SECURITY, POLITICS AND CONSTITUTION: DEVELOPMENTS IN THE NEW IRAQ, 2003-2006

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The new era ushered in by the invasion of Iraq on March 20, 2003 continues to have a ripple effect on Iraq and the Middle East. The short-lived war brought the Baath regime to an end and a new post-Saddam period begun. For the United States, the invasion of Iraq was a matter of regime change. The events that unfolded after the end of the major combat turned it into a costly invasion and a difficult process of state building. While overthrowing Saddam Hussein was the easy part, building stability and starting a new political process in Iraq proved to be extremely complicated and difficult. In the aftermath of the war, the state mechanism in Iraq collapsed and a huge vacuum of power emerged.

The developments since May 1st, 2003 when the US President George W. Bush declared the end of 'major combat' indicate that people of Iraq, countries in the region and Turkey are entering a difficult period in the post-invasion era. Due to a number of unforeseen factors, developments in Iraq will have far reaching consequences for the region's future. Iraq is like a miniature of the Middle East with its population structure and social characteristics. Each domestic actor in Iraq has relations with ethnic and religious groups in the neighbouring countries. The Kurds in northern Iraq have links with the Kurds in Syria, Turkey and Iran; the Shiite Arabs have relations with Arab and non-Arab Shiites in Iran, Kuwait, Bahrain and Saudi Arabia; the Sunni Arabs have relations with the Sunni Arabs in Syria and Jordan and Islamic movements in the Arab world; and the Turcomans have relations with Turkey. All of the neighbouring and regional countries have also interest in and relations with these groups and actors in Iraq. Therefore the future developments in Iraq will affect neighbouring countries while policies pursued by its neighbours will inevitably have an impact on Iraq.

This article aims to analyze the developments in Iraq after April 2003, main characteristics of current situation and the various factors that shape Iraq's today. These factors that are also expected to shape Iraq's future will be examined after discussing the mistakes of the occupying administration

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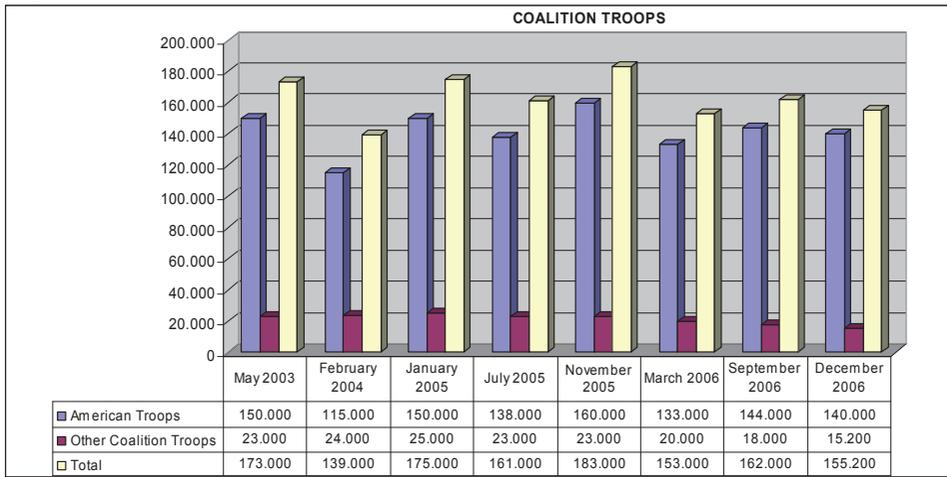
and role of the unforeseen elements in Iraq's domestic structure. These factors will be discussed under three main categories: security, politics and constitution.

Security

The most serious problem with regard to the establishment of stability in Iraq is the security vacuum or what we might call the 'cycle of violence'. The authority vacuum which emerged during and after the invasion of Iraq is at the forefront of factors that lead to cycle of violence and problem of security in the country. The mistakes made during the invasion of Iraq and Iraq's internal dynamics may elevate the concerns of security and violence to an insoluble crisis. These factors can be described as follows:[1]

a) Invasion of Iraq with a relatively small armed force: It is clear that it was impossible to conduct a successful military operation with a minimum number of armed forces. The US Defence Secretary Ronald Rumsfeld and his advisors had intended to conduct a high-tech war with 'smart bombs' as they were expecting a domestic rebellion. The opponents of the Baath regime in Iraq such as Ahmad Chalabi also aired the possibility of rebellion, which influenced Rumsfeld and his advisors. Under the influence of the civil wing of the Pentagon, the US decided to send some 150 thousand armed forces for the operation. Both the US military sources and independent analysts, however, predicted that at least 300 thousand and ideally 400-500 thousand armed forces were needed to establish security and public order in Iraq.

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[1] See Toby Dodge, "Iraq and the perils of regime change: from international pariah to a fulcrum of regional instability," in Christian Hanelt, Giacomo Luciani, Felix Neugart (eds.), *Regime Change in Iraq: The Regional and Transatlantic Dimensions*, Florence, European University Institute, 2004, pp. 65-82; The testimony of Dr Toby Dodge, to the Senate Committee on Foreign Relations, April 20, 2004, Committee's hearings on "The Iraq Transition: Civil War or Civil Society?"; Toby Dodge, *Iraq's Future: the aftermath of regime change*, Adelphi Papers 372, International Institute for Strategic Studies [IISS], 2005; Toby Dodge, "War and resistance in Iraq: from regime change to anarchy," in Raymond Hinnebusch and Rick Fawn (eds.), *The Iraq War*, Boulder, Lynne Rienner Press, 2006, pp. 211-224; Anthony H. Cordesman, "American Strategic, tactical and other mistakes in Iraq: a litany of errors," (Center for Strategic and International Studies [CSIS], 19 April 2006); Kenneth M. Pollack, "The Seven Deadly Sins of Failure in Iraq: A Retrospective Analysis of the Reconstruction," *MERIA*, 10/4 (December 2006).

