



CARNEGIE ENDOWMENT
for International Peace

36

March 2005

Policy Brief

S U M M A R Y

The elections were a success, but they do not ensure that Iraqis can now agree on a constitutional formula that accommodates the demands of all groups and keeps the country together. Democracy as separation of powers, checks and balances, and protection of individual rights has not proven enough to avoid conflict in other deeply divided societies. Iraqis will have to confront their differences and negotiate a solution. If they fail, the United States will be faced with a choice of whether to keep the country together by force or get out—and it is better to find out sooner rather than later.

Iraq: Without Consensus, Democracy Is Not the Answer

Marina Ottaway

Senior Associate, Carnegie Endowment for International Peace

The elections of January 30 in Iraq were as successful as they could possibly have been under the circumstances. Never have elections been held under such difficult conditions, with a level of violence so high that the country had to be locked down for several days in order for the vote to be held. The elections were a triumph of logistics for the United Nations, the Iraqi election commission, the Iraqi security forces, and the U.S. military. They were a triumph of courage for Iraqis who dared to walk to the polls in many areas knowing that violence could erupt any minute. They were a triumph of stubbornness for the Bush administration, determined to show to the world that it could keep to its transition schedule no matter what happened in the country. What the elections were not, however, is a triumph for democracy.

Yes, Iraqis voted and took considerable personal risk to do so. But all first elections following a period of repression attract a high level of voter participation. It is in countries where elections are routine and taken for granted that people do not bother

to vote. But no matter how much individuals want a peaceful political process, in a country beset by violence guns may still speak louder than ballots, and election results can be swept aside, as in Haiti after 1990 elections, Angola in 1992, and Cambodia in 1993. Or elections results can be made utterly irrelevant by the broader political context, as in South Vietnam, where in 1967 citizens participated in large numbers in a presidential election, leading the Johnson administration to conclude that new government would have enough legitimacy to change the course of the war.

The possibility that election results will be made irrelevant by the broader political context unfortunately exists in Iraq today. The insurgency is not defeated and violence continues, but this is not the most serious problem in the long run, although it is the most dramatically visible one in the short run. The greatest challenge to the consolidation of the democratic political process that the elections supposedly started is the nature of the vote. Iraqi citizens largely voted their identity in



Marina Ottaway is a senior associate in the Democracy and Rule of Law Project. She coedited with Thomas Carothers *Uncharted Journey: Promoting Democracy in the Middle East* (Carnegie Endowment, 2005) and is the author of more than ten books, including *Democracy Challenged: The Rise of Semiauthoritarianism* (Carnegie Endowment, 2003) and *Africa's New Leaders: Democracy or State Reconstruction?* (Carnegie Endowment, 1999).

these elections. Kurds voted for Kurdish parties, Shias for Shia parties, and Sunnis voted very little. Few voted for parties that could be considered in any sense nondenominational. It should not come as a surprise that Iraqis voted this way. This happens regularly in divided countries where communal identities have become highly politicized, heightening tensions and even undermining the state. The disintegration of Yugoslavia started with successful elections in Slovenia and Croatia that brought to power nationalist parties that rejected the old, multiethnic Yugoslavia in favor of new countries that identified with a specific group. Internationally supervised elections in Bosnia in 1996 confirmed the power of the ultranationalist parties, which have frustrated all efforts to put that country back together as a functioning state ever since. The power and destructive potential of communal voting must not be underestimated. It deepens conflict and tears countries apart. Reconstruction of countries undermined by communal conflict remains elusive even when the international community devotes large resources to it, as it did in Bosnia. Not only have Yugoslavia and the Soviet Union disappeared for good, but many of the new successor states are still struggling with their own continuing divisions.

The State Is the Problem

The most immediate challenge for Iraq is thus to find ways to accommodate its diverse population, with identities that are highly consolidated and politicized, into a new state. Sunnis, Shias, Kurds, and several smaller groups have different demands, fears, and agendas. In the old state, from the founding of Iraq by the British in 1920 to the overthrow of Saddam Hussein by the U.S. invasion, Iraq's population groups were simply coerced to stay together. First there was Great Britain, which cobbled together the new Iraq because it suited its design for the Middle East in the aftermath of World War I

and the dissolution of the Ottoman empire. Then came a series of authoritarian and strongmen regimes, of which Saddam Hussein's was the last and most egregious. And, right now, 150,000 American troops are holding the country together.

