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IRAQ'S TURBULENT TRANSITION: CAN IT SUCCEED?

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Key Points

- ✚ The emergence of a new Interim Iraqi Government (IIG) and the unanimous passage of a United Nations Security Council resolution recognizing it may hearten dispirited Iraqis that the occupation of their country is coming to an end. They may also see themselves on the way, finally, to elections and stable, representative government. They will first, however, have to get through a hot and dangerous summer with the likelihood of increased attacks on themselves, foreigners, and on the country's economic and social infrastructure.
- ✚ As the interim government attempts to assert its authority, Iraq's diverse communities will now begin their struggle to protect the gains they have made or hope to achieve under democratic rule. Key issues include: Kurdish demands for guarantees of federalism and a veto on the new constitution; Shi'a Muslim resistance to what, they say, would ensure separatism and give a minority veto rights on the majority; and religious Muslims' demand that Islam be recognized as "the" rather than "a" source of legislation. Iraq's Arab Sunni Muslims, still reeling from the fall of a government they had long dominated, are becoming increasingly combative as they face the prospect of becoming a marginalized community.
- ✚ Iraqis will grow increasingly fractious as they jockey for political space. However, the risk of civil war—Arab versus Kurd or Sunni Muslim versus Shi'a—is low. The fissures are deep, but all appear to understand that division is not an option and more can be gained through participation and negotiation. Two developments could raise the risk: first, that Sunni and Shi'a extremists with links to international terrorist groups succeed in threatening Iraq's delicate stability; second, that the Kurds, who appear occasionally to waiver in their commitment to be part of the new Iraqi government, push for greater autonomy and control of Kirkuk.

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- ✚ Security will remain a paramount concern. IIG efforts to deal with the U.S. as a partner rather than a client, dismantle militias, control the country's finances, and coordinate with the U.S. on security issues will bolster its credibility in the eyes of many Iraqis. It will *not, however*, lessen terrorist or insurgent attacks.
- ✚ Iraqis will remain suspicious that their new government will not be fully sovereign. Success will depend to a great extent on Washington's willingness to fully vest sovereignty and authority in the IIG. It will also depend on U.S. officials resisting the temptation to promote Iraqi foreign and domestic policy issues that support U.S. regional goals but could endanger the IIG's prospects for survival.

Iraq's Impatience

One year after liberation, most Iraqis are impatient with the foreign military occupation of their country. Grateful for the removal of Saddam Husayn's cruel and repressive regime, many assumed the U.S. and its coalition members would soon go home and leave them to sort out their political, economic, and military fate. The war, after all, had been fought to liberate Iraqis from political tyranny, and not to defeat the Iraqi people. Expectations then were high for both Iraqis and Americans that the transition from oppression to democracy would be smooth and quick, and that Iraq's political elites would move swiftly to ensure democratic rule.

Today, there is deep cynicism in Iraq and the region that Iraq will be returned to meaningful self-rule. Despite the formation of a new Iraqi Interim Government on 1 June, many Iraqis and their neighbors remain skeptical that the United States will give up its control or not try to retain control through appointed puppets. Success as measured by quick victory and regime change has been accomplished. Success as measured by rapid reconstruction of Iraq's polity and economy has not been achieved, and may be in peril.

Iraq's Three Dramas

During this turbulent transitional period success or failure will hinge critically upon on the outcome of three distinct "dramas." *The first of these is the specter of civil war.* It hasn't happened. To be sure, anti-American violence has increased, as have insurgent efforts to spark civil war between Iraq's ethnic and sectarian elements. Even so, Iraq is not in a state of civil war, nor has there been any serious outbreak of sectarian or ethnic warfare—yet. Sunni Muslims are not at war with Shi'a Muslims, and Arabs are not at war with Kurds. Nor are Iraq's Shi'a wedded to an Iranian-style cleric-dominated regime. The confrontations that have occurred, for example in Baghdad, Kufah, Fallujah and Najaf, reflected carefully planned and coordinated attacks on U.S. forces and on civilians working on Iraq's reconstruction.

What is important, to paraphrase Sherlock Holmes, is what is not being heard. Little is heard about the rounds of negotiations between the extremist Shi'a cleric, Muqtada al-Sadr and representatives of the Ayatollahs of Najaf, including Grand Ayatollah Ali al-Sistani and his son, yet it is clearly in the interest of the Shi'a clerical hierarchy to resolve this crisis. Little is heard, as well, about negotiations in Fallujah, yet the emergence of a respected Republican Guard general and tribal leaders may have opened the way to broader conflict resolution in that volatile municipality.

And no cleric has yet issued a decree (*fatwa*) sanctioning rebellion against the foreign occupier. Despite the murders of Iraqis cooperating with the Coalition Provisional Authority (CPA), including a president and two ministers on the Iraqi Governing Council, clerics in the Sunni and Shi'a communities, and officials of both Kurdish factions in northern Iraq, civil war—meaning between Iraqi Arabs and Kurds, or between Sunni and Shi'a—has not erupted and in my judgment is not likely to do so.

Civil war, if it happens, is more likely to occur between religious extremists (Sunni and Shi'a) against everyone else, than it is between Sunni and Shi'a or Arab and Kurd. Iraq is an amalgam of Shi'a Arab (approximately 60 percent), Sunni Arab (20 percent) and Kurd (Sunni and Shia, approximately 20 percent), but it cannot be simply defined and divided mathematically. Generally, Sunni and Shi'a Arabs share an assumption of Iraqi nationalism and an intention to maintain the political and territorial integrity of the country as defined by the 1922 San Remo treaty and the 1932 treaty of independence. Iraq's Kurds have committed themselves for the moment to being part of Iraq, but their reluctance to accept permanent status in Iraq is certainly linked directly to future constitutional and perhaps territorial concessions.

