

Advancing Iraqi Political Development
Senate Foreign Relations Committee
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Should the Coalition encourage Iraqis to forego writing a full constitution at this time, or should we encourage a strict adherence to the current deadlines for finishing a Constitution? Does the current compressed timetable for drafting and approving the constitution aggravate the destabilizing differences among the parties? Delay would involve setting aside thorny issues that could undermine national cohesion, like regional autonomy, the status of Kirkuk, the role of Islam, etc. Instead, should we be encouraging Iraqis to promulgate a mini-constitution covering electoral law and other items on which agreement can be reached? Would agreements on limited subjects build momentum towards cooperation on more difficult items? Or should we stick to the current schedule by pressing for a completed constitution by the deadlines that have already been established? What pressures, if any, can or should the Coalition exert on the Iraqi government to adopt either of these courses?

Response: The coalition must continue to encourage adherence to the August 15 deadline for the Iraqi National Assembly's (INA) adoption of a *complete* constitution. The risks associated with a prolonged or multi-stage process, and with de-linking the most contentious issues from the broader body of the document, would outweigh the potential benefits. This is an option that should be strongly resisted and adopted only as an absolute last resort. Several arguments, I believe, support this view.

First, most Iraqis, according to a recent International Republican Institute (IRI) national opinion poll, indicate that they do not favor an extension of the August 15 deadline for the INA to complete the writing of a draft constitution. And a majority of political leaders from across the ethnic and religious spectrum also remain committed to the August 15 and October 15 deadlines for adoption of a final constitutional text and its ratification, respectively. Beginning with the June 28, 2004 handover of power, and more recently with the January 30, 2005 national elections, we have witnessed the Iraqi peoples' desire and determination to meet the objectives set out in the Transitional Administrative Law for the full restoration of Iraq's national sovereignty and the creation of constitutional democracy by the end of this year. We should unequivocally support these intentions and the momentum they have generated.

What should our position be if the INA's Constitutional Committee should fail to present the Assembly with a draft constitution for approval before August 15, or if the Assembly, having received the Committee's draft, should fail to meet the deadline for its final adoption? The coalition should seek to persuade Iraqi legislators to extend the deadline for approval of a *complete* constitution for a period of no longer than 30 days. A more extended prolongation of the process would, in my view, allow political focus to shift away from this crucial task. It could also undermine what opinion research has consistently shown to be the public's stubborn and critically important faith in the country's forward momentum.

Second, de-linking the most contentious issues - including the nature of Iraq's new federalism, the status of Kirkuk, and the role of Islam in Iraqi law and state institutions - from the broader body of the constitutional text, and dealing with them in a separate and less time constrained negotiation, could have serious negative consequences.

The risk of further deterioration in relations between Iraq's three principal communities grows, I believe, in proportion to the duration of the time it takes to resolve these issues. The longer these key issues remain unresolved, the more likely it is that the positions of the major interested parties will harden. The continuing evolution of "facts on the ground" will increasingly threaten to overtake and complicate negotiations. We are already seeing evidence of this dynamic, for example, in Kurdish efforts to alter the demographic make-up of Kirkuk and strengthen the institutional legitimacy of Kurdish regional militias, and in the south of the country, where some religious groups are attempting to exert increasing influence within the university system. The longer the period of legal fluidity is allowed to exist, the less likely it is that mutually satisfactory outcomes can be achieved with respect to these issues.

We must also consider, absent inclusion of provisions on such key issues as federalism and the religious character of the state, how far Iraq's government would be able to move ahead in building legal and institutional structures pursuant to elements of the constitution that do get adopted. For example, without the form and structure of Iraq's new federalism agreed upon and in place, efforts to establish a national budgeting process, and develop and implement fiscal policy, could be hampered or rendered impossible. Likewise, efforts to move ahead confidently with legal and judicial reforms will be retarded to the extent that issues pertaining to the relationship between religious and civil law, and the roles of civil and religious adjudicating institutions, for example, are left unresolved.

In sum, I believe that we should continue to support the current deadlines for adoption and ratification of a complete constitution until such time as developments lead us to conclude beyond doubt that one or both of these deadlines present an impossible target. If an extension of the August 15 deadline, in particular, becomes absolutely necessary, it should be measured in weeks and not months so as to avoid loss of momentum and political focus. And the constitution that the Iraqi public is finally asked to ratify should be a complete document that addresses all of the key issues. Opening the door to a prolonged debate on these politically sensitive matters will only serve to more sharply contrast the differences between major ethnic and religious groups and contribute to further polarization.

