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Iraq after the Elections

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The EU ISS has decided to establish a *Task Force on the Middle East* in order to monitor current events in the region, broadly defined as the Arab and Persian speaking countries. The Task Force, which consists of leading European experts on the Middle East, met for the first time on 14 February 2005 in Paris to evaluate the situation in Iraq after the elections. Attached is a discussion paper written by Walter Posch that was distributed before the conference.

Session I: “The new US administration’s Iraq Policy”

Speakers and participants stressed that the new US Administration’s Iraq policy objectives are not yet entirely clear. The main question is whether the US intends to stay or to leave. After billions of dollars spent, and with the build-up of several military bases under way, it is highly unlikely that the US would leave the country any time soon. A possible retreat, therefore, could only be *partir sans partir* and take place after a significant pacification and improvement of the security situation had been achieved. Only then could the US retreat to the green zone and some bases “in the desert” leaving the fight against remaining guerrilla to Iraqi forces (‘Iraqisation’).

The fact that free and democratic elections took place in Iraq has had two main results: First, it has strengthened the role of Iraqi politicians by providing legitimacy. But the US will certainly provide crucial support for drafting a new constitution, thus playing an important role in shaping the inner-Iraqi balance of power, which includes such sensitive issues as the role of Islam and autonomy for the Kurds. In this context one can observe a tacit understanding between the cleric al-Sistani and the US administration, neither of which has an interest in destabilizing the situation in the country. Nevertheless, their views diverge on many issues, including the role of Islam.

On the other side, participants have pointed out, for the US and especially for those circles which had been promoting the toppling of Saddam Hussein for years, the elections are clear proof that their strategy was right in the end. Together with the new improving mood in transatlantic relations, this could reinforce their position in Washington, which has been shattered in the last months.

However, under Bush II the “war on terror” is no longer the Administration’s dominant argument to justify the war effort, but the “promotion of freedom and liberty” in Iraq and beyond. In this regard, US ambitions to develop their Middle East policy could pose a greater problem than the situation in Iraq itself. Since Iraq’s neighbours wield considerable influence, the USA’s bilateral relations with them, most importantly with Iran, Syria, Saudi Arabia and Turkey, will certainly affect Iraq’s future development. The reaction of the Shia dominated Iraqi government to a deterioration of US-Iranian relations, for example, is very uncertain.

Session II: “Evaluation of the Iraqi Elections”

The elections in Iraq signify an important change in Iraq and the region. A new phase has now commenced which will be terminated by the elections in December 2005. Sunni-dominated parties, which refused to take part in this election, have already indicated their willingness to participate on the next elections. The Shia-dominated United Iraqi List expectedly emerged as the strongest party, the Kurdish List second and Iyad Allawi’s Iraqi List third.

Officially, Arab leaders have welcomed the elections but viewed the outcome with contempt and the election’s relative success with unease, fearing two consequences: first, that the result might embolden their own Shia minorities to claim more rights or even press for elections. The second reason is an unstated fear of free elections as such. Iraq successfully conducted the third free elections in the region in extremely difficult circumstances. Earlier, elections in Palestine and municipal elections in Saudi Arabia took place, which indicates that conducting free and fair elections is likely to become the rule in Arab countries – with the risk Islamists gain power and traditional elites are unseated.

Another Arab concern was the perception of Iraq breaking away from the Arab nation. With the Shia in power, Iraq can no longer plausibly function as a pan-Arabist bulwark against Shia Iran. Iran, whose clerical elite in power is interrelated with the clergy and some political parties of Iraq, may be able to increase its influence further. Some participants even saw Iran as the “real” occupying power in Iraq; others, however, urged caution and stressed the differences between the clergy in both countries. But how will the political power the Shia gained in these elections affect Iraq’s national identity? As for now it is not possible to say whether it will remain a predominantly Arab-Iraqi nationalist one or shift even more towards a confessional identity.

Session III: “The Status of Northern Iraq”

Speakers stressed the fact that, after a decade of self-rule, Iraqi Kurds will not give up the high degree of autonomy they have enjoyed. The precise degree of autonomy and the geographical extent of the Kurdish region in Iraq, however, remain disputed. On the Kurdish side, the élite’s policy is challenged by an independence movement, (Kurdistan Referendum Movement) campaigning for the separation of the Kurdish regions from Iraq, which enjoys tremendous popular support.

As for now, the only tangible result concerning self-rule is the inclusion of “federalism” for the Kurdistan region in the Transitional Administration Law, which is to be replaced by the constitution this year. Kurdish independence is seemingly not an option, and is rejected by non-Kurdish Iraqis as well as Iraq’s neighbours and the international community. However, some participants indicated that skilful Kurdish politicians might be able to play the independence card, at least as a token for political bargaining power. Many Kurds clearly

expect the US to grant them independence as a reward for their support of US policy and their generally sympathetic attitude towards the US. In Kurdistan, sympathies for Israel are also higher than in any other part of the region. Israel harbours a sizeable (200 000) and influential Jewish community from Iraqi Kurdistan that is emotionally still very much attached to its country of origin, and is among the biggest investors in Kurdistan, alongside Turkish citizens and the Kurdish communities in the diaspora.