Figure-1[2]

COALITION TROOPS	May 2003	February 2004	January 2005	July 2005	November 2005	March 2006	September 2006	December 2006
American Troops	150.000	115.000	150.000	138.000	160.000	133.000	144.000	140.000
Other Coalition Troops	23.000	24.000	25.000	23.000	23.000	20.000	18.000	15.200
Total	173.000	139.000	175.000	161.000	183.000	153.000	162.000	155.200

b) Absence of planning for the post-war period: According to a common scenario, the US forces were supposed to be welcomed with flowers and then would transfer the power to Iraqi politicians in exile such as Ahmad Chalabi. These politicians would have reconstructed Iraq within the framework of US ideals for the region. The neo-conservative ideological approach and the misinformation by Iraqi politicians in exile seem to have played a role in the decision making process.

c) Mistakes of the Coalition Provisional Authority: American authorities dissolved the Iraqi army and the security forces regardless of their ranks, and discharged all civil servants who were members of the Baath Party. It is clear now that this was a major mistake. The policy of liberating Iraq from the cadres of Baath was planned to be limited to a number of high ranking members of the Baath Party in the early stages. However, almost 750 thousand civil servants including teachers and doctors lost their jobs. Furthermore, state institutions lost their ability to function properly under the heavy weight of the embargo as well as the looting that took place after the end of the war.

d) Preservation of arms by groups loyal to the old regime: Sunni tribes who were supporters of Saddam Hussein's regime and militia organizations loyal to the Baath Party kept their arms intact. It is not surprising that these

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[2] Iraq Index: Tracking Variables of Reconstruction & Security In Post-Saddam Iraq" (The Brookings Institution, 11 January, 2007).

groups resort to all methods and means to prevent the Shiite Arabs from holding political power.

e) Treatment of civilians: The mistreatment of innocent civilians by American troops fuelled the feeling for revenge and resistance. Such incidents as the Abu Gurayb prison scandal have contributed to the strengthening of resistance and opposition to the US in Iraq.

f) The Sunni and Shiite groups have organized themselves against occupying forces since they regarded the US intervention as an occupation of the homeland. In a short period of time, the armed groups were thus able to launch an organized resistance movement, and they achieved the capacity of a military power.

g) Organization of Sunni groups and their attacks who do not want Shiite domination for ideological reasons.

h) Establishment of death squads by Shiite groups to take revenge from the members of the old regime and their engagement in assassination attempts.

i) Emergence of crime gangs who seize the opportunity in an environment of security vacuum.

j) Settlement of groups in Iraq with links to al-Qaida such as al-Zarkawi who declared a holy war on the US and their engagement in war against the coalition forces.

The most effective role in the circle of violence belongs to actors named "insurgent groups" or "insurgents". These groups gradually succeeded to achieve a great professionalism in their activities with no shortage of weapons. Who are the insurgents? They can be categorized under four groups which include members of the former regime, anti-Baath Islamist groups, the so-called 'foreign fighters' and organized gangs:[3]

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[3] See Ahmed S. Hashim, *Insurgency and Counter-Insurgency in Iraq*, Ithaca, NY, Cornell University Press, 2006; Zaki Chehab, *Iraq Ablaze: Inside the Insurgency*, London, I. B. Tauris, 2006; Anthony H. Cordesman, "New Patterns in The Iraqi Insurgency: The war for a Civil War in Iraq" (CSIS, 27 September 2005); Anthony H. Cordesman, "The Iraq War and Lessons for Counterinsurgency" (CSIS, 9 December 2005); Anthony H. Cordesman, "Iraq's evolving insurgency and the risk of civil war" (CSIS, 27 September 2006); Amatzia Baram, "Who are the insurgents?" (United States Institute of Peace [USIP], April 2005); Michael Eisenstadt and Jeffrey White, "Assessing Iraq's Sunni Arab Insurgency," (Washington Institute for Near Eastern Policy [WINEP], Policy Focus 50, December 2005); Jeffrey White, "An Adaptive Insurgency: Confronting Adversary Networks in Iraq," (WINEP, Policy Focus 58, September 2006).

a) Members of the Former Regime: These groups which resort to violence with political purposes comprise former members of the Baath Party, army and security forces. They are especially strong in the Sunni triangle, in Tikrit and in its surrounding region as Saddam Hussein's central power base. Their purpose is to force the US to withdraw, sabotage the new regime in Iraq, and prevent Shiite Arabs and Kurds from holding power.

b) Anti-Baath Islamist Groups: Another group engaged in violence is the anti-Baath Islamist actors. The Sunni and Shiite Arabs represent local political groups and they are held responsible for acts of violence against both the US armed forces and Iraqi army and police forces. A new breed of Islamism encouraged by Saddam Hussein after 1991 has now merged with the Iraqi nationalism pursued by the Baath party since 1968. Out of this union, a new ideology has emerged which may be called 'the Islamic Iraqi Nationalism'. The Sunni Arabs are worried about the hegemony of Shiites and Kurds who are regarded as collaborators of the US. The goal of these groups is to create instability to ensure that the new regime fails, and force the US army to withdraw by accelerating violence.

c) Foreign Arab Fighters: Number of these groups is estimated to be between one thousand to three thousands although their numbers are believed to be exaggerated by the US and the Baghdad governments. Contrary to assumptions, they are not the central power or the most important force behind the resistance. Objective of these groups is to create instability, instigate ethnic-sectarian violence, cause a civil war and force the US to withdraw. These groups descried as the 'takfir' in the Iraqi constitution regard Shiite Arabs not political rivals but 'infidels'. Political actors in Iraq describe this group as a terror organization in order to distinguish them from local resistance which is seen legitimate. There are claims that foreign Arab fighters differ from local insurgent groups with their methods used against civilians.

d) Organized Crime Gangs: The gangs operating especially in such large cities as Basra, Baghdad and Mosul were formed by people who were among the convicted individuals released from prison just before the war. Gangs are not ideological groups but help groups which resort to violence.

Figure-2[4]

	2003	2004	2005	2006
minimum	3.000	15.000	15.000	20.000
maximum	5.000	20.000	60.000	60.000
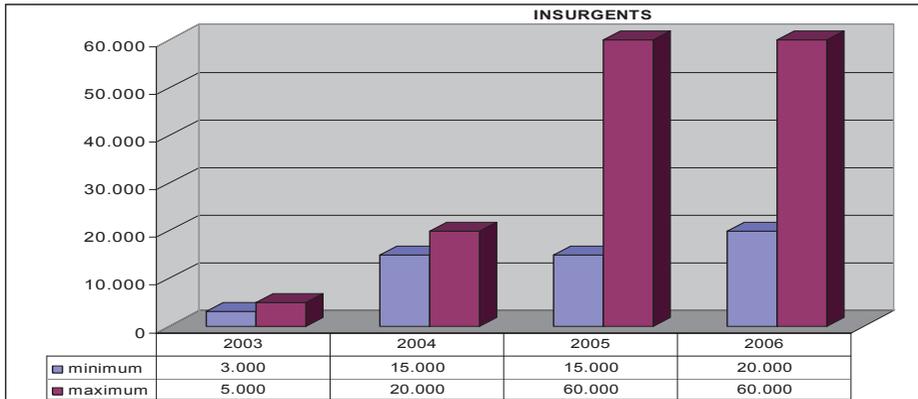
Thus, it appears that violence and resistance in Iraq have local roots. These groups chose different targets for their own purposes: US and coalition forces, staff of international organizations, candidates to join the army and police forces, the Shiite Arabs and the Kurdish groups who are seen as rivals. Resistance as a source of instability and violence in Iraq has gone through four stages:[5]

a) Insurgents targeted the US forces first. When the US forces withdrew to their bases and started keeping a low profile on the streets, Iraqis working for the new Iraqi regime and the coalition forces or truck drivers became the main targets. At the same time, some groups started to attack international organizations such as the UN, the Red Cross and embassies. Moreover, some leading Shiite Arab and Kurdish politicians were assassinated.