The second “drama” concerns the fate of transitional governance. Squabbling over the nature of the Interim Government that assumed power on 1 June, how it was chosen, and who would serve in the various Cabinet posts exacerbated relations unnecessarily between the CPA and Iraqis. Both sides in the debate had unrealistic expectations of what was possible. From outward appearances, the Governing Council, in effect, pre-empted UN-U.S. efforts to select the new interim government, which it intended to announce on 1 June, by choosing a new president (a prominent shaykh, or leader, of the 1-million member Shammar tribal federation from northern Iraq), 2 deputy presidents (a Kurd and a Shi'a Arab), and a prime minister (the head of the Iraq National Accord party, Iyad Allawi, who is a secular Shi'a and former Ba'thist who had lived in exile for the past 25 years) one week earlier. The new Cabinet contains a mix of former GC members and newly appointed technocrats, divided among the country's diverse groups and including 6 women. A commission to prepare the country for national elections was also named and plans are being made for a nation-wide assembly to meet in July to advise the interim government and plan for Iraq's political future. The elections, when held, will not ensure perfect democratic governance or the emergence of a pro-U.S. government. They should, however, reflect the consensus of the Iraqi people.

Municipal elections have occurred in many areas, and it is probably at this level that the greatest progress in democratic rule has occurred. Democracy represents two values: majority rule and protection of the rights of minorities. It took Britain nearly 900 years and a civil war to evolve into a truly representative government; it has taken us more than 225 years and a civil war to achieve our current state of democracy. How can we expect the Iraqis to achieve this in one year?

The third “drama” hinges on the fate of Iraq's longer-term political institution building. The Interim Government that took over from the Governing Council lacks legitimacy, and the shape of political institutions and a permanent constitution are yet to be determined. These issues will not be resolved in the immediate future, nor should anyone expect them to be. Political institutions and constitutions do not automatically confer legitimacy, establish the rule of law, create checks and balances in government, and guarantee equal rights and protections for all. Parliaments

are buildings and constitutions are written on paper. It takes time and trust to create a free people and an open society.

In 1920, the British created institutions of government (parliament) for Iraq, imported a foreign Arab and had him “elected” by a plebiscite of hand-picked “natural leaders” known to favor pro-British rule, and selected a rainbow coalition drawn from all the communities of Iraq. The government established by Britain—king, parliament, municipal and regional councils, and “natural” leaders—lacked power and authority to rule Iraq. Not only did the British rule indirectly and closely through political commissioners and officers chosen in Whitehall, they wrote the constitution and the treaties the Iraqis had to sign to gain independence. Even after the League of Nations recognized an independent Iraq in 1932, the British retained their control over security and military decision making until the 1958 revolution. Under the British, Iraqis gained, at best, only second-hand experience of democratic institutions and practices. There is a danger that the U.S. will repeat the errors of the British in Iraq if it does not pass real, transparent decision-making power to them.

Where Are We Now?

Despite the unanimous passage on 8 June of the UN Security Council resolution recognizing the new Iraqi Interim Government and approving the timeline for elections, foreign observers of Iraq and many Iraqis probably continued to harbor suspicions that the actual transition of political authority from the U.S.-dominated CPA to Iraqis would occur without the simultaneous transition to democracy or Iraqi control of security policy.¹ They suspect that the U.S. passed power to a group of self-promoting Iraqis who are unelected and do not represent the wishes of the people, that the U.S. will end up retaining control of the real centers of decisionmaking, and that the exercise will be an opaque one at best. Only time will tell if they are right. Others continue to argue that Iraq cannot be ruled democratically, or is better off being divided into 3 states to ensure protection for ethnic and religious groups and weak states that will not be a threat to any one but themselves in the future. They are certainly wrong.

The new government, led by President Ghazi al-Yawar, Prime Minister Iyad Allawi, and Foreign Minister Hoshyar Zebari, seeks a transparent and unambiguous transfer of authority that gives them power over political, economic, financial, and security policy without actual responsibility for Iraq’s security, which they say they prefer remain in the hands of the Americans. A small but increasingly vociferous number of Iraqis demand removal of all vestiges of U.S. presence, from civilian advisers aiding the transition to military forces assigned to provide security and fight the insurgents and terrorists who threaten Iraq’s stability and security.

Who is right? How does an occupier-liberator know when enough is enough? How do you measure success? When do you acknowledge failure? To try to answer these questions, we need to assess what the new government needs to do to survive as a stable and effective element of Iraq’s new politics and what realistically can be achieved by it, by Iraq’s other leaders, and by the United States.

¹ Three transitions have occurred: from the CPA to the U.S. Embassy; from the Iraqi Governing Council to the interim government; and from the Coalition military force to the Multi-National Force-Iraq (MNF-I). The first and third occurred on 1 July; the second transition occurred on 1 June.

Past as Prologue?

The U.S. government has been accused of many deficiencies in its planning for a post-Saddam Iraq. The accusations range from having no plan at all to having the wrong plan—planning for humanitarian, refugee, and health crises that did not happen—to having hidden agendas to retain control of Iraq’s wealth. While these accusations carry the hallmarks of conspiracy theories, one issue stands out. The U.S. government did not adequately consider the impact of many of the measures it imposed on Iraq in the days since the fall of Saddam Husayn.

The first American administrator for humanitarian aid and reconstruction, LTG (Ret.) Jay Garner, had served in Iraq in 1991 following the abortive Kurdish rebellion in northern Iraq. He and his staff assumed they would face similar crises in 2003—internally displaced people, refugee flows, and a desperate need for housing, food, water, and health care. He also assumed he would take over ministries and civil servants in place and, with only a few American advisers and contractors, would be able to get government up and running quickly. He had no detailed plans for widespread de-Ba’thification of the civil service or public sector workers, or for the mass demobilization of the Iraqi military forces. Plans in early 2003 for the Iraqi armed forces were based on downsizing, de-politicizing, and professionalizing the military. Garner understood that a large number of suddenly unemployed Iraqis from the military or the bureaucracy could not be dumped on an economy already suffering economic dislocation and high unemployment. Garner had not included looting, sabotage, and a disappeared civil bureaucracy among his most pressing post-conflict concerns.

