

CONFERENCE
The Day After: Planning for a Post-Saddam Iraq

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Paper

A Model for Post-Saddam Iraq

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I intend in my remarks to paint a picture of what a future Iraq, post-Saddam, could look like. While the ideas I am dealing with take as their starting point Iraqi realities, they are not self-evident. By this I mean they do not take as their point of departure the lowest common denominator of Iraqi politics. They are feasible, but their feasibility requires imaginative leadership; Iraqi and American leadership, the kind of leadership that has a long term political vision, not only of Iraq but of the whole Middle East. In addition to leadership, the feasibility of what I am about to suggest rests on a number of assumptions which I had best get quickly out of the way, because without them what I am about to say will remain pious hopes and dreams without any chance of being realized in the short term:

1. That the government of the United States actually proceeds with its stated policy of regime change in Iraq.
2. That the unseating of the Saddam Husain regime does not take place at the cost of large scale civilian casualties (Iraqi or Israeli) which could introduce considerable volatility and unpredictability into the political situation.
3. That these ideas, or some variation on them, are actually adopted at a large and representative conference of the Iraqi opposition.
4. That the Government of the United States, as the partner of the Iraqi people in liberating Iraq, sees its role in Iraq as being for the long term, for democracy and reconstruction--i.e, for nation-building.

In making this assumption I am comforted by the words of Condoleezza Rice last week who was quoted as saying in the Financial Times that this time around the US will be "completely devoted" to the reconstruction of Iraq as a unified, democratic state in the event of a military strike that topples Saddam Hussein. Ms Rice suggested that the US was willing to spend time and money rebuilding Iraq after the fall of Mr Hussein's regime. She said that the values of freedom, democracy and free enterprise do not "stop at the edge of Islam", and she underlined US interest in the "democratisation or the march

of freedom in the Muslim world". I said I am comforted by these words but I am unfortunately by no means persuaded that Ms Rice was stating the position of the USG in this regard.

5. That the Government of the United States, further to a treaty with a new duly constituted Iraqi government, agrees to keep a military presence inside Iraq whose purpose is to guarantee the territorial integrity of Iraq for a period measured in years, not months. This having been said it should be emphasized that nothing in what I am about to say requires of the United States to police or manage into existence the new and budding institutions of the country. That is a challenge that I believe the people of Iraq can and will face up to on their own.

Given these assumptions, then, I would suggest that the removal of the regime of Saddam Husain presents the US with a historic opportunity that is as large as anything that has happened in the Middle East since the fall of the Ottoman Empire and the entry of British troops into Iraq in 1917. Iraq is not Afghanistan. It is rich enough and developed enough and has the human resources to become as great a force for democracy and economic reconstruction in the Arab and Muslim world as it has been a force for autocracy and destruction.

But for the world to be able to see the challenge in this way, it is necessary to change the terms of the debate over this coming war with Iraq. That has not happened. And that is why I said I am merely comforted by what Ms Rice said to the FT, and not yet convinced that it is the position of the USG, not yet at any rate.

Unfortunately much of the debate over Iraq that has taken place in Europe, in the Arab world, and even in this country, has been a selfish one, centred on the threats to the West and its friends on the one hand, and on the moral issues arising from American hegemony on the other. It has been all about "us" in the West, and not about those who have had to live inside the grip of one of the most brutal dictatorships of modern times. I should say here that it has been even more selfish among non-Iraqi Arabs, if there can be said to have been any kind of debate at all on the possibility that this war may actually end up being a force for good in the Middle East as opposed to the unmitigated disaster that almost all non-Iraqi Arabs seem to think it will be. The spectrum of what it is politically possible to talk about in Arab politics these days runs from Palestine at one end to Palestine at the other, with no room for the plight of the people of Iraq, the overwhelming majority of whom believe that military action is the price that has to be paid for the removal of the regime of Saddam Hussain.

The change that has occurred in American policy towards Iraq is driven of course by strategic American considerations post September 11. This change has been heartily welcomed in Iraqi opposition circles even as it is feared and criticized in the rest of the Arab world. This is not the time to pay attention to these Arab fears. They will come to nothing in the end, as they came to nothing during the Gulf war and the war in Afghanistan. The 1991 divide inside Arab politics is still alive, for understandable reasons. But what might become of it in the months and years to come depends on how willing the United States is to follow through with nation-building as opposed to mere regime change. To be blunt about it there is a great deal more at stake in Iraq than the elimination of weapons of mass destruction, and the removal of Saddam Hussain, important and real as these are as considerations.