b) 'Cars and trucks loaded with bombs' were used as main tools since August 2003. Such attacks aimed at the targets mentioned above as well as police and military employment and training centres.
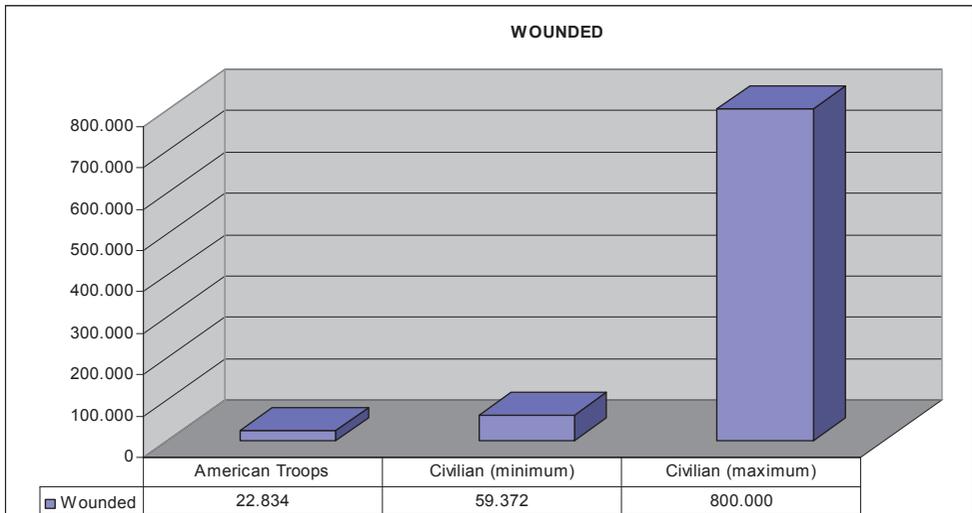
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[4] Iraq Index: Tracking Variables of Reconstruction & Security In Post-Saddam Iraq" (The Brookings Institution, 11 January, 2007). Number of resisting people in 2005 (the highest): Estimate of American officials: 20 thousand. Some analysts estimate their active numbers between 15 and 60 thousands. Cordesman gives a figure of 30 thousand. See, Anthony H. Cordesman "New Patterns in the Iraqi Insurgency" (Center for Strategic and International Studies, 27 September 2005). Cordesman states that these numbers remain unchanged despite the number of deaths throughout 2006. Anthony H. Cordesman "Iraqi Force Development: Can Iraqi Forces Do the Job?" (Center for Strategic and International Studies, August 23, 2006) Iraqi Chief of Iraqi Intelligence General Muhammad Abdullah Shahvani states that there are 40 thousand core groups and with sympathizers this number reaches 200 thousands. "Iraq battling more than 200.000 insurgents: Intelligence Chief," Agence France-Presse (AFP), 1 March 2005. Foreign fighters estimated between %4- %10 are included in the Table.
[5] Ibid.; International Crisis Group, "In their own words: Reading the insurgency," (15 February 2006); Dodge, *Iraq's Future*.

c) Resistance has entered a new stage since April and August 2004. A second front was opened against the coalition forces with the participation of Shiite Arabs under the leadership of Muqtada as-Sadr.

d) Attacks have ceased during the December 2005 elections, which took place without disruption to a large extent. However, the violence which resumed after the announcement of election results continued to increase on a daily basis. Especially, after the al-Askari shrine bombing in February 2006, the cycle of violence turned into sectarian violence between Sunnis and Shiites.

Figure-3[6]

WOUNDED

	American Troops	Civilian (minimum)	Civilian (maximum)
■ Wounded	22.834	59.372	800.000

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[6] For data on injured US soldiers (January, 2007) see, "Iraq Coalition Casualties Count": (http://icasualties.org/oif/ default.aspx.) Minimum Injured Civilian numbers refer to number of injured civilians treated in Iraqi hospitals in 2005 and 2006. Maximum values for injured civilians are retrieved from Lancet's estimate: "Iraq Body Count Press Release: Reality checks: some responses to the latest Lancet estimates",16 October 2006, http://www.iraqbodycount.org/ press/pr14/2.php.

Table-1

CASULTIES IN IRAQ WAR						
		2003	2004	2005	2006	Total
American Troops[7]		486	848	846	824	3.004
Other Coalition Troops		93	57	51	49	250
Iraqi Police and Security Forces[8]		1.300		2.736	2091	6.127
Civilians	IBC (min)[9]	11.584	10.096	9.637	22.637	53.954
	IBC (max)					56.571
	Brookings[10]					70.100
	Lancet[11]	100.000				426,369-793,663
	UNAMİ	30.000[12]			34.452[13]	64.452
	Iraqi Health Ministry				22.950[14]	150.000[15]

Coalition forces and Iraqi government(s) failed to fill the security vacuum. Instead, local forces and ethnic-sectarian communities filled this gap and this situation creates difficult problems for the stability of Iraq. This security vacuum consolidated militia groups which are organized on

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[7] For the data on US and other coalition members' forces see "Iraq Coalition Casualties Count" (http://icasualties.org/oif/ default.aspx.)

[8] For the data on Iraqi police and armed forces, see "Iraq Coalition Casualties Count" (http://icasualties.org/oif/default.aspx.) Data on casualties among Iraqi police and armed forces values in the Table refers to the period between June 2003 and 4 January 2004. "Statement by Falah Hasan Al-Naqib, Minister of Interior ', Kuwait News Agency (KUNA), 4 January 2005. (http://www.kuna.net.kw/English/ Story.asp?DSNO=694138.)

