

Regime Change in Iraq and Challenges of Political Reconstruction

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Abstract

The developments after 9/11 and the rise of neo-conservative thinking in United States accelerated a process that culminated in the US invasion of Iraq in 2003. The rapid collapse of Saddam Hussein's regime marked a defining moment in international relations. 'Operation Iraqi Freedom' and its aftermath created an entirely new geopolitical context not only in Iraq but also in the wider West Asia. Huge challenges have emerged as a result of the invasion of Iraq, regime change, and the political reconstruction in Iraq. The dethroning of Saddam Hussein from power was comparatively an easier task than the construction of a democratic and federal post-Saddam Iraq. The US is facing a tougher challenge in the phase of occupation than the military invasion itself, primarily because its pre-war calculations failed to appreciate the likely post-war realities. While regime change has been widely popular among most segments of the Iraqi people, the externally driven process of reconstruction and democratization may ultimately drive Iraq towards civil war. If Iraq's three principal communities – the Shias, Sunnis and Kurds – do not come to an agreement on the constitutional order and sharing of power, serious de-stabilisation may engulf the whole region with wider impact on energy markets and global security.

The seriousness of the crisis in Iraq and the challenges of constructing a stable, peaceful, democratic, federal and united Iraq are now widely recognised even by the Bush Administration. In a December 18 speech, entirely devoted to US policy in Iraq after the parliamentary elections, the US President stated:

The work in Iraq has been especially difficult – more difficult than we expected. In all three aspects of our strategy – security, democracy, and reconstruction – we have learned from our experience, and fixed what has not worked. Defeatism may have its partisan uses, but it is not justified by the facts. For every scene of destruction in Iraq, there are more scenes of

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rebuilding and hope. For every life lost, there are countless more lives reclaimed. For every terrorist working to stop freedom in Iraq, there are many more Iraqis and Americans working to defeat them. I also want to speak to those of you who did not support my decision to send troops to Iraq: I have heard of your disagreement. Yet, now there are only two options before our country – victory or defeat. And the need for victory is larger than any President or political party, because the security of our people is in the balance. It is also important for every American to understand the consequences of pulling out of Iraq. Not only can we win the war in Iraq – we are winning the war in Iraq.¹

Notwithstanding the confidence that America is winning the war, the choice between victory and defeat is not clear anymore. Iraq could well continue to be disturbed and unstable for a long time and the regime change could still become a nightmare for all concerned. Despite all intentions of bringing about positive outcomes, the politico-security challenges are such that prediction of a happy future is not possible at present.

The United States' strategy for regime change in Iraq was arguably one of the most ambitious programmes that it has undertaken in recent years. Iraq, having been identified as a member of the 'axis of evil', was a major focus behind the formulation of the US National Security Strategy (NSS), 2002 and also the 'Bush Doctrine' of preventive war. Under such a strategy and doctrine, not only was Iraq going to undergo democratic transformation but one which would also mark the first phase of a grand design for political reconstruction of the Middle East. It was believed by the Bush advisers that Saddam Hussein's fall would herald a new era for Iraq, one in which its long-suffering people would live in harmony and peaceful co-existence, while the nurturing of democracy would become an example for the rest of the region. Moreover, Iraq's example as a 'beacon of democracy' would light up the darkest despotic corners of the Middle East.²

Iraq has been devastated and politically reconfigured since 'Operation Iraqi Freedom' was launched by the United States. As a part of this operation, the US and the coalition forces have invaded Iraq and occupied the country for over two years now. While the removal of Saddam's regime from power proved to be a relatively easy task, it has been extremely difficult for the occupied forces to bring normalcy and democracy to the country.

Prelude to the Invasion on Iraq

It is now quite apparent that the White House inflated and manipulated weak, ambiguous intelligence to paint Iraq as an urgent threat and thus make an optional war necessary.³ Even though no trace of involvement of Iraqi nationals in the incidents of 9/11 had been proved, yet the Iraqi President, Saddam Hussein, was accused of sponsoring international terrorism. In his State of the Union Address delivered in January 2002, popularly known as the Bush Doctrine, President Bush branded Iraq as being part of an 'axis of evil'. Furthering a quick step to act pre-emptively, on June 1, 2002, he said: "We must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge."⁴ On October 8, 2002 just four days before a crucial vote in the House and Senate on a resolution granting authority to go to war, President Bush asserted a strong connection between Al Qaida and Iraq.⁵ John Bolton, the former US Under Secretary of State for Arms Control and International Security, also said that the aim in Washington was to topple Saddam Hussein regardless of whether or not he allowed UN inspectors back in to complete the disarmament process. Bolton said:

Let there be no mistake, while we also insist on the re-introduction of the weapons inspectors, our policy at the same time insists on regime change in Baghdad and that policy will not be altered whether inspectors go in or not.⁶

Ironically, a strong section of even the Republicans such as former Secretaries of State and National Security Advisors such as Henry Kissinger, James Baker III, Brent Scowcroft, drew attention to the risk of creating greater instability in the region.⁷ Brent Scowcroft, wrote in the *Wall Street Journal*,

There is no evidence to tie Saddam to terrorist organisations, and even less to the September 11 attacks....Military action would seriously jeopardize, if not destroy, the global counter terrorist campaign that we have undertaken.⁸

But President Bush, in his State of the Union Address delivered in March 2003 just before the invasion, clarified: "Saddam, a brutal dictator with a history of reckless aggression, with ties to terrorism, with great potential wealth, will not be permitted to dominate a vital region and threaten the United States."⁹ Soon thereafter, he launched the invasion in March 2003.¹⁰ Saddam Hussein's regime collapsed on April 14, 2003 under

pressure from an overwhelming military onslaught by the US and British forces. The US occupied the country. The ground had been created to politically reconstitute Iraq as a democracy.