It is in that spirit of interesting you in what is possible in Iraq that I would now like to share with you the kind of thinking that is going on in some Iraqi circles with which I happen to be involved and which are working closely, intimately in fact, with various

agencies of the government of the US. Nothing that I am going to say is in any way shape of form the policy of the USG--not yet at any rate--or even that of the Iraqi opposition, although the whole point is to make them so.

Federalism

Let me begin first with an issue that for historical reasons has assumed an inordinately large role inside the Iraqi opposition. And that is the idea that the new Iraqi state that would emerge out of the ashes of the Ba'thi regime should in some way or other be federal in structure. The origins of this idea began in 1992, when the Kurdish Parliament voted in favor for it. A few months later the Iraqi National Congress adopted this policy in its conference in Salahuddin, northern Iraq, an event which I was privileged to attend and where I was asked to deliver a keynote speech on the subject. I came down strongly in favor of the idea as a solution to the problems of the Iraqi state. The INC later reaffirmed federalism at its 1998 conference in New York.

These votes were the first of their kind in the modern history of Iraq. Taken together they broke the mold of Iraqi and Arab politics. There is no literature in Arabic on this word just as there is no Arab experience of federalism. And yet today most Iraqi organizations that oppose the regime in Baghdad, whether they are in the INC or not, advocate one interpretation or another of federalism. No Iraqi political organization can afford not to, especially not one that calls itself democratic. That is an immense gain for the people of Iraq, one which should not be frittered away by the disagreements which have also broken out over what this moveable feast of a word means.

Two features unite all definitions in play in the Iraqi political arena at the moment:

- the idea that federalism, whatever else it might mean, is a form of devolution of power away from the center, Baghdad, towards the provinces.
- no future state in Iraq can be democratic if it is not at the same time federal in structure.

The novelty of federalism is a reflection of that of the novelty of the whole phenomenon of the post 1991 Iraqi opposition, an opposition grounded not in issues of "national-liberation," "armed struggle" and the struggle against "Zionism" and "imperialism," the catchall phrases of Arab politics since 1967, but an opposition whose be-all and end-all is hostility to its own home-grown dictatorship. Admittedly this opposition has not always been easy to deal with; it encompasses diverse traditional and modern elements of Iraqi society; it is fractious, and prone to in-fighting. Nonetheless it is remarkable that virtually all of its constituent parts agree on the need for representative democracy, the rule of law, a pluralist system of government, and federalism. Federalism should therefore become a corner stone of the new Iraqi body politic.

Unfortunately, however, neither the Kurdish Parliament nor the INC have yet clarified what they mean by this new idea, nor have they developed its practical implications with regards to the mechanics of power-sharing and resource distribution.

The driving force behind the injection of this new idea, as I said, has been the Kurdish experience in Iraq. For Kurds federalism has become a condition sine-qua-non for staying inside a new Iraq, and not trying to secede from it. Without a federal system of government, in which real power is devolved towards the regions, the currently autonomous predominantly Kurdish north, will sooner or later opt for separation. And rightly so. After all that has been done to the Kurds in the name of Arabism, no Iraqi should expect otherwise. And certainly no one who calls him or herself a democrat.

As a result there has arisen a purely utilitarian argument for federalism, one derived from a pragmatic calculus of what the balance of power in the immediate aftermath of Saddam's overthrow is going to look like. One must concede federalism, the argument goes among some Arabs, in the interest of getting rid of Saddam and because the Kurds are today in a position to force it upon us. And we must accept federalism, some Kurds say, not because we really want it, but because the regional situation does not allow for us to secede and have a separate state in northern Iraq.

I do not think that a project as big as restructuring the state of Iraq on a federal basis should be undertaken on the grounds of this kind of utilitarian calculus. No ordinary Iraqi citizen can be expected to opt for federalism on grounds of expediency. Federalism, if it is to become the founding principle of a new beginning in Iraq, must derive from a position of principle. What might that be?

To begin with, federalism is an extension of the principle of the separation of powers, only this time power is being divided as well as separated. The divisions I am talking about are those of the regions from one another. Without the division of powers, there can be no federalism worthy of the name. Because the regime of Saddam Hussain was never willing to relinquish power except under duress (for example in 1970 when it negotiated the March 11 Kurdish autonomy accords), none of its past "concessions" to the Kurds could ever be taken seriously. They were here one day and gone the next. By contrast a truly federal system of government is a structurally new system in which power itself is from the outset both separated and divided.

Federalism is from this point of view the first step towards a state system resting on the principle that the rights of the part, or the minority, should never be sacrificed to the will of the majority. The fundamental principle of human rights is that the rights of the part--be that part defined as a single individual or a whole collectivity of individuals who speak another language and have their own culture--are inviolable by the state. Federalism is about the rights of those collective parts of the mosaic that is Iraqi society.