Economic activities of Turkish citizens, most of them Kurds, in northern Iraq are reasonable and a benefit to both sides. Nevertheless one should not exaggerate the extent of common Kurdish feelings among Iraq's, Turkey's and other Kurds. Pan-Kurdish organisations i.e. organisations that would like to include all Kurds in one state, are almost inexistent. As a consequence, the discourse about Kurdish rights focuses on granting minority and other cultural rights in the framework of the nation-states concerned. Regards to Turkey, one has to ask whether Turkish Kurds prefer a Europeanised Turkey rather than the option of a greater "Kurdistan".

Turkey's, and to a lesser degree Iran's, involvement in northern Iraq over the last decades has to be seen in the context of preventing Kurdish independence. Iran still maintains good relations with one of the Kurdish parties, however it seems that circumstances are forcing Tehran to make concessions towards its own Kurdish minority and undercut its ability to interfere in Kurdish affairs in Iraq.

Other central points of Turkey's involvement in northern Iraq are the fight against the PKK and its remnants, the prevention of Kurdish control over Kirkuk and safeguarding the interests of Iraq's Turkmen population. Turkey has failed to achieve the greater part of its political aims: weak remnants of the PKK still exist and Kurdish influence in Kirkuk is palpable even if Kirkuk does not belong to the Kurdistan region. Besides, their relations with the US are at odds over northern Iraq and the Turkish Army's room of manoeuvre has been reduced by the US. On the other side, Turkey's foreign policy priorities are not in northern Iraq but in its accession to the EU, and Ankara will therefore avoid steps that could alienate Europe. Contrary to what the Turkish press and even the military say, any large-scale invasion into northern Iraq has now become impossible, with Turkish regular forces limited mainly to the Bamerni base near the Turkish border. One speaker, however, cautioned that in his view this situation might change dramatically if separatist terrorism re-appeared in South-Eastern Anatolia.

Iraq's Turkmens are generally seen as depending on Ankara; the result of the last elections in Kirkuk, however, does not justify this view. Very much to Ankara's dismay, a surprisingly high number of Turkmen voted for the Kurdish parties in the last Kirkuk elections. As seen from Ankara, there are at least 2 million Turkmen in Iraq, a number which is seriously disputed. But it is hard to find reliable statistics; the most reliable ones date back to the 1950s and are therefore outdated. Iraq was a bi-national state, so that only Arabs and Kurds have been counted as ethnicities. Another problem is the fact that ethnic identities are still in flux and the people may define themselves as Kurds, Arabs or Turkmen depending on the social context and the consequences a public commitment to one or the other ethnicity has for them. To justify control over Kirkuk by embracing an argumentation based on ethnicity is therefore highly problematic.

Session IV: “The EU’s next steps”

The EU is already involved in Iraq. Its support to Iraq includes several financial packages, training of Iraqi senior officials like judges and police officers, and support for an overhaul of the Iraqi legal system. EU assistance in drafting the new Iraqi constitution has also been considered. The question for the EU therefore is: “*comment entrer sans devoir sortir*”? If so, how to continue?

The findings of the Task Force are as follows:

- The principal objective of a European vision on Iraq should be that of an independent and sovereign state.
- Therefore, one has to help the US to get out in an orderly way. This could imply the demand for a timetable for US withdrawal. (This does of course not affect the issue of US-Iraqi military relations in the future).
- Focusing on Iraqi independence and sovereignty, the EU should support the internal democratic process, either by assisting the constitutional process or with the formation of political parties and support for civil society.
- In this case one has to be realistic and accept the reality of political Islam in Iraq and the region.
- The EU has to follow a multilateral approach. Iraq policy must be part of a broader regional and global framework. At present, the EU participates in the framework of the group of Iraq’s neighbours, which is the first forum in which the Iraqis can contact their neighbours in the presence of the EU.
- Such a framework includes the EU’s Iran policy. One participant stressed the fact that Iranian foreign policy is strictly nationalist and ill-judged pressure on Iran could backfire and Tehran might cease to cooperate and pursue a confrontational approach in Iraq.
- Make Turkey a European actor. Some form of association of Turkey in CFSP concerning the region would probably ease Ankara’s focus on the Kurdish issue (that in any case has to be addressed in the future).

