

THE NEW IRAQ: A FRAUGHT BUT WORTHY ADVENTURE IN NATION-BUILDING

Bob Rae



From North America, the news from Iraq seems not just overwhelmingly violent and negative but — except for the occasional glimmer of change — hopeless. For former Ontario Premier Bob Rae, Iraq has become something else altogether. Rae has been acting as a constitutional adviser to the Iraqi Parliament, and writes that despite the violence in the war-ravaged state, progress is being made. Rae says that “the establishment of a stable, secure state is in the broad interest of all countries, including Canada,” and that, “Deep instability anywhere can pose a threat to Canada’s security.” There are no “countries far away of which we know little,” to borrow Neville Chamberlain’s unfortunate 1938 phrase.

Sauf pour d’occasionnelles lueurs de changement, les nouvelles de l’Irak qui parviennent en Amérique du Nord semblent non seulement funestes et négatives mais carrément désespérantes. Selon l’ancien premier ministre ontarien Bob Rae, qui agit à titre de conseiller constitutionnel du Parlement irakien, tout n’est cependant pas si sombre : « En dépit des violences qui sévissent dans ce pays ravagé par la guerre, de réels progrès sont accomplis. » La construction d’un État irakien stable et sécurisé répond aux intérêts de tous les pays, y compris le nôtre, rappelle-t-il. « Toute instabilité profonde, où qu’elle se produise, est une menace à la sécurité du Canada ». Car il n’existe plus de « pays éloigné dont nous ignorons presque tout », conclut l’auteur en empruntant à l’expression malencontreuse de Neville Chamberlain en 1938.

Deciding on the foundations of a country and then writing them down is a challenge in the best of times. The United States declared its independence in 1776, but only produced a new constitution eleven years later. The two largest provinces of 19th century Canada quelled civil unrest in 1837, were told by the imperial power to merge three years later, and finally adopted a federal form of self-government together with the Maritime provinces in 1867. France has gone from republic to monarchy to republic again numerous times since 1789. Iraq emerged as a country from the collapse of the Ottoman Empire at the end of the First World War. Its boundaries were the product of decisions by colonial masters. Saddam Hussein, who seized power in a military coup in 1979, used the arbitrary nature of these frontiers as his excuse for “liberating” the independent oil sheikhdom of Kuwait in 1990, prompting the first Gulf War. Ironically, one of the outcomes of the war was international protection of the Kurdish provinces in the north of the country, which has meant the relative degree of autonomy of that region since 1991.

The decision by the US/UK-led coalition to invade Iraq in the spring of 2003 had several consequences. One was the ouster and eventual capture of Saddam Hussein. Another was the unleashing of forces that the brutality of the dictatorship had kept under firm control for generations: a religious Shiite movement, largely in the south, which seeks to see more traditional values enshrined and protected in the constitution; and a movement of people who had been unable to express themselves for decades and who want a liberal, secular democracy, with groups advocating women’s rights, greater academic freedom, environmental protection, the protection of minorities, and the modernization of the Iraqi economy. The Kurds were strong supporters of the invasion because it meant that their oppressor would finally be brought to book, and it could ultimately provide a protected constitutional status within a federal Iraq. The decision to disband the Iraqi army and police and prohibit members of the Ba’athist regime from participating in civic life had far greater effect than was realized at the time, with two major conse-



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quences: first, a vacuum in the maintenance of civil order, which left foreign armies to assume basic police responsibilities; and second, a large and idle army of the downwardly mobile and disaffected. A huge portion of the public sector lost their jobs, their vocation, and their pensions. They were, for the most part, Sunni, and now form an important base for the domestic insurgency that has engulfed Iraq since President Bush's declaration of an end to major combat operations two years ago.

To this maelstrom add the terrorism of the bin Laden surrogates, led in Iraq by Abu Musab al Zarqawi, who has used the vacuum of civil order in Iraq as a breeding and recruiting ground; neighbouring countries, each with a different stake in Iraq's continuing failure and weakness; and a tribalism whose full force had been pushed down by Saddam's army and bureaucracy, but which now has very little to hold it back.