How should these different parts of the new Iraqi federation be defined? One important approach rests on ethnicity as the basis of the constituent parts of the federation. An idea at play in the Iraqi arena at the moment is to have Iraq composed of two regions, the first Arab, the second Kurdish. Ethnicity is, according to this point of view, the most fundamental basis for federalism in Iraq. Not illogically, the Kurds are the driving force behind this definition.

Non-Kurdish Iraqis have three problems with this formulation:

1. It will cause ethnicity to become the basis for making territorial claims and counterclaims, especially with regards to high profit resources located in one region and not another. The fight over Kirkuk is already proceeding in this direction, with Arab, Kurdish and Turkoman claims competing with one another over this oil-rich city.
2. When a federation is defined as being about two ethnic groups, then clearly all the other ethnic groups, who do not have a share in the federation, are being to one degree or another discriminated against. Why should an Armenian or a Chaldean or a Turkoman citizen of Iraq have any less rights as an individual than an Arab or a Kurd in post-Saddam Iraq? Such discrimination in favor of the two largest ethnic groups in Iraq is inherently undemocratic.
3. Nor can a federation be geographically mapped out on the ground that included all the different ethnic and religious groups in Iraq. These groupings are not all territorially concentrated. There are Kurds in Baghdad and Arabs in Sulaymaniyya, and there are Turkomans and Armenians and

Chaldeans mixed in with Arabs and Kurds in many locations. Therefore a federation of many ethnic groups would be no improvement on a federation made up of only two large groups.

The alternative to ethnicity is territoriality in which each separate region receive's its share of all national resources (including oil revenues) according to the relative size of its population. That is what is in effect going on in northern Iraq at the moment through the offices of the UN's oil-for-food program. A good argument can be made for the extension of that UN formula to the whole of Iraq.^[1] The future all-Iraqi federation should not be one of different ethnicities but one of different geographically defined territories within which different ethnicities may form a majority. The point is not to diminish or dilute the Kurdishness of a Kurd, or the Arabness of an Arab; it is to put a premium on the equality of citizenship for all.

Ethnicity and Statehood

The logical corollary of territoriality as a basis for federalism is that the new Iraqi state cannot be thought of in any politically meaningful sense of the term as an Arab entity. This is a novel idea for the region but it follows inexorably from a territorial definition of regions as opposed to an ethnic one.

Israel is today a Jewish state in which a substantial number of Arab Palestinians--more than a million--have Israeli citizenship but are not and cannot in principle ever be full fledged citizens of the state of Israel. The fact that they live in better conditions than their brethren in the West Bank and Gaza, or those in refugee camps all over the Arab world, is not an argument for second class citizenship. In principle, because they are in a religiously or ethnically defined state, they are second class citizens and one day in the future, it seems to me, the two principles upon which the state of Israel was created--ethnicity and democracy--are probably going to come into conflict with one another. We should not want such a formula for Iraq. Iraqis deserve to live in an Iraq in which a Kurd or a Chaldean or an Assyrian or a Turkoman, be they male and female, can in principle all be elected to the highest offices of the land. That means that even though the Arabs form a majority in the country their majority status should not put them in a position to exclude anyone else from positions of power and influence as has been the case in the regime led by a party that calls itself the Arab Ba'th Socialist party. A democratic Iraq, has to be an Iraq that by definition exists for all its citizens equally, regardless of race, ethnicity or religion. And that means a non-Arab Iraq.

Religion and Statehood

Which of course brings me to the third precondition of a genuinely democratic state in Iraq--its relationship to religion.

Nothing has so diminished Islam in recent times as its politicization. The quality of Islamic education, scholarship and spiritual guidance declined dramatically once the nationalist secular regimes of the post-colonial period came into existence and took over these functions. Nor has the resurgence of political Islam from the 1970s improved matters. The youth of Iran today are turning against the very clergy whom their parents had helped bring to power a generation ago. One hears criticism on the streets of Tehran these days coming from some of the enlightened ulama who played a leading role in the 1979 revolution. Nonetheless Iran is a success story in comparison with the atrocities that have been perpetrated in the name of Islam and among Muslims in Algeria and until recently in Egypt and the Sudan. Or in comparison with what September 11, and the name of Usama bin Laden, has done to the image of Muslims throughout the world. The

substitution of jihad for worship is the greatest travesty perpetrated upon Islam in modern times; it will take much work by Muslims to undo its pernicious effect. And when Saddam Hussain hails the "martyrdom" of Palestinian suicide bombers and distributes large sums of money to their families, or when he uses the resources of the Iraqi people to build mosques as propaganda during the Iraq-Iran war, he too is degrading Islam by using it to further a political agenda.