[9] Data on minimum and maximum civilian casualties was taken from "Iraq Body Count" web site (http://iraqbodycount.net), 17.January.2006

[10] Data refers to the cumulative sum of numbers given between May 2003 and October 31,2006; by The Brooking Institute: "Iraq Index: Tracking Variables of Reconstruction & Security In Post-Saddam Iraq" (The Brookings Institution, 11 January, 2007).

[11] Lancet's estimate for the period between March 2003 -October 2004 is 100.000. Lancet's new report, dated 11 October 2006, has a number of 426,369-793,663 civilian casualties since the commencement of the war. The Lancet study is based on research conducted among 12.801 people living in 1849 Iraqi households. http://www.thelancet.com/webfiles/images/journals/ lancet/s0140673606694919.pdf.

[12] UNAMI Human Rights Report, 1 November-31 December 2005, http://www.uniraq.org/documents/ HR%20Report%20Nov%20Dec%202005%20EN.PDF.

[13] UNAMI Human Rights Report, 1 November-31 December 2006, http://www.uniraq.org/FileLib/misc/ HR%20Report%20Nov%20Dec%202006%20EN.pdf

[14] "War's Toll on Iraqis Put at 22,950 in '06", Washington Post, 8 January 2007.

[15] "Iraqi Official: 150,000 Civilians Dead" Washington Post,10 November 2006.

ethnic-sectarian bases and legitimated their existence through ethnic-sectarian discourses. Militia groups can be classified in two categories:[16]
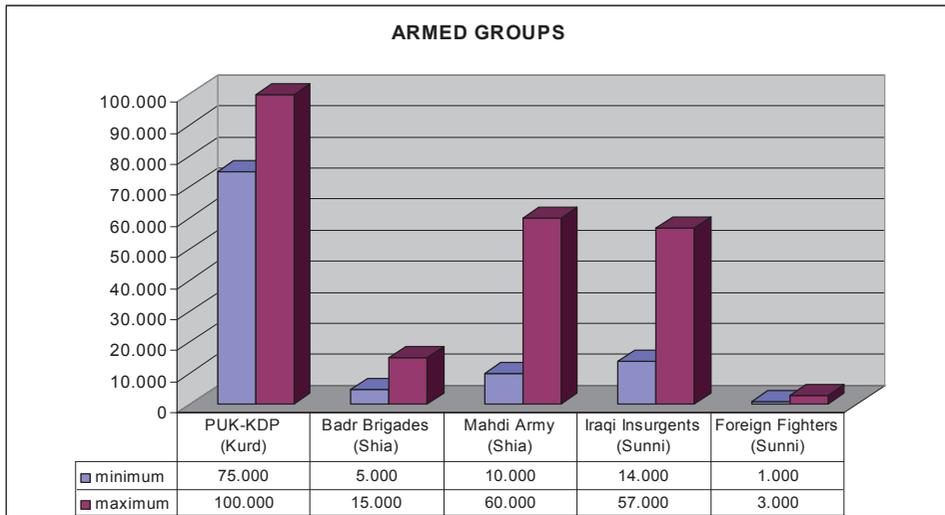
a) Kurdish Peshmergas of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). (75-100 thousands.)

b) Shiite groups of the Badr Brigades loyal to SCIRI (Supreme Council of Islamic Revolution of Iraq) (5-15 thousands), and the Mahdi Army loyal to Muqtada as-Sadr. (10-60 thousands.)

There are also other armed groups which are established in villages, towns and certain neighbourhoods to find solutions for the lack of public order. Their numbers are estimated to be high. In addition to the insurgent groups consisting of about 40 and 60 thousand men, more than 100 thousand Kurdish and Shiite militias constitute a serious threat to the long term stability of Iraq. Problems concerning the transformation of these militias into army troops and security forces will be discussed in the following section.

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[16] See Lionel Beehner, "Iraq's militia groups" (Backgrounder, Council on Foreign Relations [CFR], 26 October 2006).

Figure-4[17]

ARMED GROUPS

	PUK-KDP (Kurd)	Badr Brigades (Shia)	Mahdi Army (Shia)	Iraqi Insurgents (Sunni)	Foreign Fighters (Sunni)
minimum	75.000	5.000	10.000	14.000	1.000
maximum	100.000	15.000	60.000	57.000	3.000

Figures in Table 3 indicate that if a civil war breaks out, its consequences will be devastating. Numbers of various militia groups are equal to each other and the total estimated number of militia forces is near the size of Iraqi army (for the number of Iraqi army, see figure-4). When one considers the ethnic-sectarian structure in Iraq, it is possible to see various armed groups to cooperate with each other or to change sides with a fatwa. This turns the question of security in Iraq into a stalemate. These observations indicate that formation of a new (national) Iraqi army and a security force is one of the most important ways of establishing security and stability in Iraq. However, the current picture does not look very promising.
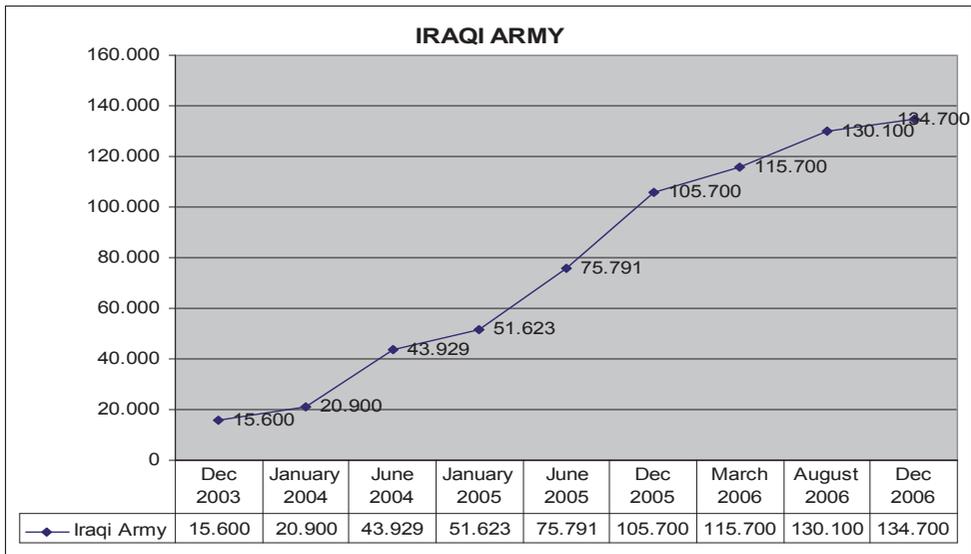
Not only the new army but also coalition forces remain ineffective against the insurgents (estimated to be between 40 to 60 thousands) and militias (estimated to be over 100 thousands). There is an urgent need for the formation of a strong military and police force to establish control in