The option of reconsolidating Iraq by force no longer exists, but it is not certain that the state can be held together in a benign, democratic fashion. The United States may succeed, if U.S. and Iraqi politics allow the occupation to continue long enough, to build up new Iraqi security forces capable of fighting a limited insurgency. But the United States will never be willing or able to build up forces capable of keeping all Iraqi population groups together against their will, certainly not now that the country is replete with armed militias of various strengths. Unless Iraqis succeed in creating a new state on the basis of consensus rather than coercion, there is no point in talking about democracy. And the rebuilding of states deeply split along communal lines is proving an elusive project around the world. Disturbingly, the experience of many states shows that democracy is not always the solution and can become part of the problem.

The process of rebuilding a consensus-based Iraqi state is barely beginning now, two years after Saddam Hussein's ouster. The Bush administration and more specifically the officials of the Coalition Provisional Authority (CPA) dealt with the divisions in the Iraqi population by trying, in American fashion, to balance the ticket in all governing bodies they helped set up. The Iraqi Governing Council, the interim government, and the local and provincial councils (at least outside Kurdistan) included representatives of all population groups and, of course, women. This was the major concession U.S. officials were willing to make to the reality of a divided country, and it greatly underestimated the depth of the problem. The interim constitution, drafted by U.S. and Iraqi experts under

U.S. supervision, was based on the assumption that a constitution providing strong protection of individual rights, division of powers, and checks and balances among institutions, eventually with the addition of American-style federalism, would suit the needs of Iraq, as it would suit those of any other country. At the insistence of the Kurdish members of the governing council, who would not sign the interim constitution otherwise, a clause was eventually inserted in the document that allowed any three provinces to bloc the permanent constitution if it was rejected by two-thirds of the voters there, but no other attempts were made to address the reality of the country's divisions.

The interim constitution thus ignored the most intractable issue that frustrates attempts at bringing democracy to divided countries: Protection of individual rights does not satisfy the demands of groups for protection, preservation of a separate identity, and power. Protection of individual rights could not convince Serbs, Croats, and Muslims to coexist in Bosnia without the complicated architecture of a federal state containing another federation within itself. Even with that complicated architecture, and after nine years of international efforts to build up the state, the different groups are still not sure that they want to be part of the same country. The population groups of Iraq have not been divided by the atrocities of a nasty civil war as those of Bosnia have. Yet, protection of individual rights is unlikely to satisfy the Kurds' demands for autonomy, the Shias' sense that they are now entitled to run the country, or the Sunnis' fear of marginalization. And there should be no illusion that forming a cabinet in which all groups are represented will be enough to bridge the differences in interests and vision among the groups. The American civil war would not have been prevented had Lincoln chosen his vice president from a southern state rather than from Maine.

Absence of a Political Process

It is thus important not to read too much into the outcome of the elections in Iraq. The major problems loom ahead. The vote was not the culmination of a political process of consolidating the Iraqi state and crafting a new political system. That process was put in abeyance by the U.S. control of Iraq, supported by the lack of interest of both Shias and Kurds in negotiating until elections showed their strength. The political process will now begin, but it is not a foregone conclusion that Iraqis will succeed in devising a noncoercive way to keep their state together. The United States and the international community cannot offer much help, having met with limited success in the attempt to rebuild

Good Elections, Disturbing Outcomes

United States officials were surprised and heartened today at the size of turnout in South Vietnam's presidential election despite a Vietcong terrorist campaign to disrupt the voting....A successful election has long been seen as the keystone in President Johnson's policy of encouraging the growth of constitutional processes in South Vietnam.

—*New York Times*, September 4, 1967

For the Haitian people, the accomplishment [of the elections] is a clear expression of their desire to change...."The people showed their determination and opened a new page in Haitian history," said Israel Diallo, a spokesman for United Nations observers.

