



Conference Summary

Post-American Iraq

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The US Legacy

As chair of the first session, Sir Hilary Synnott from the International Institute for Strategic Studies (IISS) briefly introduced the two speakers: Rachel Schneller, from the Council on Foreign Relations, and Toby Dodge, from Queen Mary University.

Rachel Schneller pointed out that she was presenting her own opinions and not those of the United States' government before raising the question of what the US legacy in Iraq is. The legacy will be decided within Iraq; how life is different for Iraqis and the impact of the invasion in 2003. There is no clear answer as to whether Iraqis are better off today than before 2003. It is also difficult to say what Iraqis will remember the US for as it is still in the country with many soldiers on the ground. Iraq has the largest US civilian and diplomatic presence in the world with around 11,000 people. On top of this, the US plans on consolidating two consulates in Iraq by the end of 2011, among other projects. Therefore one can say that the US is in Iraq to stay.

To examine the US legacy in Iraq, Rachel Schneller presented three examples that showed a positive development, a disaster and one that does not have a definite outcome yet. First, Iraq opened up internationally. It has relations with the EU, the US and Canada; It is represented at the United Nations, The World Bank and the International Monetary Fund, and its ports are attaining international standards. It is no longer isolated and its economy has become more efficient.

Secondly, the US invasion and occupation has led to a massive leadership vacuum. Sectarian warfare affected all groups within Iraq. Suicide bombings, looting and other measures have led to a vast amount of refugees and Internally Displaced Persons (IDPs), many of them living in poor conditions. Only 25% of them are registered with the UNHCR, and only a small percentage is registered to vote. Iraq is now a decidedly Shi'a Arab nation, presenting a cultural loss to the melting pot of different religions and ethnicities under Saddam Hussein.

Finally, a development that still does not have a clear outcome is that of democracy within Iraq. The elections have been to international standards and positive points include high turnout and a high number of people listed on the ballot forms. However, it is a democracy imposed from the outside, not one that has developed naturally and organically. The rule of majority has been well embraced in Iraq, but the respect for minority rights is weak. In addition, a Shi'a strong Iraq might isolate it from other Arab countries, and a Shi'a democracy is Saudi Arabia's worst nightmare. The recent March

elections seemed to portray a positive picture of a country where politicians courted the Iraqis rather than coerced them. They campaigned and tried to offer the population something, a sign that the result was not predetermined in spite of allegations of fraud.

Dr Toby Dodge followed this point stating that the next twelve months are decisive for Iraq. The aims that drove the US into Iraq were overt and they were committing themselves to complete socio-political engineering of the country. They tried to find a way of replacing the old ruling elite by building a government that would be in agreement with the US while marginalizing the ones that were against. The trickiest part, however, would be creating legitimacy for the new governing elite.

The 2005 elections had bloody consequences and in comparison the January 2009 elections could be seen as a positive improvement. Iraqis seemed to be desperate for some sort of stability and order, and as Nouri Al-Maliki appeared to reach across sectarian lines he received a high percentage of seats. Those campaigning in South and central Iraq along sectarian lines, such as the Islamic Supreme Council of Iraq (ISCI), were soundly beaten.

The March 2009 elections allowed for non-bloc voting; people were to elect parties and individuals. However, turnout had gone down from the 2005 elections to 62%.

From the March 2010 elections, four parties appear to be the biggest: The State of Law list, Iraqi National Alliance (INA), Iraqiya and the Kurdistan Alliance. The most important result of these elections is the distribution of the seats in parliament.

One of the problems the elections have thrown up is how the Justice and Accountability Commission issued the banning of 561 individual candidates and 14 parties before the elections. The political aim of de-Ba'athification becomes clear when looking at the most affected parties. The Prime Minister's party and the Kurds were least affected, but it was the coalitions that were seeking to build cross-sectarian support that were the most affected.

At this point of the elections all parties put forward claims of fraud and demanded a recount as soon as other party seemed to be ahead.

The structure that has been built by the US today is highly unstable. The ruling elite were hand-picked by the US and brought back to the country. Only 26.8% of the current ruling elite were inside Iraq before the invasion. The rest came back after 2003, and parliamentary laws have been heavily

manipulated for political advantage by them. This is the US legacy, and this is what people have died for. The 2003 invasion has left a highly unstable Iraq and the losers are now challenging transparency.

Tribal and Shi'a Political Mobilization

After a brief introduction by Ambassador Christopher Prentice, Dr Faleh Abdul-Jabar from the Iraq Institute of Strategic Studies and Dr Sajjad Rizvi from the University of Exeter spoke about tribal and Shi'a political mobilization respectively.

Dr Faleh Abdul-Jabar referred to more than 300 tribes and more than 3000 clans existing in Iraq, before stating that Baghdad has become a big village where people are in tribal war. Since the time of the Ottoman governor Mithat Pasha in 1869, Iraq was considered the graveyard of tribes - in comparison to Saudi Arabia - due to its strong central state. However, the tribes returned. People refer to tribal names and some parties today rely solely on tribes. Tribes play contradictory roles. In the past tribes were mini-states with their own culture, law and parliament. Today this structure no longer exists as tribal chiefs became local landowners and people moved to the cities. They started affiliating themselves with political parties that conveyed their own interests, so that landlords and peasants, as well as the landless in the end, were put against each other.

Under the monarchy the chieftain class reflected the pluralism of Iraqi society. 49% of people were Shi'a, 18% were Sunni and 18% Kurdish. Since the abolition of the monarchy the tribes lost their local leverage and their economic power through land confiscation and other measures; they lost their cultural relevance. This continued until the 1991 defeat when the government lost its potency and its security services were shattered. Retribalization was enhanced and three types of tribes became visible. One type included extended families that were integrated into the state agencies initiated by the Ba'ath single party system. Another type was military tribalism where some Kurdish tribes were involved as mercenaries against the Kurdish Nationalist Movement. The third was social tribalism where large numbers residing in the cities had their own chief and it was impossible for the government to interfere in any way to keep law and order. In some cases they were even patronised and empowered by the government.

Tribes were marginalized again from 2003 onwards but sought to retrieve their positions in fierce competition with clerics. In 2005 tribes still believed themselves to be very powerful, but were disappointed with the elections, with

the exception of one. However, through US and government patronage they were brought back on the scene. Today, a minister is assigned in charge of tribal affairs and the military has someone in charge of the tribes just as the local government of the provinces do. A whole structure has been set up in charge of tribes and how to influence them; the tribes have been empowered again thanks to the American invasion.

Dr Sajjad Rizvi focused on the Shi'i political leadership; the Marja'iya. He said the idea of moving towards a non-sectarian Iraq might be appealing, but asked whether democracy necessarily need to be secular. Secondly, is there binarism between the sectarian and nationalist lists? Everyone seemed to be both sectarian and nationalistic, so it is important to be careful. For example, the Iraqiya is non-sectarian, but people might still have voted for them as they were Sunni. A third question for Iraqis, regarding the 2010 elections, would be: who did we vote for, why did we vote for them and what did we get?

There seems to be a negative perception lingering among the Majlis, which is bizarre and does not coincide with the actions of the Marja'iya. In reality, the United Iraqi Alliance could not have been formed the way it was formed in 2005 without the Marja'iya. Because of the role they played, there was a gradual erosion of moral authority - which they had even at the height of the civil war. In response, a conscious retreat could be observed from Grand Ayatollah Ali al-Sistani, away from supporting a particular type of list. He wanted to go back to being perceived as a wise man for people to turn to.

Concerning the debate on the State of Forces Agreement (SOFA) at the end of 2008, al-Maliki wanted to have al-Sistani on board. After a famous television appearance where al-Maliki claimed the day of sovereignty, a representative of al-Sistani gave a cautious speech saying that the agreement needed popular confirmation and pushed for a referendum. In the end the referendum that was due in 2010 did not take place. It was assumed that the vote in parliament was sufficient to replace the popular confirmation.

Al-Sistani's next intervention would be before the March 2010 elections. The Marja'iya stated that the people should go out and vote in huge numbers as it was their duty. They should go out and vote for people who were responsible and able to carry out the work that is demanded of them.

Disputed Territories and Disputed Oil

The third session of the conference tackled the disputed territories and disputed oil. The chair, Toby Baldry MP, introduced the following speakers:

Professor Stefan Wolff, from the University of Nottingham and Dr Raad Alkadiri from PFC Energy.

Professor Stefan Wolff began by pointing out his expertise in comparative conflict resolution and spoke about the issue of Kirkuk.

He stated that the local dispute exists on two levels: among the Kirkuk community and between Baghdad and Erbil. It is not a classical territorial dispute, but one where the stakes the different parties have are very high. Competing narratives exist amongst the Arabs, Kurds and Turkmen in the region. These concern past victimisation, ongoing discrimination and fears of what will be in the future. Group perceptions are formed, and what local communities want for the future is informed by their experiences and by narrow based identity - apart from significant economic interests related to the high hydrocarbon reserves. Given that so many have committed themselves to the issue of Kirkuk, it is difficult to draw back and make agreements.

Culturally and politically speaking, there is a lot of symbolism on the question of Kirkuk. It embodies many of the problems that the whole of Iraq faces today due to the hydrocarbon law which affects constitutional law. Due to its connection between disputed territories over oil and with constitutional reform, Kirkuk has become of wider significance to the future of Iraq. Therefore, the process of addressing it has protracted bargaining between Baghdad and Erbil. This has led to disenfranchisement of local Kirkukis who are only part of the process having sponsors in Erbil or Baghdad. Unfortunately some of the major international players have bought into this idea that one can only solve Kirkuk as part of the 'grand bargain' in Iraq. This is a serious disadvantage; Kirkuk has been in a severe legal limbo.

A legal framework should be put in place. The legal constitution of 2005 might give an idea of how Kirkuk might be resolved, not only in reference to Article 140 as it in itself does not offer a solution to the status of Kirkuk. There are three options for Kirkuk: the first would be a solidification of the status quo, so it remains as a governorate; the second would involve it becoming a single region; and the third solution would bring Kirkuk as a province under the authority of the Kurdish Regional Government (KRG).

A 2008 report by the UN Assistance Mission for Iraq (UNAMI) proposed four solutions for the Kirkuk issue. The first option would result in a clarification of Article 140 of the 2005 constitution. A second would fix Kirkuk's status as a governorate, while a third option would be a Dual Nexus where its jurisdiction is shared by the KRG and the central government, and it becomes either a governorate or a regional status. The fourth option would give Kirkuk a

special status, where certain powers evolve from central government. Though all options tend to bring a lot of difficulties, the fourth is the only viable mid-term option to resolving the problem of Kirkuk.

Dr Raad Alkadiri stated that it was interesting how oil is always integral to discussions on the disputed territories. In the case of Kirkuk, compromises between Baghdad and Erbil have often failed due to the question of oil. However, this is only one dimension of the problem. The narrative of socio-political engineering should not only lay blame with America. The opposition and the parties that have taken over since 2003 have also attempted to put forward their own take on socio-political engineering and their view of the state. This has led to the main framework viewed through an ethno-sectarian prism rather than the more complex situation that it is.

Oil is also a factor in the question of the structure of Kirkuk. Should the oil sector lie with the regional government or centrally with Baghdad? The bigger question, however, is where sovereignty should lie in Iraq. The federalism question is one of the key political schisms in Iraq. The question has been pushed by the US and a number of the main political parties that assumed power. For the US and the Coalition Provisional Authority (CPA) it has been seen as a way of protection from the return of dictatorship, but the US had no clear policy on how federalism should be implemented. It has divided Iraqi parties and the view on it has evolved over time. The question of federalism and where power should lie is an obstacle to Iraqi government which is made up of different parties with competing and ultimately contradicting agendas, struggling to find any clarity.

Over 90% of the Iraqi budget still comes from oil and therefore who controls oil is of great importance. The centralists and the Kurds have reasons for having their share of control. It has also made it more difficult for hydrocarbon laws, revenue sharing laws, and laws to do with the structure of the oil ministry to be put in place.

Decentralisation has not only been on the Kurdish agenda as there are also divisions amongst Arab Iraqis and the demand for decentralisation has led to blockages. But judging from the polls, as well as when talking to people, it seems that there is general support for a strong unified state. Even in the central south there is tacit opposition to heavy decentralisation and confederalism from the clerical establishment.

So where do we go from here? There is a strong belief amongst American policy makers and also more generally that solving the hydrocarbon and revenue laws will render the Iraqi problem less acute. This is the wrong way

around. The reality is that the solution to the laws is going to be a product of the solution of Iraqi politics and of what decentralisation should be. To achieve this, a compromise is needed not only between Baghdad and Erbil, but also the Islamist Shi'a parties. The prospect of getting that kind of solution depends on whether the parties feel stronger or weaker, and therefore the avenue contains a certain amount of ambiguity.

On the results of the elections alone, it seems that all sides seek to find a compromise on the oil front, but it is not quite clear whether they will be able to reach a compromise on the issues of federalism in the short time before a government is formed. Furthermore, it is not clear whether either side will countenance what is required. There is a sense that any deal reached will be short lived.

An absence of a resolution on the federalism issue could create dangers. There is a risk of instability, deterioration of security, and inefficient government. On the oil front, a lack of resolution could undermine Iraq's oil potential by slowing the pace of investment in the Kurdistan region. This also creates problems in the South for companies because of the absence of resolution and government - local demand could rise. So compromises that are made in the short term could lead southern Iraq to resemble Nigeria.

Iraq's political ambitions tend to stifle any long-term settlements. Iraq manages to get through crises, but through tactical and not strategic results. Maybe Iraq needs to go through a more violent confrontation first before all parties realise that a compromise on federalism and oil and gas management is going to be in their long-term advantage.

Iraq's Post-American Future

The final session was chaired by Professor Sami Zubaida, Birkbeck College, who introduced Dr Ghassan Attiyah of the Iraq Foundation for Development and Democracy, and Professor Gareth Stansfield, from the University of Exeter and Associate Fellow at Chatham House.