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[17] For the numbers of KDP-PUK, see Kenneth Katzman and Alfred B. Prados, "The Kurds in Post-Saddam Iraq" (Congressional Research Service (CRS), 5 May 2005). Also see, Kenneth Katzman, "Iraq: Post-Saddam Governance and Security", (Congressional Research Service (CRS), 28 December 2006). On the Badr Brigades, see Gene Novikov, "Unmasking the Iraqi Insurgency," (Terrorism Monitor, Vol. II, Issue 12, The Jamestown Foundation, 17 June 2004), and Kenneth Katzman, "Iraq: Post-Saddam Governance and Security", (CRS, 28 December 28, 2006). On the Mahdi Army, see Kenneth Katzman, "Iraq: Post-Saddam Governance and Security", (CRS, 28 December 28 2006) and "Insurgents in Iraq show signs of acting as a network" (The Christian Science Monitor, 28 April 2005). On the number of foreign fighters, see Anthony H. Cordesman, "Iraq and Foreign Volunteers" (Center for Strategic and International Studies, 18 November 2005).

Iraq. This goal, however, is not easy to achieve for the current military and police force have problems concerning their quality and quantity:[18]

Iraqi armed forces were around 400 thousand at the end of Saddam's rule. The new army established after the dissolution of old armed forces has a total capacity of nearly 130 thousand soldiers. However, only a certain proportion of these forces have the ability to operate on their own. Armed forces of 400 thousand soldiers are needed to establish security and order given the number of militia forces, resistance movements and other gangs operating in Iraq.

Figure-5[19]

IRAQI ARMY

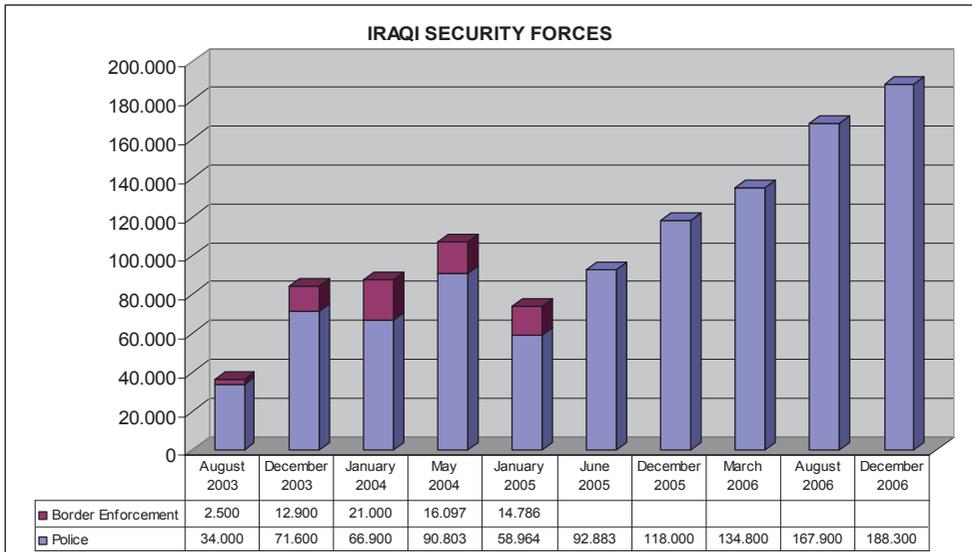|	Dec 2003	January 2004	June 2004	January 2005	June 2005	Dec 2005	March 2006	August 2006	Dec 2006
Iraqi Army	15.600	20.900	43.929	51.623	75.791	105.700	115.700	130.100	134.700

Ethnic-sectarian composition of the new Iraqi army also causes concern as a potential source of problem. Operations of this new army, which is composed mainly of militias loyal to the Kurds and the Shiite Arabs, towards Sunni Arabs on the basis of ethnic-sectarian identities create new hostilities.

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[18] Paul S. Frederiksen, Emily J. Fall and Patrick B. Baetjer, "Iraqi Security and Military Force Development: a chronology" (CSIS, 26 May 2006); Anthony H. Cordesman, "Iraqi Force Development: Can Iraqi Forces do the Job?" (CSIS, 4 October 2006); Anthony H. Cordesman, "Option for Expanding Iraqi forces: goals and realities" (CSIS, 2 November 2006); Anthony H. Cordesman, "Iraqi Force Development and the challenge of civil war" (CSIS, 30 November 2006).
[19] Iraq Index: Tracking Variables of Reconstruction & Security In Post-Saddam Iraq" (The Brookings Institution, 11 January, 2007).

It is not realistic to expect that an army composed of inexperienced and insufficient number of soldiers can accomplish what the US army has failed to do. Moreover, the methods and tactics which the security forces use in their operations escalate the resistance. The establishment of security along the borders and the control of border transitions are among the issues that the new Iraqi army will have to address. The newly established police forces also face similar difficulties.

Figure-6[20]

IRAQI SECURITY FORCES

	August 2003	December 2003	January 2004	May 2004	January 2005	June 2005	December 2005	March 2006	August 2006	December 2006
Border Enforcement	2.500	12.900	21.000	16.097	14.786					
Police	34.000	71.600	66.900	90.803	58.964	92.883	118.000	134.800	167.900	188.300

In conclusion, the question of security in Iraq is entangled in the following vicious circle: It is not possible to end insurgence with the current or forthcoming army; and unless insurgence is over, it will not be possible to establish stability. The control of the new Iraqi government will be limited only to Baghdad and its adjacent regions if an effective Iraqi security force is not established and the insurgence is not brought to an end. That would further deepen the existing divisions.

In this context, the size of the US army and its operations, and the question of how long the US will keep its military presence in Iraq are among the most urgent and frequently discussed issues. The Sunni and some Shiite Arabs such as those loyal to Muqtada al-Sadr consider the

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[20] Iraq Index: Tracking Variables of Reconstruction & Security In Post-Saddam Iraq" (The Brookings Institution, 11 January, 2007).

withdrawal of US forces as a prerequisite for normalization whereas other Shiite Arab groups such as SCIRI think that the presence of US armed forces is necessary until the disposal of the remainder of Baath, foreign fighters and establishment of a relative stability. It seems that various Sunni Arab groups have changed their approach in recent months concerning the presence of American army in Iraq. These Sunni groups who realized that the balance of power has shifted in favour of the Shiite Arabs and Iran seems to support the presence of US military force until stability is achieved and the Sunni Arabs are integrated into the system. However, despite this attitude towards the US military presence in Iraq, these Sunni groups remain persistent on the declaration of a clear withdrawal plan. Thus, pressure on Washington is mounting day by day and some Shiite and Sunni Arab groups demand the declaration of withdrawal plan as early as possible. The US plans for withdrawal, therefore, becomes more important for the future of the cycle of violence in Iraq.