What is remarkable is that given these conditions and the consequent level of violence, some constitutional progress has been made. Thousands of civilians have been killed since 2003, some by invading forces and some by what is broadly called "the insurgency." Electricity and water are, on average, available for nine or ten hours a day, less than in the bad old days of Saddam. Reconstruction efforts are consistently undermined by bomb attacks and sabotage: the forces of terror will do everything they can to make things worse than they could be, because their mission is to intimidate, to create fear and confusion, and to demoralize. Much hard bargaining on basic governance and constitutional issues has been underway since 2003; indeed, since before

the invasion. Both the Kurdish and Shi'ite leadership had, with varying degrees of reluctance, participated in the drafting of the so called TAL constitution, which made possible the election of 2005. The significant delays in the formulation of the new government after that election owed a great deal to bargaining and discussion, particularly between the Kurds and the Shi'ites, over the constitu-

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tion. The boycott of the election by many Sunni leaders meant they were absent from those early discussions, to say nothing of the drafting of the TAL. This meant that the 55-member constitution committee, chaired by Sheikh Hammoudi, eventually had to be supplemented by 14 Sunni representatives, who were not actually members of the National Assembly.

The federal issue has been difficult from the outset. The presence of

the federal idea at the heart of the debate initially owed everything to the Kurds, who would agree to buy into the process only if power could be shared and distributed in a dramatically different pattern from the past. Having tasted the fruits of their own customs duties, and having protected themselves for nearly 15 years with their own army, the Kurds are now insisting on a substantial devolution of power, as well as a redrawing of boundaries to include areas they consider historically Kurdish.

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What about regions other than Kurdistan? Iraq is currently divided into 18 governates, 3 of which make up the Kurdistan region. The new constitutional arrangement, approved in the referendum of October 15, gives substantial protection to the autonomy and self-governance of Kurdistan. It also provides opportunities for other regions to be formed. Given the secessionist tenden-

cies among younger Kurds in particular, the fears that Iran — and even Syria and Jordan — could use regional autonomy to increase their influence in bordering areas, as well as the strong centralist traditions among both Ba’athist and religious forces, it is hardly surprising that one hears the

power, which is at the core of the federalist idea. The key is “effective federalism,” which is very different from confederation. The central government must have the sovereign capacity to relate to each citizen, to maintain the defence and foreign affairs of the country, and to ensure an

protecting the rights of minorities, their concerns are understandable. Modern federal practices have made a consistent point of not allowing provincial or states rights to squelch human rights.

By insisting on one language, one religion, one official identity, it could reasonably be argued that a dominant majority gives a smaller nationality no reason to stay. It is the abuse of majority power that fuels the secessionist urge, not the dispersal and sharing of power, which is at the core of the federalist idea. The key is “effective federalism,” which is very different from confederation. The central government must have the sovereign capacity to relate to each citizen, to maintain the defence and foreign affairs of the country, and to ensure an economy where goods, services, commerce, and people are mobile.

usual “horror of federalism” being paraded about. Federalism, it is said, is essentially a foreign idea, a Western idea. It has no place in an Islamic state. “Federalism will lead to separatism” is the next argument. It is an imported ideology that will put Iraq in a rigid straightjacket from which it will never emerge. The world, the oil companies, the West, will pick at Iraq’s remains. These arguments must be answered. The demand for federalism has come from Iraqis themselves. Every federal country is different. There is certainly no single path to federalism. It is an approach, not an ideology. The evidence would also show that, far from leading to separatism, an effective federalism counteracts those determined to break up a country. By insisting on one language, one religion, one official identity, it could reasonably be argued that a dominant majority gives a smaller nationality no reason to stay. It is the abuse of majority power that fuels the secessionist urge, not the dispersal and sharing of

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If Iraq’s regions are feudal fiefdoms, separatism will indeed be built into the constituent parts but not because of federalism. After all, the idea of building a stronger and more perfect union is as important a part of the federal project as is the recognition of the

has to be consistent, thoughtful, and sustained. Peace, order and good government were important objectives for our national policy in the 19th century, and they are a good basis for our international role in the 21st. The world cannot afford any no go zones, where the rule of law does not prevail. Deep instability anywhere can pose a threat to Canada’s security. There are no

Canada did not join the United States and the United Kingdom in the invasion of Iraq — nor did a great many other countries. Yet Iraq’s plight is one that should concern us. Those who have gone to Iraq are not writing the Iraqi Constitution — it is very much a homegrown proposition. But the establishment of a stable, secure state is in the broad interest of all countries.

particular nature of different regions. Just as the myth of the ethnically homogeneous state denies the reality of diversity, the borders and powers of the regions themselves should not be based on notions of ethnic exclusivity. Assyrians, Turkmen, Aziris and others have expressed strong anxiety that their interests would be lost in some simplistic ethnic carve-up. Given the absence of any strong pattern of pro-

“countries far away of which we know little,” to borrow Neville Chamberlain’s unfortunate 1938 phrase. That is not to endorse an over-reaching adventurism, but to accept that a sustained commitment to civil governance needs to be taken seriously.

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