DeBa’thification’s Unintended Impact. One month after his arrival in Baghdad replacing Garner in April 2003, the new CPA administrator, Amb. Paul Bremer, implemented several significant policies. He first ordered removal of all Ba’th Party members from public posts. Called de-Ba’thification, the process removed any one who was a member of the Party down to the third level of responsibility in the Party hierarchical structure. The following September, Iraq’s most controversial former exile, Ahmad Chalabi, then serving as president of the Governing Council for the month, ordered a much broader de-Ba’thification—he wanted to extend the purge to the fourth level of the party and deny local and regional commanders and CPA officials the right to grant exemptions to the de-Ba’thification edict.

The second Bremer decree closed the Ministry of Defense and demobilized—fired—all the members of Iraq’s military and security forces, including the regular army and the Republican Guard, and security and intelligence units, including the Special Republican Guard, the Saddam fedayeen, and the special militias that served as regime bodyguards and secret police.

The impact of these actions cannot be easily measured. As many as 50,000 party members may have lost their jobs in civil service, education (kindergarten through university), public health, and the media. Probably only a small percentage of those fired were willing and earnest loyalists prepared to implement regime edicts and party ideology. The far greater number of party members, perhaps 80-90 percent, had joined the party out of fear, pressure, and promises of better jobs, higher salaries, and personal security. Party membership was required for teachers and any government bureaucrat, professional or technical person aspiring for a better job and higher status. Approximately 450,000

military and security personnel were relieved of their positions, without salaries or other compensation.²

Both measures sent a clear signal, in particular, to the Sunni Arab community, which out of fear and loyalty, had served as Saddam's pillar of strength. The Arab Sunni tribes of the so-called triangle or center, an area bounded by Mosul, Fallujah, Tikrit, and Baqubah and including Baghdad, provided most of the recruits and personnel for the officer corps of the military, the Republican Guard, Special Republican Guard, and other security and intelligence units. They filled the upper ranks of the Ba'th Party and the elite group of advisers around Saddam.

Bremer's edicts targeted these Sunni Arab elites in particular, creating the image of a beleaguered and disenfranchised community that had lost its place in Iraqi society, politics, the economy, and governance. The oppressors would now become the oppressed. In this light, the willingness of disgruntled military officers to join with Saddam loyalists, former Ba'thists, and Sunni religious extremists becomes more explicable.

The TAL as a Roadmap. In the lead-up to a 30 June turnover of power, Mr. Bremer took several measures aimed at ensuring the Interim Government of Iraq would steer a moderate course. He appointed advisers to ministries with multi-year terms, terms that go far beyond the life of the CPA and the Interim Government, and a draft provisional basic law. Draconian measures to try to improve security and end the insurgencies that flared in the spring of 2004 were implemented. Bremer and the U.S. military commanders also pursued a more cautious strategy to resolve confrontations between coalition forces and some insurgent elements. In both Fallujah and Najaf, the CPA dealt with Iraq's unelected and influential power brokers, especially clerics loyal to the relatively more moderate vision of Grand Ayatollah Ali Sistani, who heads one of the largest endowments in the Shi'a world and is based in the shrine city of Najaf.

The clearest indicator of the U.S. vision for the new Iraq has been set forth in the Transitional Administrative Law (TAL), otherwise referred to as the Basic Law or the interim constitution. The document, written by Iraqis according to Bremer, resonates with protections for individual rights and civil liberties as contained in western constitutions. It describes Iraq's government as republican, federal, democratic, and pluralistic. Its key sections deal with issues of federal versus state's rights, Islam as "a" versus "the" source of legislation, and the structure and nature of governance.

Some Iraqi constituencies have taken exception to different parts of the TAL. Shi'a leaders oppose the provision allowing a majority of voters in 3 governorates the power to veto a new constitution or legislation passed by the majority. Kurds are dissatisfied with the geographic basis of federalism and probably mistrust the willingness of any Arab-dominated government to share revenues or political offices fairly with them. Kurds, Christians and secular Arabs object to the provision recognizing Iraq as Arab or Muslim. Islamists prefer an avowedly Islamic government with *shariah* (religious law) as the foundation of all law. While little mention is made in Iraq about

² Bremer later authorized payment of wages for the rank-and-file military up to the 0-6 level. He did not rescind the order, insisting instead that there was no Iraqi military to disband. Nor did Bremer sign Chalabi's decree on expanding de-Ba'thification. As long as the CPA was in control, Bremer's signature was required for a measure to become law.

complying with all UN Security Council resolutions, at some point this, too, will probably become a symbol of unfairness and oppression intended to keep Iraq weak.

Key Provisions of the TAL:

- **Islam** is the official religion of the country as well as **a** source, but not **the** source, of legislation.
- **Iraq** is a country of many nationalities and the Arab people in Iraq are an inseparable part of the Arab nation.
- **Arabic and Kurdish are recognized as official languages**, and Iraqis can educate their children in their own language in state and private schools.
- **An Iraqi** citizen is anyone who carries Iraqi nationality.
- **All Iraqis have full equality** without regard to gender, sect, opinion, belief, nationality, religion, or origin. All are equal before the law and have the right to a fair, speedy, and public trial.
- **The Iraqi transitional government** shall include a national assembly, a presidency council, a council of ministers, including a prime minister, and a judiciary. There is separation of powers—legislative, executive, and judicial. The assembly will elect the head of state—a president—and two deputy presidents from its ranks to serve as the presidency council; this council will name a prime minister. One-quarter of the Assembly’s 275 representatives shall be women, and all communities shall be fairly represented.
- **Federalism** is defined as a system of separation of powers based on geographic and historical realities and not race, ethnicity, nationality or religious sect (confession). Formulation of national security policy as well as foreign, diplomatic, economic, trade and debt policies belong to the federal government. Managing the natural resources and distributing revenues also fall under federal authority. The government will also observe checks and balances, with an independent judiciary.
- **The armed forces and the intelligence services come under civilian control**, and all military personnel are banned from political office and activity.
- **The transitional government must honor Iraq’s international obligations under international treaties.** This includes the Non-Proliferation Treaty and all UN Security Council resolutions banning weapons of mass destruction.
- **Resolution of disputed territories, including Kirkuk, is deferred until a census has been conducted and people forcibly moved to leave their homes and region are compensated or returned home.**
- **The draft permanent constitution will be presented to the Iraqi people for approval by 15 October 2005.** It will be approved if the majority approves it and if two-thirds of the voters in three or more governates do not reject.