Phase-I

On April 15, 2003, General (Retired) Jay Garner was tasked to establish the Office of Reconstruction and Humanitarian Assistance (ORHA) in post-invasion Iraq. The immediate role of ORHA was to restore law and order as early as possible.¹¹ Jay Garner convened a conference in the southern city of Nasiriyah that was presided over by Zalmay Khalilzad, then a special adviser to President Bush.¹² The conference was conspicuous by the absence of a significant number of the invitees (75). Also a huge protest demonstration was held outside the conference hall. It was reported that about 3,000 protestors took to the streets of Nasiriyah chanting the slogan, "No to America and no to Saddam".¹³ The delegates who attended the conference failed to formulate a policy on ways to check insurgency. A second conference was convened soon thereafter on April 28, 2003 in Baghdad. Although the turnout of this conference was larger than the previous one, it did not reach the expected number and it too failed to agree on a plan to curb the insurgency. In the meantime, the security situation in northern Iraq, particularly in Mosul, deteriorated badly and the coalition forces faced large casualties. As General Garner's attempt to control the city failed, his position vis-a-vis Washington became increasingly untenable.¹⁴ Thus, on May 6, 2003 President Bush announced the appointment of a new civil administrator, Ambassador Paul Bremer III for Iraq. Paul Bremer took charge on May 13. A Coalition Provisional Authority (CPA) replaced ORHA. Garner and most of his staff were unceremoniously recalled to Washington by mid-May.¹⁵ Ironically, within a few days after the appointment of Paul Bremer, the UN, on May 22, 2003, adopted a Resolution 1483 that recognised the USA and UK as 'occupying powers' in Iraq and said the CPA may administer Iraq until an internationally recognized, representative government is established".¹⁶

Paul Bremer promptly dissolved the Iraqi Army. Under a new order, the Republican Guard and the Ministry of Defense were disbanded. His decision to outlaw the Ba'ath Party and to embark on a root and branch de-Baathification,¹⁷ created more trouble and opposition for the US forces. Anti-occupation attacks increased. The US Deputy Secretary of Defense,

Paul Dundes Wolfowitz, on June 18, 2003, told the Congress, "The US forces are facing a 'guerrilla war' in Iraq."¹⁸ On the same day, Defense Secretary, Donald Rumsfeld told a news conference that the people of US felt the US military effort in Iraq was "worthwhile" and that they also recognized the difficulties of the task in Iraq.¹⁹ In view of the severe insurgent attacks on coalition forces, the Coalition Provisional Authority (CPA) drew up a new formula to control the situation by involving the Iraqis in a system of joint effort. Many local groups were established, with responsibility to work alongside CPA officials. At the highest level, the CPA constituted an Iraqi Governing Council (IGC).²⁰

Iraqi Governing Council (IGC)

The IGC was created and inaugurated in Baghdad on 13 July 2003.²¹ It was made up of 25 Iraqi representatives. The members were selected by the CPA from different ethnic and religious sections of Iraq – 13 members from Arab Shiites, five members each from Arab Sunni and Arab Kurds and one each from Turkomen and Christian communities.²² The CPA touted it as the "most democratic body in Iraq's history" on account of its 'balanced' composition representing the country's diverse groups.²³ But, this representative body was regarded by many in Iraq "as a group of US appointees charged with implementing US plans for the domination and reshaping of Iraq." It was reported later that one of its members, Aqila al-Hashemi, a Shiite Arab lady, had to pay with her life for this impression.²⁴ Critics also focused on the divisive nature of the selection process, arguing that it had introduced an overt sectarianism that had previously not been central to Iraqi political discourse.²⁵ Further, the IGC did not have the support base of either the Grand Ayatollah Ali al-Sistani or such other figures who commanded respect in the Iraqi *hawza*²⁶, nor did it have much support among the other ethnic or religious groups of Iraq. Thus, various leaders like the Grand Ayatollah, Ali-Sistani, became increasingly worried about the purpose of the IGC.²⁷

