

**After Iraq's election**

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With the election on 15th December of a new four-year national parliament, Iraqis have concluded one of the most successful constitutional processes in history. Rarely, if ever, before has an important country moved from tyranny to pluralism so quickly, with so little bloodshed, and with such a quality and degree of popular participation.

The popularity of Iraq's new constitution (approved by 80 per cent of voters in October's referendum) and the similarly singular scale of voter turnout in this election (above 70 per cent, according to preliminary estimates) mean that the government formed by the new Iraqi parliament will enjoy a degree of legitimacy that is peerless in the middle east and unsurpassed globally. The Iraqi achievement, seen in its context – a national psyche brutalised by 30 years of sectarian totalitarianism, the presence of 170,000 foreign soldiers, and highly politicised ethnic and sectarian divides – is uniquely impressive.

I decided, having spent the January election season living on various floors in the huge Baghdad slum of Sadr City, to spend the latest election period with the other major Iraqi demographic group that, having suffered most under the rule of the Ba'ath party, now has the most to gain from the new freedom: the Kurds. (The Marsh Arabs suffered perhaps worst of all under the Ba'athists, but with a population of about 20,000 are barely electorally significant compared to the Kurds or the Shia urban poor.)

What I saw in Erbil, the capital of the Kurdistan regional government, was dancing in the streets. At one polling station, an 18-year old called Shko told me, "This is the biggest day of my life." Shko is from Halabja, scene of the most infamous gas attacks of the Ba'athists' late-1980s Anfal campaign against the Kurds. He lost an uncle, an aunt and several cousins to Saddam's mustard gas. "Now we feel like we are in our own Kurdistan country," he said, echoing the heavily Kurdish nationalist tone of popular election day sentiments here.

If Kurdish enthusiasm for a nationwide political process is itself something for the rest of us to celebrate, the widespread participation - up to 60 per cent voted - of Iraq's Sunni Arab minority (after the Kurds, the third largest of the country's main groups) is a more exciting achievement. With incoherent political leadership, no Sistani and no oil, the Sunnis, unlike the Kurds and Shias, have nowhere to go outside of a unified Iraq in the long term. For all the kidnappings and car bombs perpetrated by Sunni Ba'athist and Salafist sub-minorities, Sunni happiness inside the new Iraq is actually less of a concern than Kurdish or Shia willingness to share a state and the world's largest oil reserves with a violent and chaotic Sunni minority who oppressed them brutally for a generation and mildly for centuries.

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But the Sunni bombs kill a lot of people, and in a BBC/CNN world they make a lot of noise. So while the Sunnis are less of a threat than is imagined to the country's integrity, bringing them into legitimate politics has indubitably been one of the great achievements of the brilliant three-stage constitutional process – gradual, tutelary and inclusive - that has unfolded here since last January's election.

Whereas the January elections involved a single nationwide constituency, the December poll was split into 18 constituencies - one for each of Iraq's 18 provinces. Each province will send to the new parliament a number of MPs commensurate with the number of registered voters who live in it. Thus Baghdad will send to the new parliament 59 of the 275 total MPs, for example, while less populated Anbar province will send 9 legislators. For provinces such as exclusively Sunni Arab Anbar, this system encouraged voter registration during the months after the Sunnis disastrously excluded themselves from the January vote. (Iraq's Shias made a similar mistake in 1920, excluding themselves from the process of creating the new state and paying the price until 2003; Iraq's current constitutional process, with two elections in 11 months sandwiching a constitutional referendum over which the Sunnis had a veto, had more forgiveness built into it than the earlier British attempt.) This surge of Sunni registration was one of the under-reported pieces of good news in the second half of 2005 that made the Sunnis' excellent December turnout entirely predictable. It is also another example of the subtle intelligence with which the constitutional process was devised.

In mixed provinces such as Ninewa, where a large Sunni Arab minority was competing for seats with the Kurds, no local encouragement or insurgent ceasefire was needed on 15th December: if the Sunnis stayed at home to watch more bad news on television, the Kurds would get all of the province's 19 seats. So this time, as opposed to January, the Sunni terrorists stayed at home with Al Jazeera and the decent majority of Sunnis were able to vote in peace.