What do Iraqis Want?

While Iraqi unhappiness with the TAL, and the occupation more generally, is easy to chronicle, the harder task is to discern what exactly Iraqis want. Among the country’s different sectarian and ethnic communities, the answer varies. Iraq’s communities have cooperated in the past, inter-married, and lived together for hundreds of years. Many families, tribes, and clans—including Saddam Husayn’s and the Shammar of President al-Yawar—have Sunni and Shi’a members. Sunni Arabs, Shia Arabs, Kurds, Turkmen and Christians live intermingled in many cities and towns,

including Baghdad, Tikrit, Mosul, and Kirkuk. The Arab communities include secular and religious elements that are both tribal and urban. Iraq's Kurdish and Christian communities, however, are avowedly secular and worry about domination by a new Islamist and Arab political constellation.

What are Shi'a Aspirations? Iraq's Shi'a are not one monolithic community sharing a common vision of Iraq's political future. They are multiple communities, with multiple goals and conflicting visions of a new Iraq. The majority, including Grand Ayatollah Sistani, tend to reject the model of Iran's Islamic republic and Ayatollah Khomeini's concept of *vilayat-i faqih* (rule by clerics). An outspoken minority, however, are pressing for Islamic rule.

Most of Iraq's Shi'a community did not convert to Shi'a Islam until the late 18th century. These tribes over the centuries had acquired the characteristics of a persecuted minority—alienation from the larger society, an intense feeling of cohesion, and a pervasive sense of oppression and injustice—that Shi'ism accentuated. Iraq's Shi'a were excluded from participation in the Sunni Ottoman Empire that ruled the Iraqi provinces for 4 centuries; they fared no better under British, monarchist, and Arab nationalist rule. They, in turn, rejected Sunni schools, Sunni academies, and Sunni governance. Nevertheless, a number served in government under the monarchy and after the 1958 revolution, including as prime ministers and Cabinet members. They joined the Communist and Ba'thist parties and served as loyalists to Saddam Husayn, seeing these secular movements as offering a more level playing field than the parties that had dominated the state since independence and favored Arab Sunni nationalist causes.

The Shi'a, for the most part, saw themselves, however, as Arab, Iraqi, and Shi'a. The Shi'a tribes of the south remained loyal to Baghdad in the Iran-Iraq war, a loyalty acknowledged and rewarded by Saddam in the 1980s. Shi'a conscripts, the majority of the Iraqi Army, returning from Kuwait in February 1991 saw opportunity in the absence of government forces and with perceived encouragement from the U.S. staged a revolt. The revolt was incoherent and uncoordinated, Iran failed to back it sufficiently, and guerrillas and mullahs carrying portraits of Khomeini frightened many in southern Iraq. The rebellion failed.

Many of Iraq's more urbanized Shi'a are not religious, or if so, still favor secular political rule. On the other hand, traditional Shi'a tend to be more village and tribal centered and more pious and observant. Majorities from both camps follow Grand Ayatollah Sistani as their guide (*marja al-taqlid*) and many may favor some sort of Islamic governance, with Islam as more than "a" source of state law. There seems to be little support for an Islamic republic styled along the Iranian model. Sistani's political vision for Iraq is not altogether clear. While he opposes rule by clerics, as in Islamic Iran, it is not obvious that an Iraq fashioned along the lines of secular Turkey would satisfy him. Nor is he likely to be happy with Islam as "a" source of law. Sistani, like Khomeini, may be appalled at the official separation of Islam and state in Turkey, even with the current Islamist government in Ankara.

Iraq, however, has several Shi'a extremist factions that would like to emulate Iran. They share a vision of an Islamic republic governed by Islam as "the" source of all law, and have little tolerance for western values or practices, including the emancipation of women. The most prominent is the *Supreme Council for the Islamic Revolution in Iraq (SCIRI)*, established by Iran in the early 1980s as an umbrella group to tie together anti-regime Iraqis in exile in Iran. Its leader, Ayatollah Muhammad

Baqr al-Hakim, was assassinated in August 2003, after returning from more than 20 years in exile in Iran; his brother Abd al-Aziz al-Hakim served on the Governing Council and heads the Badr Brigade, the SCIRI militia.

Iraq's first modern Shi'a extremist faction was the *Dawa (Call) Party*, founded in Najaf in the 1960s by Ayatollah Muhammad Baqr Sadr, who was martyred by Saddam's regime in 1980. He was a companion of Khomeini during the latter's 15-year exile in Iraq and wrote a political treatise advocating a role for clerics in governance (similar to Khomeini's principle of *vilayat-i faqih*, or rule by religious jurisprudent). Dawa members were involved in anti-U.S. and anti-western terrorism with the Lebanese Hizballah terrorist infrastructure in Kuwait and Lebanon during the 1980s. They have never been comfortable in their alliance with SCIRI and indicators suggest the 2 may have split. They also have representatives in the new government.

Finally, an *Iraqi Hizballah* party is forming in Iraq. Little is known about its activities or backing thus far. It is apparently building grassroots organizations in the cities and towns of the south—constructing schools, housing, clinics, mosques, and societies to provide martyrs' benefits to families affected by the war and occupation in much the same manner as the Lebanese Hizballah. And, like the Lebanese version, it almost certainly has ties to radical Iranian clerics and the Iranian Revolutionary Guard Corps.