The IGC's inaugural meeting was held on July 13, 2003, but by mid-October Paul Bremer and senior US officials in the CPA had become highly disillusioned with its performance.²⁸ The Council had failed in stemming the rising tide of violence not only against the US troops but also against the Iraqis who supported the US forces in the country and also against such other figures who represented the US in Iraq (the most notable

examples being the assassination of the head of the SCIRI, Mohammad Baqir al Hakim, and the UN Secretary General's first post-war envoy to Iraq, Sergio Viera de Mello, who had given the suggestion for the formation of this council).²⁹ Bremer also noted that even after the formation of the council at least half the council is out of the country at any given time and that at some meetings only four or five members showed up.³⁰ It resulted in Paul Bremer's hasty recall to Washington for consultations.³¹ On October 16, 2003, after intense negotiations with four of its European partners, the US managed to get the UNSC to adopt a unanimous resolution 1511 that effectively endorsed the US military presence in Iraq and the plan for a gradual transfer of power to Iraq.³² On November 15, 2003, the IGC endorsed a US plan calling for the drafting of a 'fundamental law'— in effect, a provisional Constitution — by the end of March 2004. The new provisional Constitution would enable the formation of an interim government for Iraq. The CPA chose to co-opt the key members of the Iraqi Governing Council for this interim government. After describing the Council members as 'reckless' and incapable of reaching out to the wider Iraqi population, the CPA ironically brought back the same people into the interim government and entrusted them with the responsibility of Iraq's new democracy through a law called the Transitional Administrative Law (TAL).³³

TAL and Interim Government

As per the plan of the CPA, the Transitional Administrative Law (TAL) signed on March 1, 2004, was adopted on March 8, 2004. TAL officially came into force on June 30, 2004 to govern the affairs of Iraq through a transitional government called the Iraqi Interim Government (IIG). The IIG would remain in force for the transitional period until a duly elected government, operating under a permanent and legitimate Constitution, achieving full democracy, would come into being.³⁴ The transitional period consisted of two phases. The first phase was to begin from the formation of the TAL till the setting up of the Interim Iraqi Government on June 30, 2004. In the second phase, the IIG would hold elections for a Transitional National Assembly. In the first phase, therefore, after extensive deliberations and consultations with various cross-sections of the Iraqi people, the Iraqi Governing Council and Coalition Provisional Authority were constituted to serve as Iraq's Interim Government under the overall control of the US-led coalition. The seniormost figure, Ayyad Allawi, the leader of Iraqi

National Accord, was selected as the Prime Minister. Sheikh Ghazi al-Yawar, an Arab Sunni, was chosen as the President. Ibrahim al-Jaafari, an Arab Shia and head of the Da'awa Party, and Rowsch Shaways, a senior member of the Kurdistan Democratic Party (KDP) were selected as two other Vice-Presidents. Ministerial posts were divided among various leaders who earlier dominated the IGC.³⁵ In effect, it was the old wine in a new bottle. The most important task of the Interim Government was to drive Iraq towards democracy through an election for a Transitional National Assembly (TNA). The task of the Interim Government would be over once the TNA was constituted. Hence, as stipulated in TAL, the Interim Government ordered for the election for the Transitional National Assembly.

January Elections

The CPA, in conformity with relevant UN Security Council Resolutions and the TAL, ordered election for Iraq by the end of December 2004 if possible and, in any event, not later than January 31, 2005.³⁶ The whole country was treated as a single electoral district and proportional representation was used as the system for the election to the National Assembly.³⁷ As per the CPA order number 92, the UN had to assist in creating an Independent Electoral Commission of Iraq (IECI).³⁸ The IECI was to be structured to ensure complete independence from political groups and to benefit from close consultation with international entities, such as the United Nations.³⁹ A Board of Commission was to head the IECI. It consisted of nine members, including seven Iraqi voting members and two non-voting members. The two non-voting members were the Chief Electoral Officer (CEO) and an International Electoral Expert who were to be chosen by the United Nations.⁴⁰

The election for the 275-member Transitional National Assembly, as per the plan, was to be direct, universal and through secret ballot.⁴¹ All seats in the National Assembly were to be allocated to various 'political entities' through a system of proportional representation.⁴² The formula for the allocation of seats in the National Assembly was based initially on a calculation employing a simple quota and subsequent calculation employing the largest remainders. The threshold was a natural threshold, which was calculated by dividing the total number of valid votes for all political entities by the total number of seats in the National Assembly.⁴³ If a 'political entity' had received valid votes less than the threshold, no seats

were allocated to that 'political entity' and it was excluded. A quota was then calculated by dividing the total number of valid votes recorded for all the un-excluded political entities' by the total number of vacancies to be filled, i.e., 275.

As per the electoral law, all 'political entities' presented to the IECI a list of candidates or 'slate' for election to the National Assembly. The list of candidates or slate so presented to the IECI was required to have the candidates in a ranked order. Seats in the National Assembly were allocated to candidates at the top of the ranked list submitted and accepted by the IECI before the election took place.⁴⁴ The lists presented to the IECI prior to the election could not to be recorded or changed after a date fixed by the IECI.⁴⁵ The electoral law also provided that at least one out of the first three candidates on the list would be a woman; and such a ratio would be kept till the end of the list. No slate contained fewer than 12 or more than 275 candidates, except that individual persons certified as Political Entities by the IECI presented themselves on a list as single candidates. These provisions of course did not apply to an individual candidate certified as a 'Political Entity'. The ballot paper contained the names of political entities alone, not the name of candidates. Under the rules, at no time could a Political Entity withdraw a seat in the National Assembly from the candidate to whom it had been initially allocated.⁴⁶ If a candidate died before the seats were allocated, then the next person male on the candidate list (if the candidate was male) or the next woman on the list (if the candidate was female) was allocated the seat. If a candidate was disqualified after being allocated a seat, then the seat had to remain vacant in the assembly or council, until a method of replacement was determined.⁴⁷