Politics

Iraq has entered a new era following two elections and a referendum held in 2005. Holding the elections, despite all the shortcomings, irregularities and delays, is a big step for Iraq's transition to a post-conflict period. Developments in the new Iraq's political process will determine the ultimate direction the country will take in the future.[21]

It can be argued that the election turnout and regional votes represent Iraq's ethnic and religious structure. Although casting ballots along ethnic and religious lines makes sense during the transitional period, this will have a negative impact for Iraq's struggle to establish political stability and a democratic regime in the near future. The elections have been disappointing, to say the least, for those political parties that do not pursue an ethnic and/or sectarian politics.

Election results shown in Table-2 are indicative of Iraq's future political course. For the first time in the history of modern Iraq, the Shiites gained

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sizeable political power and a coalition of Shiite parties won 130 of 275 seats in the December 2005 parliamentary election. This new situation would have far-reaching consequences not only for Iraq but also for the Middle East politics at large.

Table-2[22]

DECEMBER 15, 2005 ELECTION RESULTS				
Party	Number of Votes	Percent of Votes	Seats	Ethnic/Sectarian Identity	Leader
United Iraqi Alliance	5.021.137	46.55	128	Shiite	Abdulaziz al-Hakim Ibrahim al-Jaafari Muqteda al-Sadr
Kurdistan Alliance	2.642.172	19.27	53	Kurdish	Jalal Talabani Masoud Barzani
Iraqi Accord Front	1.840.216	16.00	44	Sunni	Adnan al-Dulaimi Tarıq alHashimi
Iraqi National List	977.325	9.09	25		Iyad Allawi Ghazi al-Yawer
Iraqi Front for National Dialogue	499.963	4.0	11	Sunni	Saleh al-Mutlak
Kurdistan Islamic Union	157.668	1.82	5	Kurdish	Salahaddin Muhammed Bahaddin
Reconciliation and Liberation Bloc	129.847	1.09	3	Sunni	Mishan al-Jaboori
Progressives- Risaliyun	145.028	0.73	2	Shiite	Sheikh Abdul-Hadi al-Darraji
Iraqi Turcoman Front	87.993	0.72	1	Turcoman	Sadettin Ergeç
Mithat Al Alaoosi List for Iraqi Nation	32.245	0.36	1	Sunni	Mithat al-Aloosi
Al Ezediah Movement for Progressing and Reform	21.908	0.17	1	Yazidi	Amin Farhan Jiju
Al-Rafidayn (Mesopotamia) National Movement	47.263	0.38	1	Assyrian	Yonadem Kanna

There was a steady increase in participation in the last two elections and the referendum in 2005. The most important change has been the increasing participation of Sunni Arabs in the December 2005 election.

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[22] "IECI Announces Certified Results of the Council of Representatives Elections" (Independent Electoral Commission of Iraq, February 10, 2006) For further information on Iraqi political groups, see "Guide to Iraqi Political Parties", http://news.bbc.co.uk/1/hi/world/middle_east/4511450.stm

Table-3[23]

PARTICIPATION IN DEMOCRATIC PROCESS			
	Votes Casted	Number of Voters	Percentage of Participation
January 30, 2005 Elections	8.456.266	(estm.) 14.000.000	58.00
October 15, 2005 Referendum	9.852.291	15.568.702	63.28
December 15, 2005 Elections	12.396.631	15.568.702	79.60

Table-4[24]

PARTICIPATION IN GOVERNORATES			
Governorate	January 30 Elections (%)	December 15 Elections (%)	Ethnic/Sectarian Identity
Babil	72	78	Shiite
Basrah	63	73	Shiite
Karbala	74	69	Shiite
Maysan	61	73	Shiite
Muthanna	64	65	Shiite
Najaf	75	72	Shiite
Qadisiya	70	64	Shiite
Dhi Qar	68	71	Shiite
Wasit	70	67	Shiite
Anbar	2	86	Sunni
Selahuddin	29	96	Sunni
Diyala	32	73	Sunni
Dahuk	92	91	Kurdish
Erbil	83	94	Kurdish
Suleymaniya	81	83	Kurdish
Nineveh [Mosul]	17	67	Mixed
Tamim [Kirkuk]	69	85	Mixed
Baghdat	51	68	Mixed

[23] See "30 January Results" (Independent Electoral Commission of Iraq, February 13, 2005) http://www.ieciraq.org; and "Shi'ite Win in Iraqi Elections Confirmed", *(RFERL*- Special Section- Iraq Votes 2005), http://www.rferl.org/featuresarticle/ 2005/02/238a479f-990f-4f04-9547-ecf8cc1a3515.html, footnote 10, and "Referendum Results" (Independent Electoral Commission of Iraq, October 25, 2005).
[24] "Graphics: The Iraqi election Results" (The New York Times, http://www.nytimes.com/2006/01/21/international/ 20060121_IRAQELECTION_GRAPHIC.html)

Table-5[25]

ETHNIC-SECTARIAN PARTICIPATION			
Governorates (Ethnic-sectarian)	January 30, 2005 Elections	October 15, Referendum Percentage of 'Yes' Votes	December 15, 2005 Elections
Shiite Governorates[26]	%68.5	%96.55	%70.2
Sunni Governorates[27]	%21.0	%24.1	%85.3
Kurdish Governorates[28]	%85.3	%99.15	%89.3
Mixed Governorates[29]	%45.3	%61.84	%73.3

In the post-Saddam period, the ethnic-sectarian identities dominate the political scene. Ethnic and sectarian rivalry remains a vital problem in Iraq and threatens the stability and the political future of the country. Although ethnic and sectarian political language causes division, some analysts argue that the animosity between Shiite Arabs and Sunni Arabs is not so much a problem of nationalist identity politics, as in the case of the Kurds. Nevertheless, the current Iraqi politics is dominated by those political actors who capitalize on ethnic and sectarian identities. While Saddam Hussein's cruel policies especially after 1991 created further rifts among Iraq's ethnic and sectarian lines, the other two major factors are the continuing violence and the central role played by exiled Iraqi politicians. The American approach to Iraq has also been mostly through ethnic and sectarian lenses. At the level of ordinary people, the sectarian tension is not as high as it is speculated. Nevertheless, the sectarian nature of current violence continues to deepen the ethnic-sectarian divisions. Even though there are both Sunnis and Shiites among Arab and Turcoman tribes, the cycle of violence is likely to intensify the ethnic-sectarian divisions. This is further exacerbated by the use of Shiite Arab and Kurdish security forces against Sunni Arabs. Increasing violence in the mixed areas is bound to cause irreparable damages.