The Al-Sadr Phenomenon. The most dangerous movement thus far is that of Muqtada al-Sadr, a 30-something junior cleric who seems to appeal primarily to disgruntled young unemployed males with a taste for sacrifice and violence. His Mahdi militia and rhetoric portray the struggle against U.S. forces as a holy war (*jihad*) against the infidel; he wraps himself in a white shroud to show he is ready for death. He is implicated in the murder of Ayatollah Abd al-Majid al-Kho'i in Najaf in April 2003. Kho'i, a moderate, pro-American leader of a wealthy foundation, had returned to Iraq and was trying to reconcile factions in Najaf when he was brutally murdered.

Sadr follows an Iraqi exile in Iran as his *marja* (source of emulation or guide)—Ayatollah Ha'iri, who resides in Qom. Sadr does not appear to find much favor with Iran's clerical leaders—more likely, they find him a dangerous source of instability and civil strife where they would prefer quiet manipulation and a more subtle exercise of their assumed influence.³ The merchants and elders of Najaf and Karbala have pressured Sistani and the senior clerics of the *hawza*, the leadership council of senior clerics, to end Sadr's reign of terror, which has been marked by crime and brought a thriving pilgrimage business to a halt.

Finally, there are the *senior clerics*, most of whom are not Iraqi. They are not always central to the lives of Iraq's Shia. The exceptions are in times of great stress, as in revolt and under occupation.⁴ Many of the senior and mid-level Shi'a clerics in Iraq have been and still are Iranian in origin. Sistani,

³ Saddam appointed Sadr's father, Ayatollah Muhammad Sadiq Sadr, to his position in Baghdad; when Sadiq Sadr tried to restore practices banned by Saddam, Saddam had him and 2 of his sons murdered in 1999. This Sadr clan is related to a very important clerical family in Iraq that has figured historically in Shi'a political activism. Muqtada seems not to have his father's brilliance or leadership skills, but he plays on the family's Arabism and loyalty to Iraq, saying they stayed and suffered under Saddam while "others" (the al-Hakims and SCIRI) fled to safety in Iran.

⁴ Unlike Sunnis, Shi'a Muslims must follow a living *mujtahid* (religious scholar such as Khomeini or Sistani) who can interpret Quran, collect tithes, and issue *fatwas* (religious decrees). While clerics in both sects can issue *fatwas*, Shi'a religious authorities have more latitude to interpret the law and tradition.

who came to Iraq from Iran more than 50 years ago, is often portrayed as anti-U.S., but he is more accurately described as pro-Iraqi. He opposes non-Iraqis writing a constitution for Iraq and demands direct elections for the new government and parliament. He probably was also unhappy with some members of the Governing Council, whom he saw as unrepresentative, unpopular, and unelectable. He has given tacit approval to the new interim government. Some observers believe his insistence on elections simply reflects his belief that the majority Shi'a population would naturally choose Shi'a candidates and thereby create a Shi'a-dominated state. This view is open to question.

What do the Sunnis want? Sunni Arabs were given control of Iraq by the Turks and the British and ruled a secular state under monarch and autocrat for 4 decades. Religious extremism was not a significant force under the monarchy or Saddam. Saddam saw Islamic extremism of any form as one of the most serious threats to his regime. He supported the Sunni extremist Syrian Muslim Brotherhood only because of their common antipathy to Syrian President Hafiz al-Asad, but suppressed all religious activism inside Iraq that he could not control.

Despite Saddam's best efforts, Islamic activism has been growing among Iraq's Sunnis. In part, the growth parallels similar developments in other Arab countries, where personal piety and a retreat to the safeguards of religion have been gaining strength. Saddam suspected, correctly, that "Wahhabi" influences (the name given to any Sunni extremism) from Saudi Arabia was infiltrating Iraq.⁵ Saudi Wahhabi clerics and the Saudi-sponsored Muslim Brotherhood have long been active in northern Iraq and among the Sunni tribes of central and western Iraq to woo them back to a strict and observant Islam. They are building mosques in areas of northern and central Iraq. Iraq's Sunni clerics, however, lack the power and influence exercised by Shi'a clerics. Where the latter have been relatively more independent of the state in terms of wealth and status, Sunni clerics were state employees and hence very controllable by the government.

Nonetheless, Sunni Arab activists have been joining Shi'a activists to protest the U.S. presence in Iraq. This may seem an unusual phenomenon but it is not a new one. In the 1920 revolt, Sunni and Shi'a clerics prayed and preached in each other's mosques, denounced the British occupation, and organized joint anti-British demonstrations. Ultimately, however, it was a Shi'a cleric who issued a *fatwa* authorizing rebellion against the British that led the Shi'a tribes of southern Iraq to revolt. Since the fall of Saddam's regime, Sunni and Shia religious extremists have held meetings similar to those of 1920, which raises the question: Are we seeing a replay of events exactly 84 years ago this April, when Sunni and Shi'a prayed together, and the arrest of angry Shi'a led to an anti-British decree and a rebellion? Probably not, but there is evidence of cooperation between Sunni and Shi'a extremist factions in operations against the foreign presence (American and international) as well as against moderate clerics in both communities.⁶

It is easy to see what the Sunni elements are against—all foreign intervention and any progress in reconstruction that would promote stability and success for the interim Iraqi governments. It is harder to see what they are for. Aside from vaguely worded slogans of an Iraq free of foreign occupation, there seems to be no coherent or consistent vision for the new Iraq. If Fallujah is an example of the post-Saddam Sunni extremist vision, then the desired end-state is a rigid Islamist-

⁵ The Shi'a in particular remember that Wahhabis from Arabia sacked and burned the Great Mosque in Najaf in the early 19th century.

⁶ See Jeffrey Gettleman, "Sunni-Shite Cooperation Grows, Worrying U.S. Officials," *The New York Times*, April 8, 2004.

style rule similar to a Taliban-style diktat. No leaders have emerged other than local clerics and the urban legend that is Zarqawi.⁷ All politics is local in Iraq, and the Sunnis in general seem determined to preserve their local power and status while carving out a role in the new national political infrastructure. Few call for restoration of Saddam and his regime, which probably had as many opponents as proponents in Fallujah and the other predominantly Sunni Arab tribal areas of north and central Iraq.

What will the Kurds accept? Iraq's Kurds identify themselves ethnically rather than in religious terms. Most are Sunni, and Sufi mysticism is popular, while a small number are Shi'a and even Jewish. Few belong to the *Ansar al-Islam*, which is linked to *al-Qaida*, or other extremist or Iranian-sponsored factions. Kurdish efforts to exploit the recent unrest in central and southern Iraq have been limited to political debate. Iraq's mainstream Kurdish factions, headed by Masud Barzani and Jalal Talabani, prefer a secular Iraq. They oppose inserting Islam into any constitution, and fret that Shi'a efforts to restrict the veto power in the TAL may succeed.⁸ Attempts to take advantage of the turmoil in the south and Baghdad by occupying lands claimed by the Arab and Turkman communities in Kirkuk, however, could result in Iraq's Arabs regrouping to battle them after the U.S. is gone from Iraq.

The Kurds have been winners in Iraq's reconstruction so far. The TAL accords them a virtual veto over national legislation in future, including a new constitution. Their regional government authority, established in the 1990s, is recognized as the official government of the territories under its control—Dohuk, Arbil, Sulaymaniya, Kirkuk, Diyala, and Ninevah regions as of 19 March 2003—but boundaries of the 18 governates remain unchanged. The Kurdish regional authority will have control over local police and internal security forces, and the power to tax.

The Kurds worry about their future as a minority in a state that has no experience of protecting minority rights. The TAL denies the Kurds the expanded territory—the city and oilfields of Kirkuk and the city of Mosul—that they demand. They are trying to create a new Kurdistan national identification that non-Kurdish elements living in the north—the Turkmen and Assyrians, for example—could embrace. This, too, is not popular among populations who reject *kurdification* just as the Kurds rejected *arabization* by Saddam. Kurdish spokesmen demanded a Kurd be appointed president or prime minister of the new interim government, but had to be satisfied with the appointment of several Kurds—some outspoken supporters of Kurdish separatism—to posts as deputy president, foreign minister, minister of state, and minister for human rights.

The ultimate test for the Kurds could come within the next year. If Kurdish leaders see weakness in Baghdad, they could decide to move to consolidate control over Kirkuk and other territories. This would probably trigger fighting between Arab and Kurdish militias, both of which are well armed and uncontrolled by any federal security apparatus. It would create a refugee crisis—

⁷ Zarqawi claims responsibility for some of the most spectacular terrorist attacks in Iraq, including the bombing of UN headquarters in Baghdad in August 2003, in which the UN Special Representative Sergio de Mello was murdered. His faction also murdered a senior U.S. official in Jordan last year.

⁸ The TAL allows *any* three governates to form a regional governmental unit similar to the Kurdish Regional Government and to veto national legislation, should a majority in 3 governates agree. The Kurds believe that pressure from Ayatollah Sistani kept the TAL from being included in the draft UN Security Council resolution recognizing the new government.

approximately 2-300,000 Arabs remain on property in the Kirkuk region contested by Kurds and Turkmen. The picture in the predominantly Kurdish region is further complicated by the rivalry between the leaders of the 2 main Kurdish factions. Despite having a regional governing authority, the 2 have not merged their territories, organizations, or militias. Disarming the Kurdish militias—the guerrilla units called the *pesh merga*—will be a difficult task, even as some Kurds call for the disarming of Iraq’s warlords and armed bands. The lesson the Kurds say they have learned from the recent negotiations between the CPA, former Ba’thists, tribal leaders, and clerics in Fallujah and Najaf is that “the squeaky wheel gets oiled”—that to get attention and realize your political objectives, it is necessary to pressure the Americans, the CPA, and the military presence.

Near Term Quandaries

In the year since Saddam Husayn and his brutal regime were removed from power, the United States won a war with surprising ease only to be confronted with a growing and violent opposition to our continuing military presence and political role. Certainly, anyone looking at the situation in Iraq on the eve of the turnover of power on 30 June 2004 would have to be troubled by the violence, political uncertainty, and economic instability that is Iraq today. But who can argue that removing Saddam was wrong? His removal freed Iraqis from long years of repression and removed a major security threat in the region.

Iraqis face an uncertain summer. Electrical power has not yet been completely restored, unemployment and underemployment rates are high, schools and hospitals lack the tools needed to provide adequate education and health care, crime is rife in city and country-side. Iraq’s new political elites are jockeying for power, uncertain how to adopt political behaviors and practices so long denied. The military operations in Fallujah and Najaf and the revelations about the abuse of detainees at the Abu Gharayb prison have contributed to the rising anti-American sentiment in Iraq and the region. We should not be surprised that Iraqis who welcomed us in 2003 now fear us and wish us gone.

The United States has not wavered in its determination to transfer sovereignty back to the Iraqi state by 30 June and yet the practical implications of this transfer remain to be seen. How much power and authority will the new governmental entity exercise? On what terms will the U.S. maintain its military presence in Iraq?

Under the most optimistic scenario, the turn over of power could prove substantial. Assuring that outcome was one factor prompting the old Iraqi Governing Council to select its successor by choosing new leaders, establishing a new cabinet, and dissolving itself on 1 June. The new government understands that it urgently needs validation of its legitimacy from the UN as well as from Iraqis who still have not had the opportunity to choose their government, who resent the influence of exiles and other self-appointed power brokers, and who deeply mistrust U.S. intentions to turn over real authority to Iraqis. In search of recognition and acceptance, the new government insisted on participating with the United States in formulating the terms of the turnover resolution and in obtaining the right to veto U.S. military operations. They won on the former, but not the latter. The issue is not one of throwing the Americans out. Rather, it is the need to establish international legitimacy and internal credibility by acquiring full sovereignty over financial, diplomatic, and security interests. Iraq’s leaders are painfully aware of their vulnerability; if they

cannot improve standards of living, ensure internal security and public safety, and provide jobs, then there may be little interest in elections next year. U.S. acquiescence with this strategy could help shore up the fledgling Interim Government.