While the CPA claimed that the elections were conducted smoothly, its smoothness and fairness came under serious suspicion.⁴⁸ As per the figures of the IECI a total of 8.4 million voters cast their ballot. While the Commission had counted 14.2 million registered voters inside Iraq it also had identified another 1.2 million Iraqi expatriates who were allowed to cast their ballot.⁴⁹ The voters' participation from within Iraq was slightly more than 50 per cent. Out of a total population of 26 million the IECI could prepare a voter list of 14 million registered Iraqi voters on the basis of age above 18 years.⁵⁰ There were reports that a large number of voters, particularly in Sunni (Arab) dominated areas, failed to cast their votes since their names were either wrongly written or missing from the voter

list that was prepared on the basis of Food Ration Card. Many Sunnis also boycotted the vote. In Nineveh province, which had many Sunni Arabs, the turnout was as low as 17 per cent.⁵¹ In Anbar to the west of Baghdad, which witnessed fierce armed resistance to the US occupation, a mere 2 per cent of voters went to the polls.⁵² A few reports suggested that only 29 per cent of the people voted in the main Sunni-dominated Salahaddin province.⁵³ In the northern city of Mosul (Iraq's third largest city) dominated largely by Arab Sunnis, only 50,000 people out of 500,000 eligible voters could cast their votes. Almost no ballots were cast in Fallujah, Tikrit, Ramadi, Samara and various other Sunni (Arab) dominated towns in the south of Baghdad city and suburbs of the capital.⁵⁴ Iraq's interim President, Ghazi al-Yawar, reported on February 2, 2005 that "tens of thousands were unable to cast their votes because of the lack of ballots in Basra, Baghdad and Najaf."⁵⁵ Hence a huge section among the registered voters either could not or did not cast their votes. The Association of Muslim Scholars, the organization of some 3,000 Sunni clerics, which led the boycott agitation, issued a statement declaring the election illegitimate.⁵⁶ Nonetheless, Iraq moved forward through the formation of Iraqi Transitional Government.

Iraqi Transitional Government (ITG) and its Problems

The results of the January 2005 elections were not surprising. The United Iraqi Alliance (UIA), a grouping of 22 parties dominated largely by two Shiites parties SCIRI and Da'awa, won 140 seats in the National Assembly. The Kurdish Alliance won 75 seats. However, "The Iraqis list", headed by Ayyad Allawi, mustered only 40 seats while "the Iraqis Party" led by the Interim Iraqi President, Ghazi al-Yawar, received only 5 seats. The other parties drew only small numbers. Under the framework of the TAL, a two-third majority was essential to choose the Presidential Council that would consist of a President and two Vice-Presidents. The Presidential Council had to select the Prime Minister unanimously. Although the United Iraqi Alliance (UIA) had a simple majority in the Transitional National Assembly, it required a coalition as the Presidential Council had to be formed with the support of at least two-third of the Assembly, i.e., 184 members. Hence the UIA had to negotiate with the Kurdish Alliance and after some bargaining the Presidential Council was formed. Jalal Talabani, a Kurd, became the President. The two Vice-Presidents were Adel Abd al-Mahdi, a Shiite politician and Ghazi al-Yawar, a Sunni. The leader of al-Dawaa, Ibrahim al-Jaafri, a Shia was unanimously elected as the Prime Minister.

Hajim al-Hassani, an Arab Sunni of 'the Iraqis Party' was made the Speaker. However, the difficult part was in forming the cabinet. Almost three months elapsed in constituting the 37-member ministry, and even then seven crucial ministries remained undecided. In addition, the Kurdish alliance put forward three critical demands: first, the creation of federalism in Iraq that would guarantee the autonomy of the Kurdish region comprising the three provinces of Dahouk, Erbil and Sulaymania; second, the incorporation of the city of Kirkuk and the surrounding oil fields in the Tameem province into the Kurdish region; and third, the separation of powers and the giving of primacy in legislation to secular democracy over religion.⁵⁷ The Alliance argued that Kirkuk was historically a part of the Kurdish region in northern Iraq until Saddam's campaign to "Arabize" it in 1987. Hence it must be part of the Kurdish autonomous region. However, as per Article 58 of the TAL, the final status of the Tameem province is to be determined after a fair and transparent census ratified by a permanent constitution.⁵⁸ The IECI, however, has complicated the situation by granting permission to around 1, 00,000 Kurdish refugees to resettle in the Tameem province even prior to the January elections. Another demand of the coalition that *Peshmerga* (the Kurdish Militia) would be part of the National Army but remain under the absolute control of the Kurdish regional government.⁵⁹ However, all these contentious issues have been suspended for the moment till a permanent Constitution and the formation of permanent government.

