

Analysis: Delays in Forming a Government in Iraq

The current negotiations for the formation of a new coalition-government in Baghdad will set the tone for the next phase in Iraq, namely the drafting of the Iraqi constitution. The complexity of Iraqi politics and the diversity of views between Iraq's leading communities, and the lack of a legitimate Sunni leadership have delayed the formation of this government. At this point there appears to be fundamental and irreconcilable differences relating to the basic elements of democracy between the two main negotiating groups, the Kurdish bloc and the representatives of the United Iraqi Alliance (UIA). After over 80 years of neglect and oppression, the Kurdish negotiators are holding out in protection of their demands for democracy, civil society and the establishment of legitimate institutions of Government with the correct level of checks and balances, within the context of a federal, secular and democratic Iraq. The Kurds refuse to compromise on fundamental elements that serve to protect their rights:

1. Separation of religion and state: While Kurds are predominantly secular and have made it clear they will not agree to any form of autocratic religious government, the UIA is primarily made up of representatives of the Shiite clergy, some strengthened by fact that the majority of Iraq's population are Shiites, are working towards laying the groundwork for an Islamic Republic attainable through direct elections. While senior members of the UIA, including the candidate for the position of Prime Minister, Ibrahim Jafaari have openly stated that Islam should be one source of legislation (as specified in Iraq's current constitution, the Transitional Administrative Law (TAL)), the majority of this broad coalition openly believes in *Welayat Faqih* (power to rule is bestowed on a supreme religious leader by God) where democratically elected officials cannot challenge the supreme ruler.
2. Separation of powers between central and regional governments: The only other republic that is run by majority Shiites –Iran - promised autonomy to its Kurdish population in 1979, only to declare Jihad on them after only two months in power. As mentioned above, without regional governments a direct election could all but destroy any hope for democracy in Iraq. While the majority of the population in Kurdistan demands for the establishment of an independent Kurdistan, the Kurdish political leadership, hopes that through a system of federalism, enough power can be devolved from Baghdad, which will allow all the different communities in Iraq to administer their own affairs and ultimately prevent one group (religious or sectarian) to impose their way of life over others.
3. Women's Rights: This issue alone caused major battles during the drafting of the TAL. Kurdish attitudes towards women stem from thousands of years of matriarchal history, while Shiites follow fundamental Islam. These views are irreconcilable and if the Kurdish leadership gives in on this point they will lose the support of their constituency instantly. Without separation of powers between central and regional governments (#2), Kurdish women will be subject to the institutionalized discrimination that most certainly will be imposed under the Shiite majority.

4. Written constitution ratified by all regional governments: Again, to practice true democracy it is essential that regional parliaments in Iraq, as in any federal state, ratify the constitution. Shiite leaders have raised serious complaints about this issue, which raises fear and suspicion that they would rather write a constitution, based on an undemocratic process of majority rule over the minority, which would not include Kurdish or women's rights and is in accordance with Islamic law. To ratify such a constitution in Kurdistan is impossible, which is why the Shiite leadership have opposed article 61 (c) of the TAL, which states that the draft constitution will only be ratified in a general referendum, held in October 2005, if a majority of the voters in two-thirds of three or more governorates do not reject it.

5. The Transitional Administrative Law (TAL) outlined a process in its 58th article to remedy the Arabization of the oil rich Kirkuk. Iraqis fear that if Kurds regain their strength in Kirkuk, it will lead to the creation of an independent Kurdish state. It is no secret why the UIA has selected this time to open the issue since that article was never to their liking. The TAL fell far short of Kurdish demands to stay within a new Iraq but they have accepted it as a starting point. By re-opening the Kirkuk issue, members of the UIA are hoping to limit the strength of the Kurds, and prevent the rectification of a genocidal ethnic cleansing policy committed by Saddam against the Kurds.

6. While the Kurdish leadership is united in its negotiations in Baghdad, the UIA is having difficulty satisfying the broad coalition it has created. Agreement within the UIA on the above issues will be very difficult to obtain considering that the UIA includes such diverse parties as the Hezbollah Movement in Iraq and the Iraqi National Congress. The power struggle between pro-Iranian, pro-Syrian and Iraqi nationalists - not to mention the ever-required approval from Sistani - has created a sluggish negotiation process.

Members of the Shiite political and religious forces are using vague and general terms in their description of their political platform and program. This vagueness and ambiguity has caused much concern among the Kurdish bloc who seeks a detailed political platform for the new Iraq in order to take part in the coalition government. It is time that Iraqi political forces show their political maturity and tell the people of their country how they intend to run the government, rather than leave people confused and concerned about the likely possibility of a growing influence of the religious clergy in political life.

The Kurdish National Congress of North America strongly urges the Kurdish leadership and the United States government to hold firm to the line of democracy and to ensure that Shiite fundamentalism does not hijack the Iraqi victory.

Date published: Thursday, March 31, 2005