Nonetheless, more pessimistic scenarios are certainly possible. The U.S. could withhold some decision-making prerogatives from the interim government. It could insist that advisors appointed by CPA head Bremer to the ministries remain in place and that the TAL be adopted as the permanent constitution for Iraq. It has refused to allow Iraq's government to have veto power over military operations and could insist on intrusive measures against insurgents, terrorists, or criminals, regardless of Iraqi advice. It could demand that the new government sign a Status of Forces Agreement (SOFA) that would give legal, extraterritorial protection to U.S. military personnel serving in Iraq. The U.S. could also insist that Iraq's new government adapt foreign policies, such as recognition of Israel and support for the Palestinian-Israeli peace process, and economic policies geared to total privatization (de-nationalize the oil industry). These measures, however desirable they may be from the U.S. standpoint, would be resented by the Interim Government and by most Iraqis, with Kurds and other minorities being the lone dissenters. Iraq's new government would lose whatever credibility and popular support it had mustered, and the U.S. would face increasing security risks with little or no local help.

Outside Influences, for Better or Worse?

In thinking through the next steps in Iraq's ongoing transition, U.S. policymakers should not lose sight of two outside players in this drama. The first, in the short term, is the United Nations. The second, in the longer-term, is Iran.

Is the UN part of the problem or the solution? The international community and Iraq's neighbors have long argued for giving the UN authority over Iraq's political and economic reconstruction and foreign military forces in country. Iraqis, however, are far less enthusiastic about the UN; they blame it for implementing U.S.-imposed sanctions after the Kuwait war and may be resentful that Iraq will have to comply with UN Security Council resolutions that limit its military capabilities and insist on reparations payments. Why, they will ask, should Iraq be held accountable for Saddam's actions, why should we pay off debts he incurred, and why should we be denied the right to acquire whatever weapons we need to defend ourselves when our neighbors have dangerous weapons systems, including weapons of mass destruction that could be used against us?

The UN itself has only limited resources to give to Iraq, which suggests that we must be careful to avoid presuming too much about the UN's capacity or room for maneuver. Giving the UN a greater political role in Iraq will not end attacks by insurgents or terrorists, and it will not resolve domestic resistance to outside influence. It could, however, be critical to obtaining international assistance as well as support from Sistani and Iraqis seeking a more moderate road to self-rule.

As for Iran, the question remains as to whether it is a spoiler or a supporter of the transition. Iran looks at Iraq in a somewhat condescending manner. The feelings are part religious (we are better Muslims) and part nationalist (Persians are better than Arabs). Iran's government believes it is the pre-eminent power in the region, and Supreme Leader Ali Khamenei views himself as leader of the world Shi'a Muslim community. More importantly, by the 1990s, Iran was host to nearly one

million Iraqi refugees, some of whom were Kurds, most of whom were Arab Shi'a Muslims fleeing the wars or forced into exile by Saddam's ethnic cleansing operations.

Iran has a vested interest in Iraqi stability—or instability—and will watch very closely for signs of unrest, rebellion, or success in Iraq, fearing potential spillover should civil war erupt or ethnic violence spread. Iran has always had diplomats, scholars, clerics, pilgrims, intelligence agents, and networks of informants active in Iraq. Iranians long dominated the religious schools and courts of the shrine cities, in particular Najaf and Karbala, and many clerical families own property and burial plots in the grounds near the mosques. Iran, however, seems unable to capitalize on its “influence.” One of its closest allies, SCIRI leader Ayatollah Muhammad Baqr al-Hakim, was murdered last August, and their long support—safe haven, training, arms, and political support—to his organization, and other Iraqi exiles has not paid off. Nor does Iran appear to have influence over Muqtada al-Sadr. Its efforts to negotiate with Sadr and the Sistani elements in Najaf in April failed, according to press reports.

In large measure, Iran's current lack of influence is self-inflicted. Most Iraqis would say Iran's revolutionary-style of government is not a model worthy of emulation. Iraq's hard-core Islamists—Shi'a and Sunni—seem insistent on an Islamic state under strict Islamic law, but Iran is not their declared preference as a model. Iraqis are more likely to be influenced by their perception of how much power they will have after 30 June, progress on holding direct elections, and the role of the U.S. and the UN in determining the shape and authority of an interim government. They may not view Iran's experiment in theocratic democracy as a failure, but the majority will outright reject the idea of clerical-dominated politics or the need for a religious supreme leader. Their objection to unelected leaders running a country has already been applied to the councils appointed by the United States. Iran, then, may have little impact on the shape of Iraq's politics and policies, but it will have sufficient influence to play the spoiler in stirring up ethnic and sectarian unease.

A Way Ahead

Ultimately, the success of the Iraq transition will depend on U.S. willingness and ability to empower the new Iraqi authority, to maintain an effective security presence while new governmental institutions (interim and, eventually, permanent) stabilize and acquire the capability to protect themselves and the nation, and to support an international effort to rebuild Iraq economically and psychically.

Iraqis and their neighbors will view future U.S. intentions in light of how it behaves now. Washington cannot appoint advisers for multi-year terms in the Iraqi government; that is for the Iraqis to do. The U.S. cannot write their legislation or constitution although it can encourage secular government, the rule of law, and opportunities for all Iraqis—men, women, Arabs, Kurds, Sunnis, Shias, Turkmen, and Christian. It should not favor one party or politician at the expense of others but should encourage the re-emergence of the middle class, professionals, technocrats, civil servants, and military officers to a new Iraq. And finally, the United States cannot cut and run. Giving up on the transition only will compound U.S. problems – and Iraq's miseries – over the longer term.

