

Transition to Democracy in Iraq?

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ANYONE WHO HAS BEEN WATCHING or reading the news must know that things have recently been slipping badly for the coalition, the United States, and possibly for the prospects of any kind of democratic transition in Iraq. The mass media usually exaggerates the negatives and suppresses the positives, and I do think that has happened in Iraq in the past several months. I strongly believe that we have not heard nearly enough about some of the good work that the Coalition Provisional Authority (CPA) and the international community have and is continuing to do to try and rebuild the country, its infrastructure, and support emerging democratic institutions, organizations and values.

45

Unfortunately, however, the bad news is quite bad. We are now mired in—or at least rapidly sinking into—what many experts had envisioned as a nightmare scenario for the occupation: a two-front internal war. In Fallujah, we have responded to persistent terrorist violence and the brutal, horrific murders of four American contractors on 31 March. The wide scope and intensity of this coalition assault on Fallujah has shocked and alienated even our political allies among moderate Sunni forces. Unless we find a negotiated solution to this military standoff, we are going to have difficulty in our effort, which had been making some progress, to reach out to Iraqi Sunnis and broaden the base of the political transition.

Potentially even more dangerous, however, is the Shi'ite uprising that began at the start of April. Many scholars have long warned that an uprising among the Shi'a

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population, who are a majority in Iraq, would spell doom for the coalition and for any hope of a peaceful transition to anything resembling democracy. We are not yet facing a generalized Shi'ite resistance in Iraq. Unfortunately, however, support for Muqtada al-Sadr has been growing, and in some ways merging, into a broader Iraqi disaffection with the occupation and with the United States.

POSSIBILITIES IN IRAQ

I will return to the issues of these twin confrontations with a Sunni resistance based now in Fallujah and a much more religious based, but still almost fascistic, political movement led by this self-appointed mullah, Muqtada al-Sadr. Before I return to the actors in this conflict, I want to give you some sense of what we have come from, and the possibilities for democratic development in Iraq that drew a number of fairly idealistic consultants, non-governmental organizations (NGOs), other democracy promoters, and development specialists, including myself, to Iraq over the past year.

We have been engaged in a difficult effort against great odds to rebuild Iraq and foster a transition to democracy. Obviously, it has been a very turbulent road, littered with mistakes on our own part and obstacles thrown up by Iraq's authoritarian neighbors who are panicked by the thought of having an emerging Arab democracy right next door to them.

Nevertheless, we have seen some inspiring progress. A variety of civil society organizations and think tanks are emerging and finding their legs, none more impressively than the plethora of women's organizations who have been emerging from around the country and coalescing into a body called the Iraqi Higher Women's Council. We have been working closely with many of these civil society organizations, civic education groups, student groups, doctors, lawyers, farmers, and community groups at the local level, to try and assist them in mobilizing people for democracy, organizing around their own interests and values. There is much at stake here, and there is actually a role for people who have fairly abstract and academic knowledge of these issues to make, at least in an advisory and educational way, some contribution.

As you may know, last month the Iraqi Governing Council—which is the twenty-five member political representative body that the Coalition Provisional Authority appointed to act as a semi-legislative council—finally adopted, after many intense negotiations that ran through three all-night sessions and a near political crisis, an interim constitution called the Transitional Administrative Law. This legislation will structure and limit government in Iraq if the transition unfolds as planned. It deals with everything from the handover of governing authority on 30 June until the election and seating of a new government under a permanent constitution, which is to come by the

end of 2005. Not only do we have a political process at the national level, but we have smaller political processes at the provincial and local levels which have involved the formation, with varying degrees of popular involvement, of representative bodies that have some degree of legitimacy. In civil society as well, there are many Iraqi young people who have gotten involved on their own initiative to form campaigns to educate other youth and society in general about democratic principles and values, and about the issues in their constitutional debates.

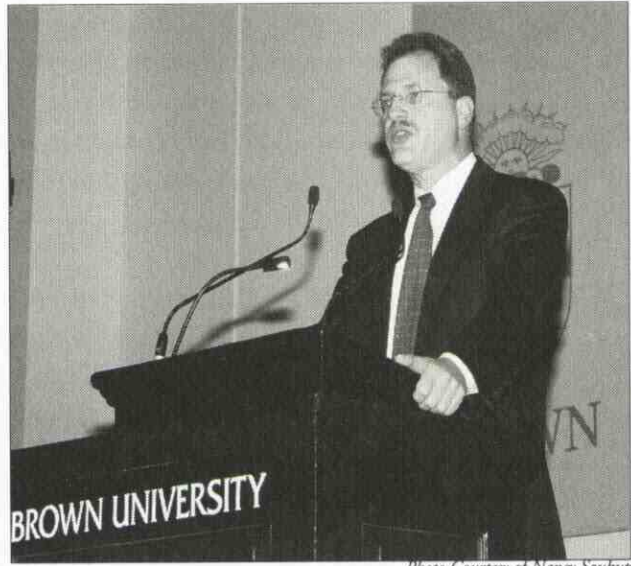


Photo Courtesy of Nancy Soukup

Dr. Larry Diamond speaks at the Waton Institute's Director Series. (12 April 2004)