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IRAQ AFTER THE ELECTIONS

by

Dr. Walter POSCH

Much to the surprise of many observers, Iraqis resisted terror threats and elected candidates to the National Assembly (NA) on 30 January 2005. Participation was highest in Kurdish and Shia dominated regions of the country. In many Sunni regions, however, people stayed away of the ballot boxes. The elections may not meet all OSCE standards, and the Interim Electoral Commission of Iraq (IECI) has to deal with various complaints about irregularities, but they are an important first step in Iraq's transformation process laid down in the Transitional Administrative Law (TAL). They end the phase of Iraq's "Interim Government" and as soon as the NA is elected and sits, the phase of "Transitional Government" will commence.

Next Challenges

Iraq's National Assembly will be burdened from the start:

- First, it must *start functioning*: It must elect a speaker and two deputies, develop its working procedures and elect a new presidency council. It must further vote on a cabinet, oversee the executive, and function as interim legislature.
- Second, it must *draft a new constitution*. According to the Transitional Administrative Law, the NA has to vote on it no later than 15 August 2005 (after the draft has been circulated and discussed publicly). A referendum on the constitution is scheduled for 15 October 2005, and new elections will follow on 15 December 2005.

These time schedule and work programme are by itself extremely challenging. On top of that, the NA will immediately have to solve a series of problems and conflicts, which have serious ramifications for the security of Iraq and the region:

- *Approval of a security agreement*: the NA has to ratify any agreement concerning the status of foreign forces in Iraq. It is, however, not clear yet whether the US has an interest at all in negotiating a security agreement. This may well be the first hurdle between the government and the NA on one side and the Coalition on the other. Most political parties saw the elections as a first step towards the retreat of foreign troops from Iraq, but president Bush has declined to give a timeframe of withdrawal. In any case, it is unlikely that the US and its allies will leave the country without military presence left behind.
- *Kurdish Autonomy*: The status of the Kurdish regions is Iraq's nemesis; Kurdish nationalists have fought for almost three generations for it. The question is therefore not whether to deny or to bestow autonomy on the Kurds, but how to make autonomy work practically and which regions will belong to "Kurdistan". Particularly tricky questions will be the status of Kirkuk and inner-Kurdish democracy.
- *The role of Islam* in Iraq: With most of the parties originating in the Islamist political spectrum and the crucial support of the Shia clergy for the elections, it would be an illusion to expect them to renounce the sharia-based regulations that they have already introduced in the regions they have under control.
- *The participation of Sunnis*: Sunni cooperation is key; but the constitutional process will continue even if most of their political representatives decline to cooperate.

- Security: Building up the Iraqi army will take years; the only trained forces with combat experience that are willing to join are Kurdish and Shia militias.

The role of Islam

The NA will be obliged to find a compromise between secularists and Islamic approaches. The NA has to define whether Islam will be *the* source of jurisdiction or *one* source of jurisdiction among others. English and Arabic versions of the same documents contradict one another. In personal law, the regulation before the reforms of 1959 was on the basis of religious law according to a person's Islamic confession, Sunni or Shia; Christians and Jews followed their own regulations. After 1959 this changed and a modernised legal system that still drew heavily on sharia, was introduced. The Shia groups in the NA will be tempted to claim a return to the *status ante quem*. This does not mean that Iraq will become an Islamic republic, but certain Islamic elements will have to be introduced into the Constitution. .

Many commentators have concluded that Iraq could become an Islamic Republic like Iran. At first sight, there are good reasons to fear so. The radical Shia organisations SCIRI and Badr (both part of the US's anti-Saddam coalition) were founded in Iran to fight Saddam Hussein during the Iran-Iraq war. Their leaders are very close to the Iranian supreme leader Khomeini, the late SCIRI-leader Muhammad Baqir al-Hakim was even a close friend of his, and Grand Ayatollah Sistani whose *fatwas* were of crucial importance for the religious Shiites to vote, is Iranian and has never applied for Iraqi citizenship. But this biographical detail is terribly misleading: Sistani is in the political tradition of Khomeini's great counterpart al-Khoei (also an Iranian) who abhorred the meddling of clerics in politics of the day and consequently refuse the "rule of the jurispudent" that prevails in Iran. The second reason is simply the unattractiveness of the Iranian system: its ideology is outdated in the eyes of most Shias and not applicable in Iraq. And finally, Iraq's Shias are Arabs and Iraqi patriots. This does not preclude the possibility of an even more Islamic society in Iraq. Islamic parties back the ongoing bottom-up Islamification (arson attacks against liquor shops, prescription of Islamic dress etc.) conducted by Muqtada's followers and Sunni Islamists.