—*Christian Science Monitor*, December 19, 1990

Today's voting marked a watershed for this country [Bosnia]....U.S. officials have pointed to the elections as a crucial element in the U.S.-led military and diplomatic effort to bring enough stability to the Balkans and enough unity to Bosnia to enable President Clinton...to withdraw U.S. troops by December.

—*Washington Post*, September 15, 1996

other divided states. Whether Iraqis will meet with greater success remains to be seen, but until then there is little point in discussing the future of democracy.

Between the overthrow of the regime of Saddam Hussein and the formation of an interim government in June 2004, events in Iraq were dominated by U.S. military power and political authority, with Iraqis playing a secondary role. There was no Iraqi-led political process. Iraqis did not participate in the overthrow of Saddam Hussein. Military units

was reduced to a little publicized and quickly forgotten three-day gathering in which the delegates did not even get to elect the members of the TAL-mandated advisory council. The focus of political activity since that gathering was election preparation, which means the building of rival election alliances rather than the building of a consensus about the future of Iraq.

Contrast the meagerness of the political process in Iraq with that in Afghanistan. Afghans met in Bonn in December 2001,

Protection of individual rights does not satisfy the demands of groups for protection, preservation of a separate identity, and power.

did not turn against him. The population did not rise up. High officials of the regime vanished. This created a power vacuum, which was promptly exacerbated by the CPA's decision to disband the security forces and extend the purge of Baath Party members so far down that school teachers and lower level civil servants lost their jobs. The CPA filled the power vacuum. It decided whom to include in the Iraqi Governing Council. It negotiated a transition process with its own appointees. It picked the experts to write the interim constitution (formally the Transitional Administrative Law, or TAL) and then discussed it only with the members of the Iraqi Governing Council—an unusually narrow process of constitution making even by Middle East standards. Local and provincial councils were set up to assist in the administration of the country, but their members were selected under strict U.S. supervision.

Even after the interim government was set up, the CPA failed to encourage a broad political process of consultation and negotiation among Iraqis. The national conference, recommended by the UN secretary-general's special representative Lakhdar Brahimi precisely as a means of broadening the political process,

even before the Taliban was defeated, to decide how to move forward. They organized two successive, broad-based *loya jirga* (grand assemblies) and consulted widely about a new constitution before elections were held. One should not romanticize Afghanistan or have illusions about the future of democracy there. These were not bottom-up democratic processes. They were meetings of political factions, warlords, and regional potentates—many controlling their own militias, many deeply involved in the heroin trade. But the meetings were part of a political process of accommodation in which important players took one another's measure and learned to live with one another long before the elections were held.

The absence of a true political process in the last two years has created a paradoxical situation in Iraq. As an instrument to start changing the relationship between the United States and Iraq and to indicate that the occupation is coming to an end, the elections were grossly overdue. With the Bush administration refusing to discuss its long-term intentions, the election date became the only visible marker of progress. From a domestic Iraqi point of view, however, the elections

were grossly premature. They were held before major actors had reached any agreement about—indeed before they had even started discussing—the principles that should underlie the future political system of Iraq. And elections without broad agreement about basic issues, experience shows, are dangerous. They deepen rifts. They create winners and losers, making winners more arrogant and losers more resentful. They thus create a difficult environment in which to start negotiating compromise solutions.

autonomous region, including the Kirkuk oil fields, or they will opt for independence. Their own constitutional proposals—one constitution for Kurdistan and one for Iraq—make clear that democracy in the form of protection of individual political and civil rights and checks and balances in the government is not the answer to Kurdish demands. Neither is federalism, unless it is based on ethnicity, with Iraq divided into a Kurdish region and an Arab region quite separate from each other.

The United States will never be willing or able to build up forces capable of keeping all Iraqis together against their will.

Redefining the Iraqi State

The problems of redefining the Iraqi state will be played out in the writing of the constitution. It is in this process that the conflicting demands of different segments of the population will have to be reconciled, if it is possible at all. As a result, constitution making in Iraq is likely to resemble more the negotiations that led to the Dayton agreement on Bosnia in December 1995 than the process of constitution writing in the United States, for example. And while plenty of expert advice will be offered on the kind of constitution Iraq needs, the constitution will only have meaning if it represents a solution acceptable, at a minimum, to the three major population groups.