The interim constitution that was adopted on 8 March 2004 is, in some respects, the most liberal and progressive basic governance document to be found anywhere in the Arab world. However, it is not without serious problems. Iraqis complain that there was too little popular involvement and debate in the process of adopting that interim constitution. I think they are right. They are also concerned that the document gives far too many veto rights to minorities. Iraqis also worry, quite mistakenly, that it will allow the United States to conclude a binding treaty with an unelected Iraqi interim government. Finally, some Iraqis wish that the Transitional Law was more exclusively rooted in Islam. Many political forces in Iraq would like a fundamentalist Islamic state more or less along the lines of what exists now in Iran. However, despite all of the problems and controversies, I do think that the substance of the Transitional Law was a step forward for Iraq, even if the process left much to be desired.

One ray of light in the current grim situation is that Ambassador Lakhdar Brahimi is now in Iraq with a team of other UN specialists to consult on a framework for the transitional government. Ambassador Brahimi is a remarkably capable man who is widely respected around the world for his fairness, balance, and negotiating skills, and who was heavily responsible for the compromise agreements that led to the adoption of the Afghan constitution at the beginning of this year. Carina Perelli of the United Nations election team is also there with her specialists consulting on two issues in particular. First, she is looking at how to structure an independent Iraqi electoral administration that will take the lead responsibility for preparing the country for elec-

tions, and then administer them during the second half of this year. Second, she is determining how to structure the electoral law to determine as fairly as possible how members of the National Assembly will be elected at the end of this year. There are respects, in which we can still be hopeful that the political transition is moving forward—with controversies, obstacles, suspicions, conflicts to be sure—but on the whole, with identifiable signposts of progress.

CURRENT DIFFICULTIES

The transition has, however, been sailing into a very stormy sea of violence and intimidation. My deepest concern has not been with the Sunni resistance, at least not until it was enlarged into this broad conflict in Fallujah at the start of April. The challenge of the Sunni resistance has been quite serious. Many of us have always felt, however, that unless the Sunni resistance could somehow activate al-Qaeda into committing such horrific elements of terrorism that the Shi'a were provoked into open rebellion against the coalition, that it would not be the Sunni resistance or even the al-Qaeda terrorism that fundamentally threatened the viability of the transition. The biggest concern of many analysts of Iraq, both inside the Coalition Provisional Authority and outside it, has been about the struggle for the Shi'ite heartland of Iraq. These concerns have centered on the rising intimidation and violence coming over the past year from a growing array of armed, private militias loyal to political parties and religious militants. The militias are riven by factional divides, driven by personal power ambitions and lavishly armed, funded, and encouraged by the confusing welter of power factions in Iran. These militias, and not only the militias operating in the Shi'ite south, but throughout the country, including the Kurdish north, have cast a long shadow over the political process in Iraq. While we have been focusing on building civil society, education for democracy, working with Iraqi youth, writing the basic law, negotiating the future structure and time table of transitional government, these militias have been building up their weaponry and recruiting fighters and preparing for what they regard as an impending violent struggle for power in Iraq. The total number of these militia fighters in many provinces well exceeds the combined strength of the new Iraqi armed forces.

In some cases, Islamic fundamentalist parties and actors have been playing a clever double game. While their political leaders sit in councils in Baghdad, reach laudable compromises with their interlocutors, and tell their American colleagues what they want to hear, their armies have been stockpiling heavy arms, intimidating opponents, and preparing for a coming war in Iraq. I do not think this militia war will fundamentally be about external occupation or international domination, although now that it has been breaking out prematurely, that is how it is being framed and

justified. It is a war for something more primal: the conquest of power.

Some of us in the Coalition Provisional Authority have seen this threat gathering in recent months and have become alarmed. We have warned that unless the political party movement and pseudo-religious militias are demobilized and disarmed, a transition to democ-

racy in Iraq will become impossible. Rather, those of us who have experience in some more violence-ridden democracies can

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imagine what this will look like. From party canvassing and registration, to the election campaign, to the casting and counting of votes, the democratic process will be desecrated by strong-arm methods, intimidation and fraud, and the quest for free and fair elections will drown in a sea of blood.