As a result of the provincial constituency system, security at the polls worked differently in homogeneously Sunni provinces such as Anbar: whatever the turnout there, the Sunnis were going to get all nine of the province's seats. And still the voters turned out. Some insurgent groups, including the Islamic Army of Iraq, actually encouraged people to vote, joined by influential Sunni insurgency-sympathiser institutions such as the Association of Muslim Scholars. In Ramadi, the current epicentre of Sunni violence (Fallujah, with half its population having moved elsewhere, has long since given up this honour), security for the December poll was provided not by the Iraqi police or army but by local tribal militias, who were not attacked. In essence, a

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truce had been called for the day. Lines of communication now demonstrably exist between the terrorists, those armed local groups that have an interest in legitimate politics, and the official security apparatus. If the second of these three can own the streets for a day, and can co-ordinate with more radical Sunni groups, there is hope for co-option of some of the latter and marginalisation of the rest.

Ultimately, the war aims of the hardcore Ba'athists and Salafists can never be granted by any community hoping for order and decency, so one must expect more violence from them. The Salafist elements in Iraq, mostly foreign, will never stop killing until they are kept out of the country or destroyed. The Ba'athists, motivated by worldly rather than spiritual concerns, will be stopped by some combination of three things: they too can be destroyed, or they can be bought out, or they might realise that the game is up and retreat to the discos of Jordan. The first of these is ethical but expensive, the second is cheap but ugly, and the third is already happening.

To some extent, the Sunni insurgency has involved a third element, more local and occasionally somewhat legitimate; this strain, which we can call "tribal," has been an expression both of Anbar's ancient tradition of banditry and lawlessness (bestriding the Damascus-Baghdad trade route, the province has always specialised in smuggling and petty violence, and was as unruly under the Ottomans, the British, the monarchy and the Ba'ath, as it is today) and of an understandable dislike of the presence, and sometimes the behaviour, of foreign soldiers. If the tribal sheiks of Iraq's wild west can perceive an interest – through revived commerce and the patronage spoils of parliamentary participation – in reasserting their writ in their traditional fiefs, the Ba'athists and Salafists will find that the popular ocean in which, according to Mao's insurgency doctrine, a guerilla must swim has become something that approximates more closely the Anbar desert.

After the January elections, it took almost three months for the new parliament to form a government. This time around, Iraq's elites must do better in living up to the magnificent performance of the country's public. Not only must a long delay, squandering the momentum earned by public tolerance and courage, be avoided, but the elites must also come up with someone better than the flaccid and inconsequential Ibrahim Jaafari. The longer the elites argue, the longer Jaafari slouches in the top chair. As dismal a prospect as this is, the horse-trading process in the new year probably will not be as expensive as last time, when the delay granted a prolonged fill-your-boots finale to the year-long looting spree of Ayad Allawi's government, which took at least a billion dollars from the defence ministry alone, according to Iraq's official Commission on Public Integrity.

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Last spring, the long process of bargaining and bullying took place entirely within the mostly Shia "Sistani list" that won the election outright with 51 per cent of the parliamentary seats, and that went on to rule in coalition with the Kurds. This time around, there will be no clear winner, as the big Shia party has lost almost all of its smaller constituents and now comprises almost exclusively Dawa and SCIRI, Iraq's old Iran-backed Islamist parties, plus the Al Sadr movement. Gone are the moderate Sunnis, secular Shias, monarchists, small religious minorities and Marsh Arabs whose presence on the Sistani list Ahmed Chalabi orchestrated a year ago. Gone too is Sistani's almost explicit backing.

With no party winning these elections outright, the next government will be shaped not by internal negotiations but rather by the various lists looking for the right intra-party formula to make a majority. This means that unlike last time, however long the negotiating lasts, everyone will be involved, especially the big players like the Kurds and Sunnis. With no one on the sidelines, the new government is likely to be less sectarian, not more so. And while last spring, Sistani's massive presence behind the scenes of the Shias' negotiating ensured civility in the public tone of the interregnum arguments, it also blunted the straightforward mathematical mechanisms that can lend efficiency to this sort of business. So for all the lack of an outright electoral winner, the formation of a new government might conceivably be quicker this time.