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[25] See footnote 11
[26] Babil, Basra, Karbela, Maysan, Muthanna, Najaf, Qadisiya, Dhi Qar, Wasit
[27] Anbar, Salahuddin, Diyala
[28] Dahuk, Erbil, Suleymaniya
[29] Baghdat, Tamim [Kirkuk], Ninevah [Mosul]

The last two elections, a referendum and other developments all demonstrate that ethnic-sectarian politics will remain a main determining factor in Iraq's future. It is almost impossible to see the people of Iraq united under the umbrella of 'Iraq-Arab Nationalism'. The extent of the federal system proposed by the new Iraqi constitution will further intensify the ethnic-sectarian politics. This will be a major hurdle for political parties and governments as well as for the formation of the new Iraqi army and other security forces. The boldening of ethnic-sectarian lines will disrupt not only the stability of Iraq but the whole region.

Table-6

ETHNIC-SECTARIAN VOTES				
	January 30, 2005 Elections		December 15, 2005 Elections	
Parties (Ethnic-Sectarian)	% of Votes	Seats	% of Votes	Seats
Shiite Parties[30]	49.53	145	47.27	130
Sunni Parties[31]	0.36	1	20.52	59
Kurdish Parties[32]	26.45	77	22.89	58
Non- Ethnic-Sectarian Parties[33]	16.87	48	9.09	25
Other[34]	0.43	1	0.55	2
Iraqi Turcoman Front	1.11	3	0.72	1

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[30] United Iraqi Alliance, Progressives-Risaliyun, National Independent Cadres and Elites, Islamic Action Organization in Iraq.
[31] Iraqi Accord Front, Iraqi Front for National Dialogue, Reconciliation and Liberation Bloc, Mithat Al Alaoosi List for Iraqi Nation.
[32] Kurdistan Alliance, Kurdistan Islamic Union, Islamic Group of Kurdistan.
[33] National Iraqi List, The Iraqis, National Democratic Alliance, People's Union.
[34] Al-Rafidayn (Mesopotamia) National Movement, Al Ezediah Movement for Progressing and Reform.

Constitution

The constitutional referendum held on October 15, 2005, ushered in a new era in Iraq.[35] The new Iraqi constitution (cited hereafter as NIC) is composed of 144 articles wherein the Republic of Iraq is defined as a "single federal, independent and fully sovereign state". The system of government is described as "republican, representative, parliamentary, and democratic."[36]

The American administration declared the completion of the constitution and the subsequent referendum on it within the scheduled time as a great success. Just as the situation in Iraq had a direct impact on the 2004 American elections, the constitutional referendum in Iraq was used as propaganda to attract American voters and to convince critics that the process of the American withdrawal from Iraq is underway. The American efforts to include the Sunnis in the constitutional process have led to high expectations for ending resistance in Iraq.

Contrary to the expectation of the US government, however, the possibility of domestic peace and stability in Iraq through the NIC, approved by 78 % of voters, remains doubtful. The constitution has many contradictions and was drafted under pressure rather than through mutual agreement. Such a constitution might produce a reverse effect and increase violence. Even though it might be claimed that the NIC is a 'modern' and 'democratic' constitution, it is open to question if it provides 'adequate' grounds for political stability in Iraq.

As a result of the hasty move in the ratification of the NIC, the constitution contains two serious flaws. First, the constitution has been drafted without complete consensus. Zalmay Khalilzad, the American Ambassador to Iraq, tried to dispel the concerns of Sunni-Arab negotiators after which a partial compromise was reached. The referendum results,

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[35] For this section, see Ibrahim al-Marashi, "Iraq's Constitutional Debate," *MERIA*, 9/3 (September 2005); International Crisis Group [ICG], "Iraq: Don't Rush the Constitution" (8 June 2005); ICG, "Unmaking Iraq: A Process Gone Awry" (26 September 2005); Nathan J. Brown, "The final draft of the Iraqi constitution: analysis and commentary (Carnegie Endowment for International Peace, 16 September 2005); Jonathan Morrow, "Iraq's constitutional process II: an opportunity lost (USIP, Special Report 155, December 2005); Adam Wolfe, "the implications of Iraq's proposed constitution," (Power and Interest News Report, 31 August 2005); *Iraq on the way to its new constitution*, Symposium, March 22-23, 2004, conference proceedings (Ankara: Foreign Policy Institute, 2004).

[36] For the text of the new Iraqi constitution, see www.export.gov/Iraq/pdf/iraqi_constitution.pdf.

however, show that the majority of Sunni-Arabs have rejected the NIC (see table-5). Secondly, the constitution is incomplete as far as some crucial issues are concerned. Such key items as the limits of federalism have been left to the new parliament, which was formed after December 2005 elections. These issues are certain to stir up controversy in the new Iraqi parliament. These constitutional items, which include a total of about fifty key issues, will be decided upon by a Shiite and Kurdish majority parliament. It seems impossible to reach a consensus on such crucial issues as council of federations, vice presidents, council of Supreme Court, federal Supreme Court, constitution of regions, and the distribution of tax revenues, oil and gas. In the absence of constitutional and institutional guarantees, the only hope is that the conscientious and prudent leaders will ensure the mechanisms of mediation and reconciliation.

Another aspect of the NIC is related to the political system. The constitution proposes a political system based on a decentralized government and a loose federalist model. According to this model, one or more provinces will be able to form a region and these regions will have extensive autonomy. The central government will have responsibility and power only in defence, foreign policy, finance and customs policies. The authority on health, education, infrastructure and administration of customs will be shared among central government and regions. The rest of governance will be left to regional governments and they will have their own constitution, budget and court system. The regional governments will be responsible for managing their own internal security with their own local police and security forces. In case of a conflict between a federal law and a regional law over issues that are not under the jurisdiction of federal government, regional governments will have the right to amend these laws. Finally, in case of a conflict over issues where autonomy is shared, the priority will be given to regional law (see articles 110, 114-115). The constitution also gives a broad administrative and financial autonomy to those provinces that do not constitute a particular region and remain outside the federal-regional districts (see articles 122-123).