Referendum

The constitutional process leading to the crucial Referendum on October 15, 2005 on the Iraqi Constitution was short. The Constitution was drafted by a constitutional committee initially consisting of 55 members but subsequently increased to 70 with the inclusion of 15 members from the Sunni (Arab) community. While the drafting was in process, insurgents assassinated some Sunni members of the Committee. There were heated debates among various groups as to how new "Iraq should look like and how it would be governed". While the Shiite group said the name would be "Islamic Republic of Iraq", the Kurds pleaded it would be "Secular Republic of Iraq" and the Sunnis wanted it to be simply "Republic of Iraq" as under Saddam.⁶⁰ However, during this process many Iraqis and the Arab League voiced concerns on the drafts. For example, Amr Moussa, the chief of the Arab League, reacted to the draft which mentioned in one

of its articles that: "Iraq is part of the Islamic world and its Arab people are part of the Arab nation." Moussa said: "I share the concerns of many Iraqis about the lack of consensus on the Constitution and (provisions that) denied Iraq its Arab identity. I do not believe in this division between Shia and Sunni and Muslims and Christians and Arabs and Kurds. I find this is a true recipe for chaos and a catastrophe in Iraq and around it."⁶¹ Noting the concerns of the Arab League, some of these clauses were modified. Even the final version that was submitted to the UN and circulated for voting in the referendum had features that were highly controversial. Article 1, for example, declared: the name of Iraq would be "Republic of Iraq" and it would "a single, independent, federal state". However, Article 2 said: "Islam is the official religion of the state and is a fundamental source of law" as against the basic secular source of law.⁶² When the draft was finally ready for voting the Iraqi Parliament introduced a clarification regarding the definition of "voter" in the referendum. Since the definition was not clear in Article 61 of TAL, the approved law of the Parliament said: a voter will understood to be the number of registered voters when its (referendum) rejection is sought and the case for approval would be the number of voters who actually cast their votes. However, this duality had to be abolished due to huge protests by the major chunk of Sunni Arab community and only the number of votes cast was taken into account.

After the referendum on October 15, 2005, the IECI finally announced the approval of the Constitution almost after 10 days. Of the crucial three Sunni majority provinces two voted against and one in favour, meeting the basic requirement for the Constitution's approval. The Anbar and Salahaddeen governorates registered 96.96 per cent and 81.75 per cent ⁶³ negative votes respectively while the status of Ninevah remained controversial for some days until the IECI declared its special support for the Constitution. This paved the way for the Assembly elections.

Elections to the National Assembly

In December 2005, Iraq went to the much-awaited polls to choose a permanent National Assembly as enshrined in the Transitional Administrative Law (TAL). Six major coalitions and fifteen minor coalitions fought the election.⁶⁴ Voter turn out was as high as 70 per cent and there were also reports that people preferred to vote for their ethnic and sectarian identities. Even the US Ambassador to Iraq, Zalmay Khalilzad, said: "It

looks as if people preferred to vote either on ethnic or on sectarian lines. But for Iraq to succeed there has to be cross-ethnic and cross-sectarian co-operation.”⁶⁵

Each of the country’s three largest communities – Sunni Arabs, Shiite Arabs and ethnic Kurds – voted overwhelmingly on December 15 for lists of parliamentary candidates that represented its own group. The results were awaited at the time of writing but according to unofficial ballot counts, the largest share of votes was won by the alliance of Shiite Muslim religious parties that leads Iraq’s outgoing government. Minority Sunni Arabs, meanwhile, appeared to have won fewer votes than they had anticipated. That voting pattern, and the subsequent unrest and charges of fraud by Sunnis, exacerbated longstanding fears and distrust that had emerged since the fall of Saddam Hussein. In recent weeks, Shiite and Sunni leaders have called for the formation of sectarian armies to police their respective regions, a step that could be a precursor to open clashes between the groups. The Kurds, who dominate most of northern Iraq, already have their own fighting force, as do several Shiite parties.

Sunni parties, together with the secular Shiite leader and former interim Prime Minister, Ayad Allawi, have denounced the elections as fixed and threatened to boycott the next parliament if re-polling is not ordered. In a demonstration on December 23 more than 10,000 Iraqis promised to ‘extinguish the candle’ – a reference to the symbol employed by the Shiite parties during the campaign. Leaders of top Shiite religious parties such as the Supreme Council for the Islamic Revolution in Iraq have opposed re-elections on grounds that there is no such provision under existing Iraqi law. They have also blamed the former regime’s supporters and insurgents for organizing the street protests and seeking to “disrupt the political process”. But despite the public standoff, factional leaders are engaged in behind-the-scenes negotiations. Jawad Maliki, a senior member of the Supreme Council, acknowledged in a December 24 news conference in Baghdad, that Iraq could not move forward without factional unity and that negotiations had “started already between us and the slates that won in the elections.”

Iraq’s Shiite parties represent about 60 per cent of the population and are estimated to have won at least 120 of 275 seats in the new parliament. With the largest share of seats, they will have the first opportunity to form a new government. But lacking the two-third majority required for approval

of a prime minister, they are seeking to build a coalition – similar to the current administration, which comprises mainly Shiites and Kurds – to line up behind their top candidates for prime minister: the Supreme Council's Adel Abdul Mahdi and the incumbent, Ibrahim Jafari of the Dawa Party. But as US Defense Secretary Donald H. Rumsfeld observed during a visit to Iraq soon after the December elections, "The challenges ahead are real." The task of "fashioning a government as described, a government of national unity that governs from the center, that has the confidence and the capability to lead this country during a challenging period, is a considerable task." On December 24, recognizing the seriousness of the political challenges, Grand Ayatollah Ali Sistani, the most influential Shiite cleric in Iraq with unparalleled influence over Shiite politicians, called for a government that would help maintain unity.