Fortunately, key officials within the CPA have come to similar conclusions and have quietly seized upon the issue of party militias as a priority. Over the past three months, CPA officials have been quietly preparing and negotiating a plan for the comprehensive disarmament, demobilization and reintegration of all the major militias in Iraq. Using the lessons of other negotiated programs for disarmament, demobilization, and reintegration into society (DDR), this plan will offer members of the militias generous financial incentives to lay down their arms, disband, and become integrated into one of the new Iraqi armed forces. This plan may also provide individuals with the opportunity to enter into areas of the civilian economy, perhaps offering retraining if necessary to prepare them for civilian jobs.

These experienced experts believe they are making significant progress, but in this kind of effort of demobilization of private armed forces, it is all or nothing. No party militia will disband if it believes it will risk collective suicide in disarming unilaterally. Party militias may have an offensive intent to use force, to substitute for or supplement their political appeals, but they also have a defensive intent to preempt or prevent fraud by their opponents and to protect the lives of their leaders and their candidates and their campaigners. Unless its rivals are demobilized at the same time, no serious militia is going to sincerely cooperate with the DDR plan.

This brings us to the person of Muqtada al-Sadr and to the biggest, most ruthless militia that stands, I think, ineluctably, outside any process of negotiation and voluntary disarmament. A fiery, thirty-year-old mullah whose father and brothers were

martyred in the Shi'ite resistance to Saddam Hussein, Muqtada al-Sadr has nothing of the Islamic learning and sophistication that would put him anywhere close to the religious stature of an ayatollah. But he knows how to organize, mobilize, and intimidate.

I have met virtually no civilians, soldiers or mid-level officers in Iraq who have, in speaking to me honestly, felt that we have had enough troops or enough resources.

He is a brilliant street fighter and bully who has used the reputation of his father among the poor urban masses and the language of historic resistance to external impositions to mobilize a growing following among downtrodden, urban, dispossessed men. His

support has been confined to a relatively small minority among the Shi'a of Iraq, but it is the kind of minority—young, urban, dispossessed men—that makes revolutions and seizes power. Their devotion to his declarations and obedience to his commands appears to be intense.

In recent months, Sadr's militia, the Mahdi Army, and his loose political movement that surrounds it, have been growing alarmingly in size, muscle, and daring. They have seized public buildings, beaten up university professors and deans, taken over classrooms and departments, forced women to wear the hijab, set up illegal sharia courts, imposed their own brutal penalties, and generally made themselves a law unto themselves. All of this street action is meant to intimidate and cow opponents, to create the sense of an unstoppable force, and to strike absolute fear in the hearts of people who would be so naive as to think that they could shape public policy and future power relations by peaceful, democratic means.

Muqtada, like many totalitarian-would-be actors before him, has been guilty of brazen crimes well before his effort to seize power openly. A year ago, Sadr's organization stabbed to death a leading moderate Shi'ite cleric, Ayatollah Sayyed Abdul Majid al-Khoei, who would have been a force for peaceful democratic change and a dangerous rival to Sadr. It is important to emphasize that the murder took place in the Imam Ali mosque, Shi'ite Islam's holiest shrine. That is the level of respect Sadr manifests for his own religion. On the night of 12 March, the Mahdi Army invaded a gypsy town named Qawliyya, where there had previously been a dispute involving allegations of prostitution and illegal sales of alcohol. Sadr's forces leveled the town and at least eighteen people were taken to a secret detention center, and brutally tortured for ten days. This blatant act of ethnic cleansing was a harbinger of what was to come.

Sadr's propaganda, both in his oral statements and through his weekly newspaper, the *Hawza*, has become increasingly incendiary, propagating the most outrageous and explosive lies about the coalition; he claimed that we were deliberately planting

mass bombings and so on. These claims were deliberately designed to provoke popular violence. Finally, on 28 March, the coalition acted against Sadr only in a very limited way, closing down his newspaper, but otherwise leaving his entire militant structure in place. In response, Sadr ordered his followers to violently resist the coalition. We in turn arrested a senior Sadr aide, Mustafa al-Yacoubi and several others, a few days later on 4 April, and issued a number of arrest warrants as well for the murder of Ayatollah al-Khoei a year ago this month.