Dr Ghassan Attiyah commented that Iraq was described by some as an oil company. Iraq is much more divided. The country has never lived under democracy. Iraq was a geographical term divided into two; the Arab Iraq and non-Arab Iraq. What binds the Iraqis today is oil and not language, race, or religion. Iraq today is completely dependent on oil revenues as they finance more than 90% of expenditure. Therefore an agreement needs to be found on oil revenue sharing.

Today people talk about nationalism ethnicity, but maturity is needed to bring Iraqis together, however that will take time. One should remember that Turkey had four coup d'états before democracy was implemented.

Kurds in Iraq have all the benefits of being part of Iraq but they seem to want to be more equal than other Iraqis just like other Arabs and the Shi'i. The Shi'i today are the same as the Tikritis under Saddam, and the Shi'a countryside is taking over the big cities in Iraq. This is leading to the original Baghdadis becoming a minority and the countryside ruling the country.

The Americans made a mess in Iraq and now want to get out of it but how do they do this? The US simply wants a stable Iraq, not necessarily a democratic Iraq. Iraqis too made a mess of their own country. The Iraqis who came back from abroad did not take Iraq seriously enough. And if things went wrong, they were happy to return to the countries they spent the past years in.

With regards to the 2005 election, there should be national reconciliation before elections. The rules of the game cannot be dictated. Right after the invasion by the coalition forces, the Sunnis and Baathis were defined as terrorists, and as they lost hope, they turned towards Al-Qaeda. By the time the US realized this development, it was too late to change the approach.

In any country the two main parties realise that they cannot form a government independently but that they need to form government together. But in Iraq this will not be the case. In either case of Allawi or Maliki forming a government, the opposition would state that they have been betrayed. The Iraqi National Alliance and the Kurdistan Alliance are benefiting from the situation; they can dictate the terms. The way out is a compromise-premier. Neither Allawi nor Maliki can become Prime Minister as that means going back to square one. The second echelon of Iraqi leadership should present themselves as a compromise, and in that case Iraq may take a step towards stability.

Professor Gareth Stansfield stated that he would put forward a number of scenarios for how Iraq could develop in the aftermath of the elections.

Is the creation stable and if not, what would it take to make the situation stable? He discussed events that will have to happen and that have been put off for too long, as well as events that could happen and what could go wrong or right.

Events that have to happen: Decisions have been postponed since 2003 and the election results present issues that will either force different groups into

conflict or prompt democratic engagement. Whether Iraq will be unitary or federal has always haunted Iraqi politicians and negotiators, but has always been overlooked or taken for granted. The constitution itself could be said to be federal by some or centralist by others. These two visions have not yet been reconciled. Something that should also be mentioned is the need to continue with the security sector reform of Iraq or the de-militarization. There remain a lot of military and irregular forces or paramilitary forces outside the control of the state. There also remains confusion within the state itself, as there is confusion over who has the authority to project coercive power in the state. Some sort of roadmap needs to be created on the disputed territories. The fact that it has not erupted into a conflict between Baghdad and Erbil, shows a sense of political maturity on both sides. This may give the creation of a roadmap a very real chance. Most importantly there needs to be a resurrection of the state, unitary or federal, and the normalization of social and political life. These events should happen soon to help normalize the situation in Iraq.

Events that could happen: There is a serious possibility of a return to sectarian and communal conflict. Major cities seem to be ethnically clenched. Looking at election results, different blocks are emerging that do not bridge the different sectarian or ethnic divides. So, there is serious threat. Furthermore, criminality and corruption could continue. And institutionalization within society and political structures is difficult to unpick. But a backlash towards this could also be seen looking at the anti-corruption message in Kurdistan and the response from the KRG and prominent Kurdish leaders. We could perhaps also see this happening throughout the rest of Iraq.

Could there be a move towards a new dictatorship? Clearly it is a possibility as, going by Iraqi history, there seems to be a certain proclivity for dictatorships. But we could also see a continuing democratic transition carry on. A divided Council of Representatives has emerged, but the question remains as to whether it will still be divided when it comes to hardening communal identities or representing a vibrant democratic organization.

Regarding regional and international involvement, there is definitely a penetration of Iraqi domestic political actors by neighbouring states. This will certainly continue as 26% of Iraq's political elite comes from outside Iraq. The changing nature of regional relationships with Iraq is particularly important. Regarding wider international involvement, so far Iraq has had no real foreign policy, but it has a large economy and a large population and will therefore try to project its national interest in the future. One should consider what it means

for Iraq itself and the security of the oil-producing Gulf when Iraq does become a player on the international scene once again.

Ends.