Currently, every group in Iraq is suspicious of every other group. In the elections people voted on the basis of identity, but now they have to choose a government that represents the country. In the coming months it would be clear whether it would be possible for the diverse groups with their separate visions of the future and a new sense of identity to forge a common national identity and unity that is crucial for restoring stability and order in Iraq.

Global Reactions to Regime Change

The United Nations, the NATO, the OIC and the Arab League initially criticized the US-led invasion of Iraq. But the major global and regional bodies as well as countries have gradually accepted the action and legitimized the reconstruction and democratic process. The UN, in various resolutions adopted after the invasion, has not only endorsed the US aggression but also legitimized a system of neo-mandate over Iraq. It even equated the armed resistance of Iraqi people against the occupation forces with "terrorism". For example, the Resolution 1618 (2005) adopted unanimously by the Security Council affirmed: "acts of terrorism must not be allowed to disrupt political and economic transition currently taking place in Iraq." ⁶⁶ In short, the Security Council has accepted the consequences of the US invasion and supported the Bush Administration's political agenda in Iraq. The UN Secretary General, Mr. Kofi Annan, too has hailed the success of the December 2005 elections and called for national reconciliation. He has also pledged the world body's help in the country's ongoing political transition.⁶⁷

The NATO has shown a similar trend. The German Chancellor Schroeder in a meeting with President Bush on June 9, 2004 said: "a NATO role in training Iraqi forces is possible."⁶⁸ The OIC and the Arab League have also supported the ongoing democratic process in Iraq. The Arab League Chief, Amr Moussa, has indicated that the League has accepted the constitutional process and the democratic agenda. The Arab League, with 22 member-states from Algeria to Yemen, has in a statement called the "Iraqi vote an important vote".⁶⁹ Some of the important countries of the region, such as the Egypt and Saudi Arabia, have not only individually supported the US role in Iraq but also expressed their strong faith in a democratic Iraq and the US measures to crush terrorism in the region. After the assassination of the Egyptian diplomat in Iraq and the Sharm el-Sheikh bombings, Egypt had asked the US to help set up a more stringent mechanism under the UN against terrorism. President Mubarak, in a meeting with President Bush, expressed his concern about the threat of serious terrorist activities and the deteriorating situation in Iraq.⁷⁰ Foreign Ministers from six countries such as Iran, Jordan, Kuwait, Saudi Arabia, Syria and Turkey meeting in Amman released a 12-point statement emphasizing their respect for the sovereign, independent, territorial integrity and national unity for Iraq.⁷¹ By and large, the global community has accepted the democratic process in Iraq.

Indian Response

The Union Cabinet of India, like the global community, initially regretted the unilateral military onslaught by the coalition forces on Iraq in March 2003. The Lok Sabha declared: "This military action, with a view to change the government of Iraq is unacceptable. This action is without the specific sanction of the UN Security Council and is not in conformity with the UN Charter". It also said that the coalition forces from Iraq should be withdrawn quickly and called upon the UNO to protect the sovereignty of Iraq and ensure that the reconstruction of Iraq was done under UN auspices."⁷² In conformity with such a policy India rejected an American request to send Indian peacekeeping troops (a full army division of 17,000 that would have been the second highest foreign contingent) to Iraq.⁷³ Yashwant Sinha, the former Foreign Minister of India, however, said, "were there to be an explicit UN. mandate for the purpose, the Government of India could have considered the deployment."⁷⁴ India was, of course, also one of the states that had called in the past for the lifting of the UN sanctions

against Iraq imposed since the Gulf War of 1990-91.⁷⁵ India was equally critical of the role played by the UN inspectors in determining Iraq's chemical, biological and missile weapons capabilities. It was as a result of the recognition of India's credibility that the UN Secretary General appointed Ambassador Prakash Shah, India's former Ambassador to the UN, as the Supervising Authority of the UN inspection team in Baghdad.⁷⁶