For at least six months we had been sitting on arrest warrants for Sadr and many of his allies for this murder. Many people inside the CPA and in Iraqi society have been begging the coalition to carry out these warrants and end this rising, violent, illegal threat to the entire democratic transition. We moved much too late in my view, and only in a partial way. Sadr's forces seized numerous public buildings, including the city of Karbala with its sacred Shiite religious shrines to the Imam Abbas and Imam Hussein. In Najaf, his followers invaded Shi'a Islam's holiest center, where Ayatollah al-Khoei had been murdered a year ago, the Shrine of the Imam Ali. These attempted power grabs are not new. Last October, coalition forces intercepted thirty busloads of a thousand heavily armed Sadr followers as they were headed down from Baghdad to Karbala to seize control of the city. I do not know why we did not take that as a final warning sign of what was to come. Nevertheless, it is now clear that we are in a war with Sadr and his Mahdi army. If we do not win this war, no peaceful Iraqi democrat in that part of the country will be safe, and a transition to democracy will be impossible. More broadly, it is obvious to me and many civilian officials in the CPA that we must move forward with, and perhaps even accelerate and succeed in the plan to disarm, demobilize, and reintegrate all the militias.

51

CONCLUDING REMARKS

A fundamental insight of the recent literature on democratic transitions is really one of the oldest insights in the literature that deals with political order of any kind: you cannot have a democratic state until you have a state. And you cannot have a state unless it meets the minimum Weberian test of a state; it must exercise an effective monopoly over the means of violence. That is the problem which has plagued the effort to rebuild political order in Afghanistan, where we have not had nearly enough troops and commitment, and that is the problem that has plagued the U.S.-led effort in Iraq. I can tell you flatly that I have met virtually no civilians, soldiers or mid-level officers in Iraq who have, in speaking to me honestly, felt that we have had enough troops or enough resources.

As I have emphasized, negotiated mobilization of the other armies can only work

if we compel disarmament on the part of the army that will not negotiate peacefully. At best, we are in for a rough few weeks and months ahead in Iraq. I was opposed to this war from the beginning. As much of a democracy enthusiast as I am, I do not believe that we should ever promote democracy by forcibly overthrowing a state in the absence of an overt massive humanitarian emergency like, for example, the Rwandan genocide.

Once the war took place, however, and the regime was gone, I felt a moral and political obligation to make the contribution to try and help create the conditions for a more decent, democratic, and humane form of government. That is still the challenge before us, but it has a much more profound military component than I had envisioned when I first went there. There is only one way out of the dilemma we confront. The answer is not via retreat or holding the line at an untenable status quo. It is to move forward assertively, to commit all the troops and resources it will take to defeat the worst militias who have absolutely no commitment to a peaceful political order, while we negotiate with any political forces that are willing to become part of a peaceful political process. Therefore, both in the Shi'ite south and in our means of addressing the Sunni heartland including Fallujah, we have to combine a military strategy with a much more agile, adept, inclusive, and creative political strategy that moves well beyond the twenty-five-member Governing Council, which has very limited political support and legitimacy in the country. We can only prevail in this delicate task if we find a strategy to draw in Ayatollah Sistani and the wavering bulk of the Shi'ite population. Personally, I think President Bush was right to insist that the rising tide of violence will not shake our resolve to transfer authority to a more broadly-inclusive Iraqi government on 30 June. Any delay in that transfer would only further inflame the situation and feed palpable suspicions that we are bent on permanent domination in Iraq, that we are only there for the oil or to secure permanent military bases.

But the Bush administration has not leveled with itself or the American people about the resources that are needed to achieve any kind of success in Iraq. Our mission has been under-resourced from the start.

In the next few months, or even weeks, we could lose the new war for Iraq if we do not project the necessary resolve, but let me stress that it must be combined with the right political strategy to generate a more inclusive and legitimate Iraqi government. Success will take longer to achieve than a few weeks or months, and we have to face the fact that it will never be hailed by a unanimously grateful Iraq. However, if we can defang and contain the militias, and through a process of broadened negotiation, seize upon this political strategy for transition to a more legitimate government while building up the new Iraqi institutions of rule of law, a small miracle could yet unfold by

January. That miracle envisions reasonably free and fair elections for a transitional government which would then write a new permanent constitution and organize elections for a permanent, more legitimate government. Then, what now appears a downward spiral into civil war could still be averted and this long-suffering country could be placed on a rocky but realizable path to democracy. 

NOTES

* Let me emphasize that I am not speaking here as an advisor to the Coalition Provisional Authority or to the United States government, but as an American academic who has had the awkward experience of trying to combine theory and practice in Baghdad over the last few months.

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