So, can the United States achieve success in Iraq? It is impossible at this stage to predict any definitive outcome – good or bad – with confidence, although actions by the new government led

by President Yawar and Prime Minister Allawi and responses by the United States so far are encouraging. Certainly chances for success would be greater if the United States were able to achieve the following priorities:

- ***Strengthen the leading role of the Department of State in U.S. dealings with Iraq.*** Except for issues pertaining to security threats and military operations and training, the U.S. Ambassador should have the same authority over U.S. personnel and presence throughout Iraq that U.S. ambassadors have in other countries. It is imperative, moreover, that the U.S. gain internal agreement on how and when the U.S. Ambassador can be assured of receiving U.S. military support in the protection of critical transitional activity, such as upcoming Iraqi elections.
- ***Treat the new interim government as a partner, not a client.*** The previous Governing Council was hampered by a series of rotating presidents with no agenda other than to enhance the status of their support networks and push through temporary bits of self-serving legislation. For the most part, they failed to win any appreciable popular support. Prime Minister Allawi's base in Iraq is also negligible, but his efforts to deal with the U.S. as a partner rather than as a client, to rein in the militias, and to broaden the base of the government could gain him a significant degree of popular support.
- ***Give the new interim government real decision-making authority.*** If any Iraqi official in the Cabinet, the ministries, or other authorities must look to the foreign political advisor before making decisions, then he or she will lose all credibility and we will have achieved nothing but a change of face. More than a change of label—to “liaison” instead of “advisor”—will be necessary if the new government is to function with any degree of self-respect.
- ***Promote the new leaders and civil society that is emerging in Iraq after the absence of decades of political repression.*** Competent people eager to serve are emerging from exile and inside Iraq and creating professional unions, trade associations, social welfare groups, and university and technical associations. This rebounding middle class needs encouragement and a hands-off approach by outsiders eager to reshape Iraq in their own image.
- ***Support efforts to disband the militias.*** Most Iraqis recognize that private armies cannot coexist with a new national military and security forces, but they have felt powerless to deal with well-armed and dangerous factions who owe loyalty to a virtual warlord or local political leader. Allawi has announced a plan to disarm and retire some of the militias by offering members posts in the new Iraqi military and security forces, in local police forces, or retirement. His effort is aimed specifically at the nine militias that were part of the anti-Saddam movement, including the militias belonging to the Kurdish factions, the INC, the INA, SCIRI, the Dawa Party, Hizballah of Iraq, and the Iraqi Communist Party. It does not include the Saddam fedayeen, ex-Ba'athist factions now fighting as so-called insurgents or terrorists, or Muqtada al-Sadr's Mahdi army. The hard question remains: how to maneuver the sponsors of militias into a cooperative posture. While cooptation, utilizing financial and economic inducements, and security guarantees is the preferred mode, the direct use of American military power against recalcitrant militias may be necessary – despite obvious risks – if the militias refuse to cooperate or directly impede the formation of new governmental structures.
- ***Avoid extreme military reactions to insurgent attacks.*** Force protection and protection of innocent civilians must be a top U.S. priority, but over-reaction can be detrimental to our objectives and impede protection concerns in the long run. The use of local mediators, especially prominent Iraqis whose opinion carries weight, to resolve pockets of resistance and

negotiate an end to local conflicts has proven successful. If the United States does not do this, and shuns all elements that served in Saddam's military and prominent tribal leaders, then it will miss a key component to transition. The focus now should become reconciliation and loyalty to the new State of Iraq, and not retribution for having served in Saddam's armed forces. In this connection, the worst thing the U.S. could do would be to kill or capture Muqtada al-Sadr—making him a martyr and symbol of national resistance will do more damage than letting the Shi'a establishment marginalize him.

- ***Balance carrots and sticks in approaching Syria and Iran.*** These two countries are part of the current problem but also part of the solution. Their tacit or active support for insurgent elements inside Iraq and efforts to build operational bases in the north, in the so-called Sunni center, and the predominantly Shi'a areas of southern Iraq must be discouraged by the many instruments of U.S. national power, and not just military. Our goal should be to use economic, trade sanctions, diplomatic isolation, and international pariah status to remind Damascus and Tehran that there is a cost to exploiting unrest in Iraq.
- ***Care should be taken to avoid replacing all symbolic vestiges of the Old Regime.*** Designing a new flag and destroying Saddam's palaces will be seen as a U.S.-effort to destroy Iraq's identity, and not Saddam's. Turning these facilities over to the people, for use as hospitals, schools, theaters or libraries, would serve to remind future generations of past legacies.

Can the Transition Work?

Managing the multifaceted transitions that are now unfolding—from CPA to Embassy, from Governing Council to Interim Government, from Coalition forces to Multinational Force-Iraq—is a daunting task, one made all the more difficult by competing egos and end states here and in Iraq. Success for the United States cannot be measured by wartime military standards or election year political slogans alone. Success is not “getting Muqtada al-Sadr” or eliminating all insurgents or terrorists. Success should be measured in the evolution of central government authority, in popular acceptance of the legitimacy of the new interim government, and in the ability of the new government to improve public security, provide jobs, and raise living standards. Success will also be measured in the disarming of the private militias that roam Iraq and the turnover of security to more and better-trained Iraqi forces. All of this will take time and patience and require a commitment by the United States to stay the course.

The consequences of failure could be devastating to Iraq and the region. If the new government is unable to contain the insurgents and terrorists and if it is unable to win the support of Iraq's diverse ethnic and sectarian communities, then a weak and discredited central government will be no match for local warlordism and the growth of terrorist infrastructures. If this happens, our destination won't be the hoped-for democratic Iraq of 2005 and beyond, but a country more like Lebanon in the 1980s or Afghanistan in the 1990s – only in this case a country replete with oil wealth and a great capacity to wreak havoc beyond its borders.

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