Should the Coalition conduct a massive public education campaign designed to stimulate interest in the constitutional referendum and discussion of the insurgency? This would include holding town hall meetings carried on radio and television on the future of Iraq. Could such a campaign reach the Iraqi people and would Iraqis participate despite threats of retribution? Would unscripted town hall meetings enhance the credibility of the message, thereby building public disdain for the insurgency and support for Iraqi political development? Could security be provided to prevent terrorist attacks during the town hall events?

Response: Let me start by saying that I believe we are now at a point in the process where the role of public education is most crucial.

Unlike an election, where voters are asked to express a personal preference from among a list of options or candidates, the constitutional referendum will ask Iraqis to support the product of many compromises – some of them touching extremely sensitive cultural and political nerves. People will not have the option of choosing only that which suits them, as they can in an election. Iraqi voters will have to understand the compromises that went into writing the constitution and, despite the fact that there will be elements in it with which they personally disagree, conclude that it offers the best hope for moving the country forward and improving their lives. They will have to reach this conclusion, moreover, despite what will almost assuredly be opposition from more radical and hard line elements within their respective communities.

To succeed in encouraging and preparing voters to make this choice, a comprehensive, consistently visible and broad based public education campaign is absolutely essential. We must, however, distinguish between a “coalition campaign” and an “Iraqi campaign.” What is crucial is to insure that *Iraqis* are provided with the support that they need to design, produce and implement a campaign to educate the population about the process that is underway, the issues under discussion, the content of the constitution and the importance of participation in the referendum scheduled for October 15.

I am pleased to say that such a campaign has, in fact, been initiated and that it is gathering momentum with each day that passes. IRI, whose programs in Iraq are being funded by American taxpayers through U.S. Agency for International Development and the National Endowment for Democracy (NED), has been a principal motivator and supporter of these programs. Other American organizations, first among them the National Democratic Institute (NDI), are also contributing to this effort through their own civic and political networks in regions across the country.

Though not in the context of town hall meetings as we know them in the United States, much is already being done at the grass roots level to inform Iraqi’s about the constitution. IRI is supporting a broad array of civic groups that are involved in a coordinated nation-wide voter education campaign to raise public awareness of constitutional democracy and the constitutional drafting and referendum process in Iraq. Led by Iraqi civic groups working under the banner of the Civic Coalition for Free Elections, the campaign, entitled "A Constitution for Everyone," consists of direct voter contact through workshops based on an IRI-developed curriculum and printed materials. Using prepared flip charts and distributing some 600,000 copies of the "Constitution for Everyone" pamphlet, 1,400 workshops are planned – more than 100 have already taken place – and we hope to reach more than 60,000 voters in all 18 of Iraq’s governorates.

It is also encouraging to note that the members and leadership of the INA’s Constitutional Committee are themselves becoming more active and engaged in public education efforts. IRI has been in close contact with the Constitutional Committee over the past several weeks to offer assistance to its outreach efforts. In addition to offering weekly focus group reports on questions important to the constitutional drafting, IRI has already produced four television interviews with Constitutional Committee leadership, in which they have discussed process and content issues and answered questions from the public about the constitution. One of the programs featured the Committee’s Chairman, Sheik Hamudi. Another featured women members of the Committee in an effort to focus discussion on issues of particular interest to women. These 30-minute programs, of which more are to follow, are each being aired several times on major Iraqi television networks and will reach an audience of millions.

IRI is also producing the Constitutional Committee’s first public service announcements (PSAs) and helping it develop and eventually distribute printed material. Our public opinion and focus group research, I am pleased to say, is being actively utilized by the Committee in the design and development of these products.

Iraqi women, through organizations such as the Rafadine Women’s Coalition and the Women’s Leadership Institute, are also doing a great deal to advocate for women’s rights in the constitution drafting process and to publicize key issues through outreach to women across the country. IRI’s Constitutional Consulting Team, composed of six eminent legal and academic specialists, is providing counsel to the leadership of these and other organizations, and IRI is supporting the production of their public education materials and their television broadcasts. I am also very encouraged by the extent to which the Minister of Women’s Affairs, Dr. Azhar Al

Shakly, has taken a leadership role in the public education effort. Later this month, in fact, Minister Al Shakly will be hosting two national women's conferences in Baghdad on issues related to the constitution. These events will be highly visible and provide added focus and momentum to the public education effort on behalf of women's rights in the new constitution.