While the limits of decentralized government and loose federalism are defined in broad terms, the vital details pertaining to the procedures of their practice are left ambiguous in the NIC. There is no uncertainty about Kurdish federal region. Yet, the arrangement of rules for forming other federal regions is left to the parliamentary legislation, i.e. to the new

parliament's simple majority vote which is dominated by the Shiite-Arab majority. In other words, there is too much ambiguity on the key issues pertaining to the organization of the new Iraqi political system. These key issues should have been clarified and secured in the new constitution rather than being left to the simple majority of the parliament. It is essential that certain constitutional amendments be made to resolve these lingering issues in the new constitution.

In addition to what has been discussed so far, the NIC also contains a number of issues disputed by different parties. Some Shiite Arab leaders, who have strong relations with Iran and lived there during their exile, have publicly expressed their desire to have a regional government throughout the nine Shiite-dominated provinces of south Iraq. The Sunni-Arab parties reject this proposal as they argue that this leads to the dissolution of Iraq. They also believe that they will be left in the middle of an unstable, violence-driven and poor Iraq with no oil. The distribution of oil revenues is another issue that causes worries among Sunni Arabs. They claim that the vagueness in certain articles of the NIC is a deliberate attempt which aims at depriving them of Iraqi oil revenues (see articles 111-112).

In this context, Kirkuk will be one of the most controversial issues. The possible inclusion of Kirkuk in the Kurdish Federal Region is a concern not only for Turkey but also for all Iraqi Arabs, both Shiite and Sunni. The Shiite and Sunni Arab groups are extremely sensitive about the future of Kirkuk. It is a major disappointment that the article 53 of the Transitional Administrative Law (TAL) has not been included in the NIC.[37] According to this article, Kirkuk will not be part of any regional government. Another point of concern is that the implementation of normalization process outlined in the article 58 of TAL will automatically allow Kirkuk to be part of the Kurdish Federal Region (see article 140).

The new Iraqi Constitution could be seen both as "the most modern" constitution in the Arab world as well as a constitution that contains the seeds of civil war and dissolution in Iraq. The absence of a broad consensus on the most crucial issues in the NIC may lead to a number of negative scenarios. In the final analysis, the new Iraqi constitution contains articles that are likely to deepen ethnic and sectarian divisions in the country. This,

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[37] For the text of TAL, see www.rferl.org/specials/iraqcrisis/Iraq-interim-constitution.pdf.

in turn, will delay, to say the least, the formation of a stable state and a viable civil society in Iraq.

Conclusion

The future of Iraq depends on the end of violence, achieving stability, a functioning constitutional and federal democratic system, and a reasonable degree of compromise among various ethnic-sectarian groups. Political future of Iraq will take its shape in the light of the following trends.

a) It seems that disengagement from ethnic and sectarian discourse/politics will not take place in the short run considering the political developments since May 2003 in Iraq. Projections concerning the future of Iraq cannot be discussed without paying attention to this particular discourse/politics. This is paradoxical in the short run yet it is a realistic necessity in the long run.

b) One can argue that 'Islamism' will be influential as a political power in the new Iraq considering the developments since the beginning of the war and the voting behaviours of the electorate. The 'Islamist' trend includes both armed and non-armed groups. The armed groups are led by SCIRI and Muqtada as-Sadr. The leading non-armed Islamist groups include the Dawa (Shiite), the Islamic Party of Iraq (Sunni Arab) and the Party of Islamic Union (Kurdish).

c) Islam-state and Islam-society relations will be different in the new Iraq due to different trends among Shiite and Sunni Arabs. Especially the Shiite ulama will increase their role in political and social life. There might be no direct rule by the ulama similar to Iran where the system of *walayet-i faqih* (guardianship of the jurist/rule of religious scholars) is in place. It does not mean, however, that the Shiite ulama would not have an influential position in politics especially bearing in mind the remarkable political role that has been played by Ayatullah Sistani in recent years.

d) Overcoming the problem of security will be rather difficult in the new Iraq even after achieving peace and stability. It seems that resistance and cycle of violence will continue for sometime to come although it will diminish to a certain degree. As the developments after the elections on 15 December 2005 indicate some Sunni groups will take part in the political process while they will continue to lend support for armed resistance. Even if Sunni Arabs are fully integrated in the political system and abandon arms except for a few radical groups, groups designated as foreign fighters will not give up their activities and to the contrary will carry on with further vigour.

e) The state formation process has fallen into a vicious cycle in the midst of occupation and armed resistance. The persistence of violence leads to using financial resources, which are supposed to be allocated for the reconstruction of the country and for investments for the infrastructure, merely on security. Making the fundamental democratic process functional and establishing stability in Iraq directly depends upon the extent to which this cycle would ease.

f) Relative weakness of the state or state institutions will continue if no fundamental amendment is made in the current constitutional and federal system in the new Iraq. Military and fiscal power of the central government is limited under the federal system as delineated in the constitution. This is not only the result of the post-war development but also a deliberate inclination among the Kurds and the Shiite Arabs since the very beginning. The constitution was drafted to increase and intensify this trend. It seems inevitable that such a political system based on extensive decentralization and loose federalism will simply create negative consequences for the stability of Iraq. Because of the current constitution and federal system, the actual power will disperse in regions and this will irrevocably deepen the current ethnic-sectarian partition by weakening the centre profoundly.

The current political structure causes a paradox for the unity of Iraq. The state of decentralization which is one of the conditions of Iraq's unity in the short run may cause disintegration of Iraq in the long run. This paradox can be overcome by ethnic-sectarian groups

only by adopting power-sharing and compromising procedures. If an environment of power-sharing and rapprochement is not achieved, many more areas of conflict may emerge among various groups in Iraq.

A civil war may erupt if the sectarian violence is not brought to a halt and power struggle between Shiite and Sunni actors gets more intensified. Paramilitary forces loyal to the Shiite and Sunni groups may start fighting with each other in such a situation. If a civil war and a process of disintegration begin, currently non-aligned Iraqis who preserve their sectarian identity will be eventually forced to make their choice and take their stand. If that happens, the partition process of Iraq into three parts will unfortunately be extremely violent and bloody. Tragedies, therefore, might happen in Kirkuk, Baghdad, Mosul and Basra among ethnically mixed population. A civil war may erupt also between the Shiite and Sunni Arabs on the one hand and between Kurds and Arabs on the other, if Kurds declare independence or attempt to seize control of Kirkuk. These possible developments will have serious consequences for the whole region and neighbouring countries, including Turkey.[38]

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[38] For details, see Gökhan Çetinsaya, "The New Iraq, the Middle East and Turkey: A Turkish View" (SETA Iraq Report, April 2006, www.setav.org).