pointing out that 75% of households had clean water two decades ago. The survey put the unemployment figure at 18.4%, but Salih explained that “underemployment” topped the 50% mark. The truth of the matter is that unemployment has reached 70%, but people get paid little sums of money in U.S. dollars to keep the statistics pretty.

The survey estimates that the number of Iraqis who have died since the U.S.-led invasion of 2003 is somewhere between 18,000 and 29,000. Of those deaths, 12% were children under 18 years of age, meaning that between 2,100 and 3,500 children have been killed in the war thus far. According to the description in an IPS news service report on the survey, “In a country where almost half the population of 27.1 million people is less than 18 years old, some of the most startling findings relate to youth.”

Nearly one-fourth of Iraqi children aged between six months and five years are chronically malnourished, meaning that they have stunted growth, the report says. Among all Iraqi children, more than one in ten suffers from general malnutrition, meaning they have a low weight for their age. Another 8% have acute malnourishment, or low weight for their height. In some areas of the country, acute malnourishment reaches 17% and stunting reaches 26%, the report says.

Both infant and child mortality rates appear to have been steadily increasing over the past 15 years. At present, 32 babies out of every 1,000 born alive die before reaching their first birthday.

In addition, 37% of young men with secondary or higher education are unemployed, and only 83% of boys and 79% of school-age girls are enrolled in primary school. The UNICEF reported in 2003 that, “the education system in Iraq, prior to 1991, was one of the best in the region, with over 100% Gross Enrollment Rate for primary schooling and high levels of literacy, both of men and women. The Higher Education, especially the scientific and technological institutions, was of an international standard, staffed by high quality personnel.”

—Hussein Askary

This is what the dispute within the Iraqi circle was about: making deals, not drafting a lasting constitution. It is not clear what the American Ambassador Zalmay Khalilzad was upset about. Is it that the glorious deadline of Aug. 15 was not met, that would have given the Bush Administration a reason to rejoice? Or is it that he lost control over the discussions, which could result in turning Iraq into “another theocratic state” in the region?

On Aug. 14, the Arabic daily *Al-Hayat* cited Kurdish representative in the Constitution Drafting Commission Mahmoud Othman as saying, “The Americans presented a copy of a detailed and complete draft of a constitution.” *Al-Hayat* also reported from sources, that Khalilzad was present during the discussion in order to know the latest developments. According to these sources, Khalilzad demanded that the Aug. 15 deadline should be met even if the constitution



DOD/Petty Officer 2nd Class Robert M. Schalk, U.S. Navy

*U.S. soldiers handing out food, water, and supplies in Um Shababit, Iraq. Living conditions in Iraq are worse now than under the UN sanctions in the 1990s. Forty-six percent of Iraqis now don't have access to clean water, and malnutrition and mortality rates among children are climbing.*

draft is not completed. He argued that the unresolved issues should be postponed to a later date.

Another side of the sudden shift of SCIRI head al-Hakim, is that he was intending to thwart a major escalation towards an uprising in Shi'ite southern Iraq, by promising bribes to the population there. His statement included a promise that if a federation is established in southern Iraq, oil revenues from that region would be used to develop the region. The populist argument is that the population in this area should enjoy the oil money pumped from their region, rather than doing as Saddam did: sending the money to Baghdad to enrich his Sunni supporters in the northwest.

### **Potential for Uprising**

The day after al-Hakim's statement, Aug. 12, mass demonstrations were to be held after the Friday Prayers all over southern Iraq and in Baghdad. These demonstrations were called for by Shi'a factional leader Muqtada al-Sadr to protest the unbearable living conditions (see box). Al-Sadr demanded from the government a swift reaction to change these conditions and provide basic services—or else! Al-Sadr, who is described as “hard-liner” in Western media, is a leading Shi'a personality and a member of a family of political-religious leaders with strong patriotic sense. He has opposed the U.S.-British occupation, and his followers often clashed with U.S. and British troops. Al-Sadr, who enjoys respect and support among the Sunnis in western Iraq, is totally opposed to the

idea of a federal Iraq.

Of course, the government has no means of improving these conditions, and therefore Prime Minister Ibrahim al-Jaafari visited al-Sadr personally to ask him humbly to postpone these demonstrations. Al-Sadr then issued a statement asking for the demonstrations to be postponed ten days, to give the government a chance to improve public services. Of course, nothing will be resolved in ten days, and an uprising is in the wings.

A small-scale uprising (Intifada) took place in Samawa on Aug. 9. Massive demonstrations were organized, urging the city's mayor to deal with the deteriorating condition of public services, especially the supply of water, electricity, and health care. The mayor's police guards were ordered to shoot at the demonstrators. Later in the day, armed groups came back and took over the mayor's headquarters.

These groups immediately got support from other cities in the region, and the situation was about to blow up in the entire south of the country. This kind of escalation is expected to break out soon, as the failure of the current Iraqi elite manifests itself more and more, and a united Shi'a-Sunni insurgency could turn the deal-making table upside down.

### **The Solution Lies in Washington**

The solution to Iraq's problems will not come from inside Iraq. The level of irrationality among its political elite is unbelievable. The Iraqi people, haunted by barbaric suicide bombers, roadside bombs, and terrified U.S. soldiers, are totally desperate. However, the reasons and causes of this crisis did not come from Iraq. The battle is fought in Iraq, Afghanistan, and potentially Iran—but the war is in Washington. It is from there that a solution should come.

With a sane policy from the United States, a free Iraqi people would be able to rebuild their nation. Even at this late hour, restoring the Iraqi sovereign nation-state is still possible. The discussion about the Iraqi constitution should be turned into a discussion of the U.S. Constitution. Only when a change in U.S. policy is made, will it be possible for Iraqis to calmly turn to rebuilding their country.

If the parties involved in this constitution-drafting process come with anything on Aug. 22, it would be a political deal at best. Constitutions are written by statesmen, not by political mavericks and intelligence assets.