The cumulative effect of these decades of abuse has served ultimately to conceal from Muslims and Arabs in particular the immense and still unexamined terrain of their own great contribution to human civilization. Culture and the life of the spirit have been degraded in Iraq. To guard against the recurrence of such abuse Iraqis need to invent a concept of statehood that will give all religions in the country the opportunity to flourish once again. Christianity and Judaism have very deep roots in Iraqi history. The Babylonian Talmud was written just south of Baghdad, and the many branches of the Eastern Church which flourished in Iraq predate Islam and are among the very earliest churches in the history of Christianity.

What, if any, is the relationship which ought to exist between the new Iraqi state and religion, specifically the religion of the overwhelming majority of Iraqis, Islam? This is something which ultimately only the people of Iraq can decide upon in the course of their deliberations during the transitional period.

One way of thinking about the issues involved is to pose them in the way that Iraqis in particular have experienced the abuse of Islam by the regime of Saddam Hussain. And I would do that not by asking if Iraqis want a secular state or not, but by asking more concretely something like the following:

- Do you want your future state to be involved in any way in your religious beliefs, either by way of compelling or persuading you towards a particular belief?
- Do you want your future state to define individual citizens as members of different religious groups (as is the case with the confessional system in Lebanon)? Do you think, in other words, that an individual's religious beliefs are relevant to his or her rights and obligations as a citizen?
- Do you want your future state to promote, regulate, direct, or otherwise interfere in matters of religion (through the Ministry of Awqaf, for instance, or through its control over educational programs)?
- Do you trust your Iraqi politicians enough to give them any kind of influence or control over your religious affairs?
- Finally do you think Iraqi clerics, or ulama, (in their religious capacity not as private citizens) have the knowledge and experience required to decide upon your political affairs?

If the answer that Iraqis give to all of these questions is "no"--and if I were to hazard a guess that is how I think they would vote--then that in effect means that the people of Iraq have chosen to keep matters of politics and matters of religion separate from one another.

De-Militarization

The fourth precondition for a genuinely democratic experience in Iraq is demilitarization. I have left what is perhaps the most important question of all, given the history of Iraq's wars of aggression and buildup of weapons of mass destruction, to the end. Perhaps that is because my views on this have not changed since 1991 when I joined up with more than 400 Iraqis of every ethnic and religious denomination and from all

walks of life to put our names to a document called Charter 1991. The relevant passages from that document read as follows:

"The notion that strength resides in large standing armies and up-to-date weapons of destruction has proved bankrupt.

"Real strength is always internal--in the creative, cultural and wealth-producing capabilities of a people. It is found in civil society, not in the army or in the state. Armies often threaten democracy; the larger they grow the more they weaken civil society. This is what happened in Iraq. Therefore, conditional upon international and regional guarantees which secure the territorial integrity of Iraq, preferably within the framework of an overall reduction in the levels of militarization of the whole Middle East, a new Iraqi constitution should:

"Abolish conscription and reorganize the army into a professional, small and purely defensive force which will never be used for internal repression.

"Set an absolute upper limit on expenditure on this new force equal to 2% of Iraqi National Income.

"Have as its first article the following: "Aspiring sincerely to an international peace based on justice and order, the Iraqi people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes. The right of belligerency of the Iraqi state will not be recognized."

I am convinced that if the territorial integrity of the country were to be guaranteed by an outside power, the overwhelming majority of Iraqis, certainly its Kurdish and Shi'ite populations, will vote for such a far-reaching program. Quite understandably the Sunni population will worry about the implications on them of such a loss of an institution that has been important to their role in the country. Those fears are legitimate and need to be properly addressed. The country will after all like post-war Germany need powerful internal law and order institutions. But like Japan and Germany after WWII, Iraq's future lies in unshackling itself in no uncertain way from the burden of its past and focusing all the creative energies of the country on reconstruction and cultural renewal.

I began by talking about regime change providing a historic opportunity for the USG and the Iraqi opposition, an opportunity that is as large as anything that has happened in the Middle East since the fall of the Ottoman Empire. By that you now know I meant a federal, non-Arab and de-militarized Iraq. This vision, or something approximating it, is achievable. Moreover an Iraqi leadership able to work in partnership with the US to bring it about already exists. The question that I cannot answer, however, is: Will the new resolve that America has discovered in itself post September 11, rise imaginatively to the level of the opportunity it is about to create in the Middle East?

Notes

1. See "Federalism and the Future of Iraq," by Michael Rubin in *Iraq After Saddam* (Washington Institute, 2002)