The building blocks of the mathematics this winter will be roughly as follows: very broadly, the Shia list will get 45 to 50 per cent; the Kurds and the Sunni Arabs will each get around 20 per cent; and the secular independents Allawi and Chalabi, fierce rivals, will get 10 per cent between them, with Allawi dominating. Within this total, maybe 10 per cent will be represented by smaller factions (Turkmens, Christians, Marsh Arabs) spread across the bigger allegiances. Ultimately, there is of course the very real possibility of splits within lists and alliances. Most significantly, the Iraqi nationalist Al Sadr movement that has equal top-three billing on the main Shia list has a passionate and bloody history of enmity with the two Iran-backed parties that comprise the rest of the list. For the last two years, the Al Sadr movement has worked most closely with Chalabi, who withdrew from the Shia list for this election, and the religious Shia bloc will look less monolithic if history, politics and nationalism erode the Islamist common cause that links the Sadrist to Dawa and SCIRI. The Kurdish list, too, is composed of principal elements that share a history of bloodshed, but the two historic Kurdish parties, the KDP and President Jalal Talabani's PUK, have shown too much pragmatism over the last two years for a split to be conceivable at this juncture.

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The big differences between the horse-trading this time and last winter will come from two facts. First, the Shia list has fractured and, without Chalabi, its most adept consensus-builder, might fracture more. Second, the Sunni Arab public has shown a willingness to participate in legitimate politics. Both of these facts mean that the coming process of forming a government will be about real and fundamental constitutional issues. With the Shia monolith gone, other factions will be essential players in the formation of any successful coalition. With the Sunnis involved, a hope for reduction of the insurgency to its most extreme elements has emerged. For both of these reasons, the promise to revisit Iraq's new constitution, with its firmly federalist arrangement and its oil-sharing promise that is slightly compromised by a commitment to compensate "historically deprived" regions (read Kurdistan and Shiastan), will prove to be very significant.

The coalition-building game will give substantial influence to a 15 to 20 per cent bloc such as the Sunnis should muster. Promises on federalism and oil will be, apart from patronage, the main prizes that Sunni leaders will try to extract from putative coalition partners. As the Kurds will never budge on federalism, and as they are more necessary in any coalition that cares about Iraqi integrity than are the Sunnis, ultimately Sunni participation in the winning coalition will be bought with firmer guarantees of a proportionate share in Iraq's oil wealth.

Can Iraq's elites at least walk where their public has run? The Iraqi political class, for all its personal rivalries, and for all the dissonance and variety of the interests that its leaders represent, is comprised of extremely sophisticated people who know each other well. They have conducted their feuds with public temperance: you will never see Ayad Allawi and Ahmed Chalabi behaving the way Alexander Hamilton and Aaron Burr did on that lethal morning on a cliff above the Hudson river in 1804. In various combinations, Iraq's leaders went to school together, are related to each other, fought Saddam, and negotiated two good constitutions. They represent the leading culture of the middle east, and between them embody every one of the ancient threads that made Iraq successful before the Ba'ath night descended in 1968.

As they sit down to negotiate in the new year, almost all of these politicians – except possibly the Iranian-backed parties and the less pragmatic of the former Ba'athists - will have a personal or factional interest in the success of the current version of Iraq. None of the big groups can impose much of anything on the others, most do not want to, and there is a lot of oil money to share. These men (the new parliament will again be at least 25 per cent women, but don't expect to see any of them cutting the big deals) are most likely to emerge from the smoke-filled room members of something close to a national unity government – a broad super-coalition in which every big

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faction has its ministries and its patronage, fronted by whomever is clever, uncontroversial and experienced enough to make such a coalition happen. The Iranian parties, Dawa and SCIRI, with the biggest bloc in parliament at 30 per cent or more (the allied Shia list minus the Sadris), would like to see SCIRI's man Adil Abdel Mahdi, the current finance minister, take the prime ministerial prize. (Dawa had their turn with Jaafari.) But it is unlikely that the Sunnis would accept a Shia Islamist at the helm; the Kurds would not be pleased with such a result either, but they will probably accept whoever guarantees them the least interference; and even the Al Sadr movement, the biggest single Shia force in the land, loathes Abdel Mahdi's foreign-backed bosses.

The alternative to Abdel Mahdi will be a secular coalition-builder, namely Allawi or Chalabi. Chalabi, whose skills and relationships are suited to the endgame, has no major enemies among the big players, and the top reputation among the elite for effectiveness. He is closer to the Kurds than Allawi is, and is much more of a Shia—although his parliamentary representation will be smaller. America is strongly in Allawi's corner, but that matters less and less. Chalabi gets on well with the leaders of the Sunnis' moderate majority, while it is hard to imagine that the Shias, especially the Sadris, will countenance a return of Allawi's Ba'athism-lite. But Ba'athism in Iraq these days is more a form of brutish pragmatism than of ideology, and all of Iraq's big groups have started to show an ability to cut deals and put history behind them.