The role of the Sunnis

Winning over Iraq's Sunnis will not be easy, but their non-participation should not be dramatised either. Much will depend on how the drafts of the constitution are circulated and whether Sunni voices are heard, as promised. Only in two regions the Shia – Sunni divide has led to serious clashes with the potential to incite confessional strife: in Latifiya, south of Bagdad and in the Kirkuk region. In the first case, a traditionally mixed area, the feared outbreak of Shiite-Sunni clashes did not materialise, since the tribes were able to deescalate the situation. In the second case, the driving force was a nationalist one rather than religious: Sunni Kurds, in a region where ethnic tensions are commonplace, damaged a religious shrine of Shia Turkmen. Admittedly there are radical Sunni groups who try any provocation to incite civil war, but most Iraqi Shia ascribe this to foreign fighters, and do not therefore hold their compatriots responsible.

Kurdish conundrum

The only group in Iraq in favour of persisting US presence are the Kurds. The nationalist Kurdish parties KDP and PUK have cooperated with the US for years and have built up stable and in general friendly relations. The two party leaders, KDP's Barzani and PUK'S Talabani, are old adversaries with great personal animosities. In the 1990s they clashed repeatedly over issues such as the control of cities or the allocation of revenues and taxes. This time they have

managed to participate in a unified list at the Iraqi elections and have a real chance to become the second strongest party in the NA. Together with Iraqi elections, long overdue elections for the Kurdistan regional parliament and the city councils were also held.

Autonomy

Parallel to the elections a referendum on the independence of Kurdistan was held, although this was not recognised internationally. The referendum was organised by the **Kurdistan Referendum Movement (KRM)**. It is not binding but highlights once again how strong sentiments for Kurdish independence are. Over the last year, the movement has been able to collect almost 2 million signatures (out of an estimated 4 million Kurds in Iraq!) in favour of an independent Kurdistan, and in December 2004 it contacted the UN. Independence from Iraq is so popular among Kurds that both party leaders, Barzani and Talabani, felt obliged to make public statements in favour of it.

With pressure for independence mounting among Kurds, the NA has to offer acceptable and quite generous terms for autonomy. The inclusion of all Kurdish inhabited regions of Iraq into an autonomous Kurdistan in particular will probably be unavoidable, basing thus autonomy on ethnicity (see map attached). The terms for autonomy as suggested by the Kurdish parties, however, imply a federation that would grant the Kurds the right of secession, which is anathema to the Arabs, Shia and Sunni alike.

At the heart of the problem of Kurdish autonomy lies the future of the multiethnic city of **Kirkuk**. If the Kurds got hold of it, Kurdistan would be an economically viable entity, benefiting from the oilfields in Kirkuk province. The views on Kirkuk are simply irreconcilable:

- Even if it obtained a special status *inside* Kurdistan, with generous safeguards for the other minorities, this would be seen as a victory for the Kurds.
- Not being part of Kurdistan but autonomous would be another option, but this would only make sense if the shrine cities Najaf and Karbala had a special status too.

In any case, anything less than Kirkuk as part of Kurdistan would result in a tremendous loss of face for Barzani and Talabani, therefore they will have to fight for it.

Kurdish elections

Much will also depend on the outcome of the Kurdish regional elections. As already mentioned, KDP and PUK are at loggerheads and will reinstall themselves in their respective fiefdoms, even if they have to rig the results. The latest developments, however, indicate that people are tired of more than two decades of strict bipartisan rule in Kurdistan.

- Both KDP and PUK were taken by surprise by the emergence of a mass movement like KRM, initiated by independent artists and intellectuals. Not only have the two parties no control at all over KRM; most of their own party members enthusiastically embrace the movement's aim.
- Kurdish Islamists are gaining importance. Relative personal freedom in Kurdistan has made people overlook the steady increase of Islamist activities there. Terrorist organisations like Ansar al-Sunna are the exception, but the region's most important Islamist party, the respected Islamic Movement of Iraqi Kurdistan (IMIK) is well embedded in the international Islamist scene.

- IMIK, which was a member of the US-sponsored Iraqi opposition coalition against Saddam Hussein, has for years now been the third strongest party in Kurdistan and the combination of Islamism with Kurdish nationalism could be more attractive to Kurdish voters in the long run.

Outlook

Iraq has no alternative than to proceed according to the TAL with drawing a constitution, voting for it in the NA and holding elections in December 2005. The solution for the status of Kirkuk and Kurdish autonomy and confidence building measures towards Sunni elites will be among the first pressing issues. This has to happen no matter what the security situation is, as there is no other viable and plausible alternative. As for now, the Iraqi army will only be able to draw from Kurdish fighters and Badr forces (who have been trained by Iran's Revolutionary Guards). Recruitment and training of new troops will take time, and even then their value at the battlefield will remain limited. Obviously, the US will have to stay for the foreseeable future, but one does not know what the reaction will be, if the US administration does not put forward a plausible plan for withdrawal. It seems more and more that December 2005 becomes the deadline when in Shia eyes the US will have overstayed their welcome. Some in the circles around Muqtada are already talking of joining forces with Sunni insurgents.

Appendix: Map of Kurdistan (source: <http://www.navend.de>)