Kurds want at the very least a high degree of regional autonomy, and many want independence and control of the Kirkuk oil fields. The unofficial referendum on independence for Kurdistan held during the elections on January 30 should remove all doubts on this point. Kurds set up their own polling stations outside the official ones for a referendum on independence. Kurds are adamant that they want a highly

Theoretically, regional autonomy could assuage the fears of Sunnis as well. In practice, several problems loom large. The first is the distribution of oil revenue—there are no oil fields in the Sunni areas. The second is the lack of cohesive leadership and organization among Sunnis after the disbanding of the Baath Party, which is going to make it difficult for them to maximize the advantage of autonomy. The third, and the most intractable, is that the Sunnis, as the formerly dominant group, are Iraqi rather than Sunni nationalists. Like the Serbs in Yugoslavia, another formerly dominant minority, they have traditionally identified with the entire country. As a result, it is difficult to know what kind of state Sunnis might eventually accept. It is easier to know what they will resist—becoming a resented minority in the country they used to dominate. In the case of the Sunnis as well, democracy defined simply as protection of individual rights and checks and balances in the government would help, but it would not provide a sufficient answer. With only 20 percent of the population, Sunnis are a minority unlikely to get much say as a group, and group identity is real.

By virtue of their number, Shias will have a major presence in any democratically elected government in Iraq. Regional autonomy has little attraction for them, and Ayatollah Ali Al Sistani and his aides have repeatedly expressed their objections to the clause in the interim constitution that gives veto power over the permanent constitution to any three provinces—in practice, to both Kurds and Sunnis. The Shia desire to finally control the country where they are the majority thus runs against the demands of the Kurds and the fears of the Sunnis. Furthermore, secular Shias might be satisfied with a democratic system that gives them control over most seats in parliament, but religious Shias also have a

communal identity to protect that requires not only the majority of votes but also the imposition of a political system where Islam plays a central role. This is bound to frighten secular elements from all groups, as well as both Arab and Kurdish Sunnis.

Although divisions are deep, the factors that bring the groups together are weak now. In the past, Iraqis showed a degree of national cohesion when threatened from the outside. During the Iran–Iraq war, the country did not divide, and Iraqi Shias did not make common cause with Iranian Shias or Iraqi Kurds with Kurds in Iran. But that was when Saddam Hussein was still strong and the state was centralized. It was also before Kurds experienced autonomy and Shias saw the possibility of leveraging their numerical advantage into control over the state. Furthermore, at present there is no common enemy perceived as a threat by all groups in Iraq. Iran—or more specifically the possibility of a strong relation between Shia religious parties in Iraq and Iran—is seen as a threat by Sunnis, but not by all Shias. For at least some Sunnis, countries such as Jordan, Saudi Arabia, and Syria are a welcome counterweight to Iran. Turkey is a threat to the Kurds, but not to other groups. In other words, external actors at this point are not a common threat against which all Iraqis can rally, but are yet another factor that plays into the politics of the country's divisions.

Trying to Keep Divided Countries Together

Bosnia and Herzegovina consists of two independent political entities: the Federation of Bosnia and Herzegovina, comprising the Muslim- and Croat-majority areas, and Republika Srpska, comprising the Serb-majority areas. After nine years of international efforts, federal institutions remain extremely weak, and the international community does not dare withdraw troops for fear of renewed violence.

Ethiopia in 1994 transformed itself into an ethnic federation, following a pattern established by the Soviet Union. In reality, power remains in the hands of the Tigreans, a minority group that won the war against the previous regime and has dominated the country ever since. Ethnic relations remain difficult.

Lebanon since 1943 has uneasily combined democracy and confessionalism. An elected national assembly and an elected president choose a prime minister, who is responsible to the assembly. But the seats in the assembly must be equally divided between Christians (a minority) and Muslims, the president must be a Christian, the prime minister a Sunni, and the speaker of the assembly a Shia. The system worked reasonably well until the 1970s but broke down as a result of demographic changes and outside interference. Syria is now the arbiter of Lebanese politics.