However, India has expressed its desire to help the Iraqis in their reconstruction process. The Government of India responded to the UN appeal for immediate humanitarian relief to the suffering people of Iraq by committing Rs 100 crore (\$ 20 million approximately) in cash and kind.⁷⁷ In recent days, India has become the only developing country to meet the minimum threshold of multilateral assistance to the International Reconstruction Fund facility for Iraq launched in February 2004. After its contribution of \$20 million to UN's flash appeal for Iraq in May 2003, India confirmed its pledge of \$10 million to the Fund to be equally divided between the World Bank and UN Trust Fund that form part of the facility.⁷⁸ C.R. Gharekhan, the newly appointed special envoy to West Asia, in one of his interviews said: "India would definitely help the Iraqis in their reconstruction process once the regime will be in place."⁷⁹ The government has already expressed its desire to help the Iraqis in their election by training Iraqi officials.⁸⁰ Prime Minister, Manmohan Singh, has reiterated that India is keen to engage Iraq on conduct of elections, sending of electoral officers as observers, and training.⁸¹ It has been reported that the first batch of 14 senior officials from Iraq had arrived in India before the December elections and they were trained at the prestigious Lal Bahadur Shastri Academy situated at Mussourie. J.N.Dixit, the former National security Adviser, had mentioned that the Iraqi officers would receive training not only in administration but in diplomacy as well.⁸² It was also reported in February 2004 that 15 young Iraqi diplomats were receiving training at the Foreign Service Institute in New Delhi with more such training to follow.⁸³ After the elections Gharekhan met the Iraqi Transitional Prime Minister, Ibrahim al-Jaafri, and offered India's help in drafting the Iraqi Constitution.⁸⁴

India has maintained friendly and strong relations with Iraq since March 28, 1974.⁸⁵ It will continue to need Iraqi oil as it is qualitatively good and suits Indian refineries. During the last decade, India has very often run an account deficit in its trade with Iraq, importing more petroleum in value terms than it own commodity exports to the country. For example, in

2000-2001, India's total commodity exports to Iraq was Rs. 214 crore as against 865.6 crore rupees of Iraqi exports to India. In 1999-2000 and 1998-99, similarly, the Indian exports to Iraq were Rs.152.8 and Rs.41.6 crore as against Rs. 636.0 and 689.1 crore of Iraqi exports to India respectively.⁸⁶ India, which currently imports 65 per cent of its petroleum requirements from the Gulf region,⁸⁷ had to rely on Iraq even during the period of the UN sanctions on Iraq. During the oil crisis of the 1970s, Iraq supplied India oil at prices below the benchmark of OPEC. Till recently, Iraq was the major source of India's oil imports and was a major trading partner in West Asia. Iraq and India had signed an agreement to boost trade ties, especially in the oil sector, in July 2002. As per the agreement, Iraq had awarded Indian companies a number of contracts under the UN's Oil-for-Food programme. In return, India was to supply Iraq with medicines, wheat, rice and turbines for electricity generation.⁸⁸ Mr Amir Muhammad Rashid, the then Iraqi minister for oil, was reported as saying, "trade ties between Baghdad and New Delhi under an Oil-for-Food programme had reached \$1.1 billion."⁸⁹ While the Oil and Natural Gas Commission (ONGC), was about to open an office in Baghdad and to invest \$ 63 million in Iraq's oil sector, the war shattered the process.⁹⁰ Hence a new strategy drawn up with the involvement of the corporate sector to invest in Iraq's oil industry has become necessary. The on-going improvement in relations with the US will clearly help in this direction.

A large number of Indian expatriates were working in Iraq before the 1991 Gulf War. The recent crisis has further reduced their number. Thus, a speedy construction of good relations with the newly elected constitutional government in Iraq is clearly in India's interest. Finally, India has been facing the menace of 'jehadi terrorism' for nearly two decades. Since Iraq is now part of the global democratic system with an elected government, its validity and utility in the context of the war against terrorism has now increased. India should be able to work closely with the new Iraqi government as also with the global powers on larger issues of terrorism and regional cooperation. Of course, much depends on whether the new government is able to restore normalcy, end insurgency and create a stable system with the help of the international community.

Conclusion

Despite the many problems that have emerged it is clear that the US strategists correctly gauged the powerful appeal of liberation among the

people of Iraq but miscalculated on how it would be carried out. In the aftermath of the invasion various steps have been taken by the US for the political reconstruction of Iraq. However, some basic problems remain. Jay Garner, who was assigned the duty to reconstruct the ravaged country, was replaced primarily because insurgency had taken a front seat during his period and the coalition troops suffered heavy casualties. Paul Bremer, who took over from Jay Garner, created the IGC that involved the Iraqis in the reconstruction process. But he introduced the element of sectarianism in selecting the members for the IGC. He also made a mistake by involving those leaders who were with the exiled parties during Saddam's rule. These leaders not only lacked the necessary popular support needed to curb violence and 'insurgency' but also became ineffective in mobilising the Iraqi people because of their long absence from the country. Thus, the IGC failed in performing its immediate task and Paul Bremer had to adopt some other alternatives. In due course, the TAL and the IIG came up. But the selection of members for the IIG too was flawed since most of these leaders were alien to Iraq's new state of affairs. The TAL also created a lot of controversies because of its contentious clauses. Competing claims on various issues surfaced among the elected members while the Transitional government was formed after the January 2005 elections.

While the Bush Administration highlighted the fact that the transfer of power to Iraq was 'necessary', it did not do so properly. The process of changing the banner simply from 'IGC' to 'IIG' or to 'ITG' without proper attention to the actual leaders of the masses could not solve the problem of political reconstruction. The process of imposing a set of constitutional principles upon various nominated Iraqi bodies complicated the reconstruction and eroded the legitimacy of the democratic process but also questioned the very basis of democracy.

Saddam's removal had proved to be the beginning rather than the culmination of a protracted and uncertain process of reconstruction and state-building. The lawlessness and looting that had greeted the liberation of Baghdad on April 9, 2003 was soon replaced by a state of widespread violence, criminality and instability. The popular apathy and reaction expressed against the repressive US action by almost all communities complicated the situation even more. There is little doubt that Saddam's regime was repressive in nature. It was widely reported that "Saddam ordered the execution not only of those who took up arms or conspired against the regime but also of rivals and potential rivals within the regime,

the party, and his own ruling group."⁹¹ This method of physical elimination, which he used against friends and rivals alike, had implications regarding the way dissent and differences were handled within the Iraqi society. Saddam's Iraq, hence, required a regime change and drastic transformation of the power structure. By toppling the regime, the US ended Saddam's autocracy and ushered in a new Iraq with constitutional democracy. Yet, liberation from the above is clearly arduous and without elite consensus on a new state system, unity and stability are difficult to attain.

According to Bush, "Iraqis of every background are now recognizing that democracy is the future of the country they love."⁹² Earlier he had declared: "all Iraqis must have a voice in the new government, and all citizens must have their rights protected."⁹³ Zalmay Khalilzad, who was the special presidential envoy and Ambassador-at-large for free Iraqis, had also called for "a broad-based, representative and democratic government, in a post-Saddam Iraq".⁹⁴ In addition, Bush reiterated in his December speech, "Iraq's December 15 election marked the beginning of a constitutional democracy at the heart of the Middle East."⁹⁵ Richard Perle, a neo-conservative strategist, once contended: "It was plausible that Saddam's replacement by a decent Iraqi regime would open the way to a far more stable and peaceful region."⁹⁶ Hence, it is clear that the Bush Administration's vision is not limited to Iraq alone and extends beyond it in the region. But building democracy in a traditional state is many times more difficult and a long process than regime change.

Despite the current problems most Iraqis as also the international community have welcomed the democratization of Iraq. Internally, regime change and democracy have destroyed the repressive powers of the Ba'ath Party and Republican Guards of Saddam's regime. Constitutional democracy in Iraq liberated the Shiite Muslims and ethnic Kurds from repression. The Iraqi women, too, were not only liberated but also given a place in a constitutional process. Further, the features of Federalism and Secularism in such a democracy can enable various sections to enjoy their rights equally. However, some of the moot questions still remain unsolved. Will Iraq be able to maintain its unity in the long term while maintaining such democratic features such as Federalism, Secularism etc.? Will the country be able to bring the insurgency to a halt under a government whose legitimacy has been eroded because of an imposed system? Will the US troops be able to leave the country in the near future? Most

importantly, will the US pursue its Great Power Agenda, specifically 'democracy' in greater Middle East where most of the countries are authoritarian?

During the formation of the Transitional National Assembly and the drafting of the constitution, serious problems cropped up among the three major Iraqi groups – Sunnis (Arabs), Shiites (Arab) and Kurds (Ethnic) on matters relating to Iraq's national and ethnic and sectarian identities. While all these groups differed primarily on matters relating to the federal structure of the state, the role of regional security apparatus and that of religion in governing the state, there was no unanimity either on how to keep Iraq united. The continuing demands made by various sections suggest that Iraq would have a weak centre and strong federal and autonomous regions. Such a state structure might further weaken the central authority that is essential to keep Iraq united and may lead to serious destabilisation. As such the constitutional provisions and the related process of government formation have already divided Iraq along sectarian (Shia-Sunni) and ethnic (Kurd-Arab and Kurd-Turkoman) lines. The long-term impact of such a division is not only hazardous for Iraq itself but also dangerous for the wider South-West Asia region and the world. Since the Kurds also inhabit the adjoining states of Turkey, Iran and Syria, any effect on Iraqi Kurds will have a spill over effect on the Kurds inhabiting these countries. Shias not only rule in Iran but also constitute a majority in Bahrain. They are a substantial minority in Kuwait, UAE, and in Al-Hassa province of Saudi Arabia. Hence such a sectarian split will have wider ramifications not only for the country but also for the region. The sectarian colouring of the Iraqi insurgency will therefore have grave politico-security impact. At a time when the world is facing the danger of Islamic terrorism, the sectarian insurgency of Iraq may further encourage it.

Iraq has now become a part and parcel of the international democratic system. The new government has expressed its desire to crush terrorism. President Bush has justified US actions by saying that: "We can not only win the war in Iraq, we are winning the war in Iraq."⁹⁷ How far the newly-formed government will be able to pursue such a goal remains to be seen. The most important questions for the US, at present, are two-fold: first, in view of the rising American domestic criticism of the war, the mounting loss of lives, and the continuing presence of troops in Iraq, by when can it withdraw its troops from the country. Second, in view of the Iraqi

experience would it continue to pursue its great power agenda in the Greater Middle East? With Iraq in turmoil a US withdrawal of troops at this juncture will be hazardous for both Iraq and the US. Iraq is still in the process of developing a trained police force, and other structures of law and order, security, and governance. The larger goal of democratisation of the Middle East however remains both precarious and distant since most of the authoritarian states of the region are friendly towards the US. However, the success or failure of the democratic process in Iraq clearly would have very different political consequences for Iraq, the region and the United States.

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