

Iraqi constitution delayed again amid deep differences

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A vote on a new constitution for Iraq was delayed last night for another three days due to the bitter, fundamental differences among the various political factions in the parliament.

The US-dictated Transitional Administrative Law (TAL) currently in force in Iraq stipulated that if a draft was not accepted by August 15, then the parliament had to be dissolved and new elections called. A referendum is supposed to take place on October 15, and elections on December 15.

Twenty minutes before the first deadline elapsed, more than two-thirds of the legislators voted to amend the TAL and extend the deadline for an extra week. Last night, the dissolution of parliament was bypassed with another manoeuvre. An incomplete draft was tabled just before midnight, enabling the speaker to declare the deadline had been met and to schedule a vote for Thursday.

There is little prospect that a consensus among the ruling factions will be reached. The draft that was tabled is a thoroughly sectarian document drawn up behind the backs of the masses. It was drafted entirely by the Shiite Muslim fundamentalist parties and the Kurdish nationalist bloc, the two largest factions in the parliament, in back-room negotiations with the US ambassador in Iraq, Zalmay Khalilzad. Sunni representatives were excluded.

The Bush administration appears to have abandoned the perspective of winning over elements of the traditional Sunni Arab ruling class and former Baathist regime. For months, US officials have pressured the Shiite fundamentalists to compromise with the Sunni elites in the hope they would use their influence to curb the armed resistance to the occupation.

The document presented last night makes no such concessions. Instead, it provocatively aims to entrench

American economic and military domination over the country by the reduction of Iraq into a loose federation, in which a layer of the Shia establishment and the Kurdish elite would benefit at the expense of the Sunni ruling class and the Iraqi masses as a whole. The constitution establishes the basis for the privatisation of Iraq's state-owned oil industry and will enable a puppet government to sanction long-term US military bases.

The constitution would set in place a weak central government and powerful autonomous regions that would siphon off most of the revenue from the country's oil. Iraq's 18 provinces would have the right to conduct referenda on whether to form or join a region. While the central government would continue to receive the revenues from currently operating oil fields, the regions would be ceded control over all new production in their jurisdiction. Most of Iraq's known oil reserves have never been tapped.

Reportedly under intense pressure from Khalilzad, the Kurdish nationalists have dropped their demand for "self-determination," which was viewed across the Middle East as the first step toward the establishment of a separate Kurdish nation-state in northern Iraq. They will maintain their regional government in the north, however, and seek to expand it to include the province of Al Tamim and the city of Kirkuk, where there are substantial oil fields.

The US was adamant that Kurdish self-determination be excluded because it threatens to provoke tensions with Iraq's neighbours. Turkey, in particular, has warned that it will take military action against any attempt to establish an independent Kurdish state. Moreover, if the Kurds are granted the right to self-determination, it could trigger similar demands among Shiites in the south, leading to a further fracturing of the country.

The proposed draft constitution would allow Shiite parties to form one or more regional authorities in the south where over 50 percent of Iraq's oil reserves are located. The Supreme Council for the Islamic Revolution in Iraq (SCIRI), one of the two main Shiite fundamentalist organisations in the parliament, has called for a Shiite-dominated autonomous region consisting of nine southern provinces, and covering nearly half the country's territory and population.

The Shiite fundamentalists and Kurdish parties are seeking to use their current dominance to keep long-term control over the central government and therefore of the US-created Iraqi military and internal security forces. The draft constitution does not include demands by Sunni representatives and secular politicians for the president and prime minister to be elected by a two-thirds majority vote, instead of a simple majority. Such a clause would strengthen the position of the Sunni minority after new elections.

To ensure a document was drafted, Washington pressured the secular Kurdish parties to drop their opposition to the demand of the Shiite fundamentalists for a greater constitutional role for the Islamic clergy and Islamic law. The draft tabled last night would place clerics on the Supreme Court and enable people to choose to have Islamic religious courts preside over issues such as marriage, divorce and inheritance.

While this would have little impact in the Kurdish zone, in the areas dominated by the Shiite fundamentalists it would have far-reaching implications for women. Women's associations demonstrated in Baghdad on Sunday against the prospect of the equal rights that were guaranteed in the previous constitution being stripped away. Protest organiser Yanar Mohammad told the *Guardian*: "We are fighting to avoid becoming second-class citizens."

A Kurdish representative Mahmoud Otham told the *Washington Post*: "It seems like the Americans want to have a constitution at any cost. It is not good to have a constitution that would limit the liberties of people, of human rights and freedoms."

While there will be three more days of horse-trading, the Shia and Kurdish blocs appear to be intent on using their parliamentary majority to ram through the constitution. Sunni Muslim organisations, supporters of Shiite cleric Moqtada al-Sadr and the group led by former interim prime minister Iyad Allawi have

declared they will vote against the tabled document and work for its rejection at the referendum.

In Iraq and more broadly in the Middle East, the document is provoking opposition. The resource-poor western and central regions of Iraq, where the bulk of the Sunni population live, would be deprived of substantial revenues under the federal structure. Further alienating the Sunnis, the constitution would proscribe former senior members of the Baath Party from holding political positions. In many ways, the Bush administration has created a situation where the Sunni establishment has nothing to lose by throwing its weight behind the armed resistance to the US military and the government.

At the same time, Sunni leaders are urging their supporters to take part in the referendum and elections instead of boycotting them. The main Sunni organisation, the Association of Muslim Scholars (AMS), is calling for Sunnis to register. Last week, it was joined by six of the most prominent Sunni armed resistance organisations, which issued a joint statement calling for all Iraqis to register to vote so as to defeat the constitution at the referendum.

Sections of the Shiite elite are also opposed to the breakup of the country and to Iranian influence in southern Iraq. On Friday, thousands of Shiite Arab supporters of Moqtada al-Sadr demonstrated in Baghdad against federalism, alongside Sunnis brought into the streets by the AMS. Last year, the Sadrist movement took up arms against the US military. A representative in the parliament declared: "Sadr's concern is that Iraq must be united, not divided. He is calling for unity and against the occupation."

Sunni legislator Salih Mutlak warned the *Washington Post* that "the streets will rise up" if the constitution was pushed through. Even if the parliament does finally pass the draft, there is no guarantee that a referendum would approve the constitution. Under the TAL rules, a vote against the referendum by a two-thirds majority in three provinces is enough to ensure its defeat.



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