Confronting the Problem

The January 30 elections have confirmed the depth of the divisions in the country. Two groups have emerged triumphant—the Shias because of the total number of votes and the Kurds because they have confirmed that they have a solid grip on their region. A parallel informal referendum held in Kurdistan furthermore shows that the population there overwhelmingly supports independence from

Iraq. The results are already being felt. Kurdish leaders started issuing declarations within days of the elections to the effect that they now control the balance of power in Iraq and that they will only support a new government if it recognizes that Iraq is made up of separate Arab and Kurdish nations, and that that the Kurds should enjoy complete autonomy, control Kirkuk and the nearby oil fields, and have veto power over the permanent con-

The formation of a secular government would certainly be more reassuring to the United States than one where Shia religious parties dominate. So would a constitution-writing process heavily influenced by foreign advisers and producing a document based on the assumption that a democratic process can conquer all divisions. Neither would address Iraq's fundamental problem, however. The divisions revealed by the elections are real and cannot be

Unless Iraqis succeed in building up a new state on the basis of consensus rather than coercion, there is no point in talking about democracy.

stitution. Shia leaders in the religious parties have tried to dispel the fear that they will institute a theocracy, but they also made it quite clear that they intend to rule the country. Furthermore, Ayatollah Ali Al Sistani has issued statements that clearly contradict the reassuring message. Sistani has stated that *Sharia* must be the only source for the constitution and all laws in Iraq and has warned against “the danger of changing the Iraqi identity by separating religion and politics, a tendency which is opposed by the masses and all religious scholars.” Aides have ominously declared that “the masses” have cast their vote, and therefore the TAL is no longer binding.

Even before the election count was completed, a deepening of the divisions was evident. Moving forward, Iraq has no choice but finally to confront those divisions. Political maneuvers to hide the problem behind the façade of a democratic process will only bury it temporarily, to explode with even greater force later. Such political maneuvers started right after the elections and are continuing now, with secular parties seeking ways of minimizing the role of the religious parties despite their electoral victory.

obliterated by ingenious parliamentary arithmetic and creative coalition building. Iraqis need to confront them directly. They may be able to work out a solution, perhaps through the building of an ethnic federation, a Lebanese-style confessional system, or some other intricate arrangement. Or they may fail, as all groups harden their positions.

The Carnegie Endowment normally does not take institutional positions on public policy issues; the views presented here do not necessarily reflect the views of the Endowment, its officers, staff, or trustees.

© 2005 Carnegie Endowment for International Peace. All rights reserved.



CARNEGIE ENDOWMENT
for International Peace

www.CarnegieEndowment.org

The Carnegie Endowment for International Peace is a private, nonprofit organization dedicated to advancing cooperation between nations and promoting active international engagement by the United States. Founded in 1910, Carnegie is nonpartisan and dedicated to achieving practical results. Its research is primarily grouped in three areas: the Global Policy Program, the China Program, and the Russian and Eurasian Program. The Carnegie Endowment publishes *Foreign Policy*, one of the world's leading magazines of international politics and economics, which reaches readers in more than 120 countries and several languages.

Related Resources

Visit www.CarnegieEndowment.org/pubs for these and other publications.

UNCHARTED JOURNEY: PROMOTING DEMOCRACY IN THE MIDDLE EAST, Thomas Carothers and Marina Ottaway, eds. (Washington, D.C.: Carnegie Endowment, 2005).

CRITICAL MISSION: ESSAYS ON DEMOCRACY PROMOTION, Thomas Carothers (Washington, D.C.: Carnegie Endowment, 2004).

POLITICAL REFORM IN THE MIDDLE EAST: CAN THE UNITED STATES AND EUROPE WORK TOGETHER? Marina Ottaway and Amr Hamzawy, Policy Outlook (Carnegie Endowment, December 2004).

THE MIDDLE EAST PARTNERSHIP INITIATIVE: PROGRESS, PROBLEMS, AND PROSPECTS, Tamara Cofman Wittes and Sarah E. Yerkes, Saban Center Middle East Memo no. 5 (Washington, DC: Brookings Institution, November 29, 2004).

ARAB REFORM BULLETIN, a free e-monthly, addressing political reform in the Middle East. To subscribe, go to www.CarnegieEndowment.org/signup.

CARNEGIE ENDOWMENT
for International Peace
1779 Massachusetts Avenue, NW
Washington, DC 20036