Should we take new steps to forestall a Sunni-Shia conflict? Is international and Arab intervention feasible? Could an international working group that includes participation by Sunni Arabs from outside Iraq (Jordanians, Egyptians, and others) help broker negotiations between the parties? Is there some other vehicle that could provide technical support and mediation services for Sunnis and Shias to come to a peaceful accommodation? Could credible Sunnis be enlisted to participate in this process? Should de-Baathification be revisited?

Response: At every transition point on Iraq's path to democracy – including the handover of sovereignty in June 2004 and the election of the Iraqi National Assembly in January 2005 – some very bright people said it could not be done, the ethnic, sectarian and geographic divides were too great, the risk of violence was too high, and that even civil war was imminent. Yet, time after time, Iraqis have proven them wrong.

Now, the actions of determined insurgents have again raised fears that the situation is on the brink of collapsing into conflict because of Sunni-Shia divides. History has shown us that divisions between these two branches of Islam can lead to conflict. In Iraq, Saddam Hussein's 35 years of murderous rule, including widespread abuses against the Shia majority, only contributed to suspicions between the two sects.

Yet, once again Iraqis have expressed confidence that the democratic institutions they are creating offer them the political framework for resolving these differences and moving towards greater cooperation and trust as they build a united Iraq together.

No one should be surprised that Sunni-Shia issues are part of the debate surrounding the drafting of a new constitution and the new Iraq. Rather, the fact that this debate is taking place should be viewed as a major step forward. This view was expressed by one Iraqi leader during a meeting with IRI staff. While he and fellow Iraqis argued about what system of government should prevail, he paused to comment, "*Under Saddam I would not even debate such issues in my own head. Now we are free to debate them among ourselves.*"

This commitment to democratic debate and a confidence in the framework is found across Iraq and across various sectors of society. Notably, it is found among Sunnis. We have seen Sunni representatives brought into the constitution drafting process. We have heard Sunni leaders say they made a mistake by not participating in the January election, a mistake they are encouraging their followers not to make in the upcoming elections.

The evidence is not only anecdotal. Support for, and confidence in democratic solutions, among Iraqis has been expressed time and again in the nationwide polling done by IRI ([attachment A](#)). The latest survey revealed that nearly 73 percent of Iraqis believe that the new Iraqi Transitional government is representative of the Iraqi people as a whole. Among self-identified Sunnis, the percentage is 67.4 percent. For Shia it is 78.3percent.

Equally revealing is the strong support for coming elections, 75.6 percent of Iraqis say they are very likely to vote in the upcoming constitutional referendum. Again, support is strong among both Sunni and Shia, at 63 percent and 83 percent respectively.

It is also worth noting that polling data reveals that the Sunni-Shia divide is not that wide in comparison to self identification as Iraqis. Twice as many Sunni most strongly identify with their country in relation to the number who identify with their ethnic group. For Shia, four times as many identify with their country. When comparing strongly identifying with country to identification with religion, the ratio for Sunnis is 3:1 and for Shia it is 2:1. National identity is a necessary component in creating a willingness to make the compromises necessary to bridge the gaps that might otherwise be created by more divisive elements.

These numbers are being reflected by action on the ground. Across the country, courageous Iraqis are standing up to those who would use violence to undermine the move towards a peaceful and democratic Iraq.

IRI is working with numerous Sunni and Shia organizations, including clerics associations to educate Iraqis about the constitution drafting process and support for elections as a way of creating a more peaceful and prosperous Iraq today and for future generations.

It is in this context that the response to what steps should be taken to avoid Sunni-Shia conflict should be found. The answer is to support the Iraqis in finding their own solutions, including that of de-Baathification, within the democratic political framework to which they have committed themselves. The Sunnis and Shias are already engaged in accommodation through political channels. Leadership is not advocating such violence for civil war. Such elements, while tragically conspicuous, are marginal forces. The United States and its Coalition partners would do well to encourage, even pressure, neighboring governments and those of other Islamic states in the region that benefit from stability in Iraq to be more outspoken in their condemnation of terrorist violence in the name of Islam.

