

Iraq's draft constitution: a recipe for neo-colonial rule

James Cogan
30 August 2005

The constitution that was endorsed by Iraq's presidential council on Sunday, and is to be put to a referendum by October 15, is an outrage against the Iraqi people. From beginning to end, it has been written to advance US imperialist ambitions in the Middle East, notably long-term control over Iraq's oil reserves and permanent military bases in the country.

For months, the Bush administration has sought to portray the constitutional negotiations as a democratic process involving representatives of Iraq's ethnic and religious factions. It would, according to Washington, assist in curbing the insurgency that has raged since the March 2003 US-led invasion and create conditions for a staged withdrawal of American troops.

The end result is a sordid pact between the US government, Kurdish nationalist parties and two Shiite Muslim fundamentalist organisations—Da'awa and the Supreme Council for the Islamic Revolution in Iraq (SCIRI)—that will dramatically intensify the armed resistance and could plunge Iraq into a bloody civil war. The final draft has been rejected by every significant representative of the country's Sunni Arab community and has not been endorsed by the Shiite movement led by cleric Moqtada al-Sadr. Aspects of the document are bitterly opposed by ethnic Turkomen in Iraq's north, Christians, secular organisations and women.

If it were ratified, the constitution would overturn the secular character of the Iraqi state and establish the basis for the wholesale erosion in women's rights and religious freedom. Guarantees of equality under the law are directly contradicted by the second article of the constitution, declaring Islam the official state religion and a source of law, and that "no law can be passed that contradicts the undisputed rules of Islam". The Supreme Court that will interpret the constitution will include individuals appointed because of their expertise in Islamic law—in other words, clerics.

Articles such as the ones banning arbitrary detention and the handing over of Iraqi nationals to "foreign bodies or authorities" are worthless under conditions of a US military occupation and regular declarations of martial law. Thousands of Iraqis suspected of being insurgents have been rounded up and held in US and government-run prisons without charges or trial dates.

Behind the window-dressing of such formal guarantees of

civil and political liberties, the real agenda stands out. The Kurdish and Shiite parties have agreed to a document that sanctions the privatisation of the state-owned oil industry and the free market restructuring of the economy. Article 25 declares "the state shall guarantee the reforming of the Iraqi economy according to modern economic bases, in a way that ensures complete investment of its resources, diversifying its sources and encouraging and developing the private sector". Article 110 (2) of the constitution declares Iraq's energy resources will be developed "relying on the most modern techniques of market principles and encouraging investment".

In exchange for permitting the US plunder of the Iraqi economy, the constitution will allow the Kurdish and Shiite fundamentalist elites to gain control over much of the revenue generated by the oil industry, through the establishment of "federal regions" in the areas under their authority.

In northern Iraq, the three provinces already under the sway of the Kurdish nationalists are codified as a federal state, with the potential to expand its territory to include the rich oil fields around the city of Kirkuk. In the main oil-producing area of southern Iraq, which has a majority Shiite population, SCIRI is looking to establish a region that absorbs as much as half the country's territory.

The central government in Baghdad will have the power to administer only the "oil and gas extracted from current fields," in cooperation with the regions. The regional states are delegated authority over all new oil fields and therefore control over the negotiation of exploration contracts and the bulk of revenues derived from future production.

Federalism and the de-facto partitioning of the country have been the focus of the opposition by both Sunni organisations and Sadr's Shiite movement, which is primarily based in Baghdad. A federal structure thoroughly compromises the interests of this section of the Iraqi ruling elite. It would leave the resource-poor provinces of central and western Iraq, where the majority of Sunni Muslims live, dependent on the largesse of the oil-rich regions.

At the same time, the federal system will facilitate the long-term domination of the weak central government by the Kurdish and Shiite parties that won the majority of the seats in the January 30 election. The regional governments—not

Baghdad—will have jurisdiction over internal security and the power to establish “internal security forces... such as police, security and regional guards”. The flow of oil revenues into their coffers makes it inevitable that the Kurdish and Shiite elite will preside over what will be little more than one-party mini-states, with their political opponents facing systematic repression.

Washington’s desire for at least some degree of Sunni endorsement of the constitution led to a personal call by Bush to SCIRI leader Abdul Aziz al-Hakim last Wednesday and frantic last-minute diplomacy by the US ambassador in Iraq, Zalmay Khalilzad. The US insisted that the constitution be modified to remove the articles spelling out the mechanics of how a region would be formed and to give the government elected in December six months to put them in place.

Governments and organisations across the Middle East have expressed concern over the danger that Iraq is lurching toward a sectarian civil war and possible fragmentation. The Turkish government, which has threatened military intervention to prevent the emergence of a separate Kurdish state in northern Iraq, warned during the week that it was “closely monitoring” the drafting of the constitution. The Saudi foreign minister stated he hoped the document would “guarantee Iraqi national unity and Arab and Islamic identity”. The Sunni Muslim Organisation of the Islamic Conference labelled a constitution that was not supported by all Iraqis a threat to “lasting peace, stability and democracy”.

While certain modifications were made to the document, the Sunni and Sadrist demands that the entire issue of federalism be postponed were rejected by the government parties, and eventually by US officials.

The central US demand throughout the entire constitutional process has been that there can be no delay in forming an internationally-recognised Iraqi government by the end of this year. The Bush administration is guided by utterly pragmatic and reckless considerations. It wants a regime that has the power to carry through a sell-off of the oil industry and to sign agreements sanctioning the permanent US military bases that are being built in key areas of the country. After months of horse-trading, the deal with the Kurdish and Shiite factions has emerged as the most viable way of transforming Iraq into an American client state.

The control of the Baghdad government by the Shia-Kurd bloc also dovetails with US military plans to withdraw forces from certain areas of Iraq and hand over responsibility to Iraqi military units. Tens of thousands of Kurdish *peshmerga* and Shiite fundamentalist militia, loyal to their respective parties, have already enlisted into the army, police and paramilitary units. They are being accused of extra-judicial killings, arrests and intimidation of opponents of the occupation.

In the long-term, the collaboration of the Iraqi factions will potentially permit the sending home of some US troops to placate the growing demands in the US for a withdrawal. It will

also facilitate new interventions and wars by US imperialism elsewhere.

Over the next period, the US military will be able to concentrate its forces in the Sunni provinces where the constitution is most opposed and where the armed resistance is centred. The constitution can be defeated if two-thirds of voters in just three provinces vote “No” in the referendum. Sunni Arabs and Shiite supporters of al-Sadr make up an overwhelming majority of the population in at least five central and western provinces, including Baghdad.

The opposition to the constitution is already developing into a campaign to register Sunnis so as to vote down the constitution. The Association of Muslim Scholars, the association of Sunni clerics which called for a boycott of the January election, is supporting participation in the referendum. It has condemned the constitutional drafting as a “political process which had been led by the occupiers and their collaborators”. Over 100,000 Sadr supporters demonstrated last Friday in Baghdad and other cities in opposition to a federal constitution.

If a genuine democratic ballot were able to take place on October 15 and the constitution voted down, the implications would sharply escalate the political crisis confronting the US occupation. Under existing guidelines, new elections would have to be called and another attempt made to draft the constitution. The conflicting interests and ambitions of rival factions of the Iraqi elite are such that the entire process would collapse into a political impasse, communal recriminations and civil war.

The same could take place if the constitution is ratified. The logic of the Bush administration’s neocolonial policy in Iraq is leading inexorably to an escalation of violence by the US military and its allies against mounting political opposition and armed resistance.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact