

CRITICAL VOTE IN IRAQ

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RAY SUAREZ: Decision day in Iraq. We get four views. Dr. Najmaldin Karim is president of the Washington Kurdish Institute and an adviser to several Iraqi Kurdish leaders. He's now a US citizen. Juan Cole is a professor of history at the University of Michigan and the author of a history of Shia Iraq, called "Sacred Space and Holy War." Judith Yaphe is a former CIA analyst, and now a senior fellow at the National Defense University. And Adeed Dawisha is a professor of political science at Miami University of Ohio. He was born in Iraq and is now a US citizen.

Professor Dawisha, let's start with you. The polls open in a few hours. What's at stake for the people of Iraq?

ADEED DAWISHA: Well, what's at stake is actually the political process than the constitution itself. The way the constitution was written, it was already up for grabs because something like about 53 articles of the 129 permanent articles were awaiting further legislation.

With the new agreement, the constitution is going to be revised, amended and modified. And so whatever the people are voting for in terms of a document might turn out to be something very different come May or June of next year.

So what's happening is a referendum not so much about the constitution but about the political process itself. How many people are going to be going out to vote, how many people are going to be participating in the political process, whether they're going to go against or for the constitution. What is important is how many of them are going to go and work within the system rather than work outside it through violence or at least facilitating violence.

RAY SUAREZ: Professor Yaphe, you heard Adeed Dawisha, that the process is even more important than what's in the constitution itself. What do you think?

JUDITH YAPHE: It's one point of view, and I think what's in it and the process are terribly important. I think what I would look for is more what happens afterwards, in other words, if this fails, what will it do for Iraq because Iraq cannot move forward and cannot have any kind of an effective government without a constitution and a permanent government.

In other words, if this fails, there will be another temporary government chosen and another constitution-writing committee, and everything will slide another year or more, and we could have a repeat of this over again.

I think what Iraqis need is the process, which is very important, which leads them to the next election and a more permanent government, then they can work out the differences because this constitution as a document has a lot of -- we could call them holes. Let's just call them ambiguities which have enabled compromises -- which is what democracy is all about, right, so that the Iraqis can move on.

They also need a permanent government if they're going to have to have the capability in governance. People are going to know they're going to be in power more than six months or eight months, nine months, and therefore will be interested in institution-building.

RAY SUAREZ: Dr. Karim, what's at stake for Iraq tomorrow?

DR. NAJMALDIN KARIM: I think what's at stake, it's important that this referendum goes well and people come out and vote for it. I believe that it will pass and a constitution will be ratified tomorrow, subject, of course, to changes in the future, as they have agreed on it.

And I believe it sets the stage for those who have been against participation in the democratic process in Iraq to come forward and realize that by being in it they can ensure -- at least have a say in what their future will be, and I believe that you will see that after this referendum in the election in December that you will see greater participation by the Sunnis, and they will come to realize that federalism is actually a way for them to guarantee that they will have self-rule in their area and that there are safeguards as far as getting a share of the national resources, which is one thing that probably is scaring them by Kurdistan and the Shias in the South having the lion's share of the national resources.

So I think it will set the process forward by having more of them participate in the general election and having their representative in the future parliament which can actually go and debate what is in the constitution and be more involved in the process of amending the constitution or changing certain points, certain articles.

RAY SUAREZ: Well, you're describing a process that's bringing people into politics even if they disagree. Will the no vote decide that it's better to be inside the system than outside of it when it's over?

DR. NAJMALDIN KARIM: I believe participation in the process is significant because this will show them that they can come and their vote will count. I see that the likelihood of this being rejected is extremely remote because just the numbers and the demographics for those of us who are from the area and know what it is like will make it impossible for this draft to be rejected.

But by the mere participation, I think it will give them hope that in the next election for a permanent government, for a permanent assembly, they will have more say and they will have more representatives there that can represent their views and defend their rights.

Trapdoors in the constitution?

RAY SUAREZ: Well, Professor Cole, you've heard three colleagues talk about how important politics working is at this juncture. What's your view?

JUAN COLE: Well, I think it's important that politics is working and I think it's also important toward what goal it is working. I'm a pessimist on this process, and I'm a severe critic of this constitution. Professor Dawisha was polite in the way he put it, but it's full of trapdoors.

RAY SUAREZ: The constitution?

JUAN COLE: The constitution is full of trapdoors. There will be a provision that says revenues will be shared between the provinces and the federal government. In what way will they be shared? Well, there will be a law passed by subsequent parliament that will determine that.

So in many instances the people who are voting for this constitution have no idea what exactly it is, the substance that they're voting for. The constitution allows provincial confederations which have claims on resources and perhaps on enormous resources.

It would be as though Texas, Oklahoma and New Mexico could form a confederacy, and then they could tell Washington, well, you're not going to be getting as much tax money from our oil as you used to, and moreover, if you want to talk to Austin, you have to go through our confederal parliament and our prime minister.

The last time we had a confederacy in this continent it caused a lot of trouble. And I'm very concerned that these provisions in the constitution could lead to such a weak central government and to such strong provinces that there will be centrifugal forces breaking the country apart.

And then 20 percent of the population, the Sunni-Arab population, seems to be pretty diehard against this constitution; that's going to weaken its legitimacy.

Voter participation in a democracy

RAY SUAREZ: But à propos of what's been said earlier, is Iraq better off with passing a flawed constitution rather than having to go back to the drawing board and start from the beginning at a very, very fractious time in the country's life?

JUAN COLE: Well, certainly it's better off because if 80 percent of the population were supporting this process and this constitution, and they were disappointed, then the disappointment in the democratic process might be fateful for Iraq.

Certainly it's much better that it pass than it not pass, but it is an extremely troubling document, and it should be remembered that the failure of the United States framers of the Constitution to deal with the slavery issue did hold within it ultimately the seeds of the civil war in this country, and putting off difficult issues, having open-ended compromises that don't come to a decisive end can cause future trouble. It's much better if things are settled.

RAY SUAREZ: Professor Dawisha, does the set of agreements made earlier this week open up the possibility for the renegotiation of what you've called the trapdoors and some of the shortcomings that Professor Cole sees?

ADEED DAWISHA: Yes, certainly. This is basically -- they institutionalized beforehand what was going to come anyway.

As I said, there's so many unresolved business in this constitution that the national assembly was bound to sit around and legislate, and that's what's going to happen through the institution of a constitutional committee and then, of course, another referendum.

This is why I said from the very beginning, regardless of what you thought of the constitutional document, and I agree with Professor Cole, that it is -- it has lots of holes, and actually, in many ways it's a very amateurish kind of document with all kind of principles and aspirational ideas being substituted for enforceable laws.

So from that point of view, I think that what we should be looking for in this referendum is the participation, is the process, how many people go out to vote, how many people therefore want to decide if they want to work within the system in terms of electing a government but also in terms of modifying and amending the constitution later on.

Democracy's impact on the insurgency

RAY SUAREZ: Professor Yaphe, American policymakers have speculated that a successful vote and an immediate move toward an elected government at the end of the year will take some of the energy away from the insurgency. Do you see that happening?

JUDITH YAPHE: I don't think constitutions and elections have any effect on an insurgency. Insurgency has to be dealt with in an effective manner. Now, it will help to have a stronger government which can fund and support the instruments of national power that it needs to fight the insurgencies with all the tools at its disposal: military, political, diplomatic, the full five or six tools of national power.

Without a central government, without a permanent government, you don't have that. So the Iraqis have to come together in a new government that is going to have a permanency

and build institutions which include institutions that are going to fight the insurgency. That will have an impact.

If you have a stronger defense ministry, stronger interior ministry, if you can support your border security, if you could support social welfare institutions, and that's sort of the promise, but in and of itself, constitutions don't affect insurgencies.

If it fails, that will be another cheering point for the vocal insurgents, but I don't think it's going to change -- just the passage is going to have an impact.

RAY SUAREZ: Let me get your response to that.

DR. NAJMALDIN KARIM: I believe that the passage of this draft constitution will give a boost to the process of democracy. We have to remember one thing here: we are building a new country. We are building a new Iraq. The Iraq that we have known over the past 85 years is gone and dead. We're building a new society.

We can't go back and have a strong central government as the professor suggests that has power over the people. It's a minority. It has been a minority government. It has given itself license, you know, with international support to oppress its people to commit genocide, to evacuate the dry marshlands in the South. Those days are gone.

As far as sharing the revenues that Professor Cole was alluding to, actually, if you read the constitution carefully, every natural resource that has been discovered so far, which includes the oil in Kirkuk, which includes the oil in the South, the water resources, these are shared by everybody in the country. The new resources that are discovered in the country will be operated in a way between the central government and the regions.

But the existing resources will be divided according to the population with consideration of the destruction that has fallen upon certain areas that we all very well know about in the South and in Kurdistan.

We will no longer have a central government that will spend those resources of the country on fuel and on military adventures and starve - you know - a blessed country the way they have in Saddam Hussein and the previous regimes have done in Iraq.

So we are talking about building a new society, and a new country where the people can coexist and the people can govern themselves as opposed to a central dictatorial regime.

And what is described as the insurgency today, we can see now -- even now in the last year or so how the population is getting away from the insurgents and actually tribes in the west, in the Sunni lands, now are themselves fighting the insurgents because they see the destruction they are causing in their regions.

RAY SUAREZ: Well, a new process starts, I think, with tomorrow's vote. We'll check back with you all. Thanks a lot.