How can the U.S. cultivate emerging leaders among the various political factions in Iraq and ensure that they will interact politically, rather than using violence or exclusionary political tactics? Is such involvement feasible, or would it be counterproductive? How divergent are the views among the various new leaders on such issues as democracy, the appropriate political structure, the role of religion, or future relations with the West and Iraq's neighbors, and can the U.S. influence these views?

Response: As outlined above, Iraqis are finding their own voice and leaders in support of political interaction rather than violence or exclusionary tactics.

IRI and NDI have taken an active role in supporting this effort. Drawing on 20 years experience of assisting countries emerge from authoritarian rule to democracies, with technical training, we are helping Iraqis to build the political parties, civil society, government institutions and other components necessary to have representative government. Encouraging this process is an important part of helping the majority in their fight for freedom against those whose agenda is hatred and violence.

We do so keeping in mind that democracy is not an off the rack concept. One size does not fit all. Rather, democracy works best when it is tailor made. Basic elements are universal, but style and fit vary. By concentrating on providing training and support for the basic elements, we are helping the Iraqis to fashion a new free and democratic Iraq.

One of the primary ways of doing this is by drawing on the experience of other countries. Central and eastern Europe provides particularly helpful examples for the Iraqis to study. For example, trainers from Romania are well received because Iraqis can relate to someone who was

imprisoned or had a family member killed by an oppressive dictator but who is now part of a successful transition away from authoritarian rule.

Successful transitions in the Slovak Republic, Lithuania and the Czech Republic as well as other regions in countries such as Indonesia, have all proved useful in providing Iraqis case studies for what has worked, and what hasn't, in making the move to a free and democratic society.

These lessons are not only learned from trainings or exchanges. IRI's staff in Iraq includes those who helped to lead such transitions in their own home countries of Serbia, Moldova and Ukraine. Part of their motivation is to bring others the support they received when they were activists for freedom. It is a lesson that has not been lost on Iraqis.

As for opinion on issues of democracy and related topics, I would again cite a few results from the most recent national poll conducted by IRI:

- *I will now read to you a list of human rights that have been recognized by the international community. On a scale of 1 to 5, how important do you think it is that they be part of Iraq's new constitution? Those choosing very important:*
 - 71.4% select and change their government through peaceful, fair elections
 - 70% fair and public trials
 - 69.1% no discrimination based on religion, race, sex or ethnicity
 - 67.8 no torture or degrading treatment/punishment
 - 65.9% individual privacy, including the family, home and correspondence
 - 65.7% no arbitrary arrest or detention
 - 60% freely practice religion
 - 55.8% free speech and press
 - 51.9% own and sell property
 - 41.8% organize political, civic or labor organizations
- *Which do you think would be the most appropriate system for a future Iraqi government?*
 - 33.36% mixed parliamentary/presidential
 - 30.3% parliamentary
 - 22% religious
- *Which of the three branches of government do you think should exercise the most power or influence in Iraq's future government?*
 - 41% executive
 - 27.9% divided equally
 - 9.9% legislative
- *Were Iraq to have a presidential system, which of the following methods would you prefer to select the president?*
 - 72% direct election by the Iraqi people
 - 12.9% appointed by national assembly
 - 5% appointed by clerics or religious leaders
- *Which would be the best way to organize the structure of the national and governorate levels of government?*
 - 76.2% maintain current system of 18 governorates
 - 12.1% group governorates according to geographic regions
 - 5.1% allow governorates to determine regional groupings
- *Some people say that religion has a special role to play in the government while others believe that religion and the government should respect one another but remain separate. Do you believe that:*
 - 48.1% religion has a special role to play in the government

- 45.9% religion and government should respect one another by not impeding on the rights roles and responsibilities of the other.
- *Which of the following statements most closely fits your view of the role of Islam in the creation of laws and legislation?*
 - 39.8% Islam should be the main source (among many) of legislation and laws in Iraq
 - 34.7% Islam should be the sole source of legislation and laws in Iraq
 - 12.3% Islam should be ONE source (among many) of legislation and laws in Iraq
- *To what extent do you agree or disagree that people or groups who could not (or did not) participate in the January 30 election have the right to contribute to writing the constitution?*
 - 35.7% strongly agree
 - 35.2% agree
 - 8% disagree
- *Do you think that the new TNA should keep the 25 percent quota for women in the National Assembly in the new constitution?*
 - 51.6% yes, it should remain the same
 - 25.5% yes, but it should be higher
 - 10.1% yes, but it should be lower
 - 3.1% no