

Hijacking Democracy in Iraq

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What occurred in Iraq on Jan. 30, 2005 was an American-brokered event, not an expression of Iraqi national unity. The U.S. lowering of the Shi'a vote is case in point.

The official results of the Jan. 30, 2005 elections are in. The Shi'a emerged as the big winners, grabbing 48 percent of the vote, followed by the Kurds who garnered 26 percent, and Prime Minister Iyad Allawi's coalition party netting a paltry 13 percent. Behind the scenes political infighting rages as the victorious political parties vie to get their candidates positioned in the new government. On the surface, this looks like the sometimes messy aftermath of democracy; squabbling, rhetoric, and posturing. The Iraqi elections have been embraced almost universally as a great victory for the forces of democracy, not only in Iraq, but throughout the entire Middle East. The fact, however, is that the Iraqi elections weren't about the free election of a government reflecting the will of the Iraqi people, but the carefully engineered selection of a government that would behave in a manner dictated by the United States. In Iraq, democracy was hijacked by the Americans.

Elections have been used in the past to cover up inherently non-democratic processes. Stalin had elections, as did Hitler. So did Saddam Hussein. The Soviet Union, Nazi Germany and Ba'athist Iraq were not burgeoning democracies, but totalitarian dictatorships. The point here is that elections don't bring democracy. The roots of any democracy lie in a people united in their desire to govern in accordance with a rule of law that guarantees the rights of all. Such people then create conditions in which elections can certify their desire by selecting those who will govern. This produces democracy. What occurred in Iraq on Jan. 30, 2005 was anything but such an expression of Iraqi national unity.

The Iraqi election was an American-brokered event: the U.S. Coalition Provisional Authority set the terms of the election, and its date (not sooner than Dec. 31, 2004, but no later than Jan. 30, 2005) in its 'Law number 92,' signed into effect by former CPA chief Paul Bremer on May 31, 2004. The U.S. then had this act certified a week later by the Security Council of the United Nations, which passed resolution 1546, a Chapter VII resolution which carries the weight of international law and which endorsed the U.S.-dictated timetable for elections.

'Law number 92' is part of a larger body of Iraqi law, known as the 'Transitional Administrative Law', or TAL. The TAL was approved by the Interim Iraqi Governing Council on March 1, 2004; on June 1, the IIGC voted on an Annex to the TAL which certified as law all of the CPA's laws, regulations, orders and directives, regardless of the TAL. Iraq today is still governed under these conditions, which provide the U.S. occupiers in Iraq de facto control over what happens behind the scenes in the Iraqi Government. Iraq's 'democratic' elections were held under these conditions.

The main objective of the Iraqi election was to elect a national assembly which would then draft a new constitution by August 2005. This new constitution will be brought up to the national assembly for vote on Oct. 15, 2005. If the constitution is adopted, the new parliamentary elections would be held in December 2005 based on this constitution. If the constitution is rejected, then there will be a new national assembly election (a repeat performance of the Jan. 30 vote), and Iraqis will have another year to sort out their constitutional crisis.

Iraq's future rests on this issue of a new constitution. And herein lies the rub. It is the fervent wish of the Bush administration, and its ally, interim Prime Minister Alawi, that the new National Assembly rubber stamp the interim constitution that is already in place. This constitution contains language which precludes Iraq from becoming an Islamic Republic like Iran, where religious law (i.e., the Shar'ia), versus secular law, reigns supreme. Iraq's Shi'a majority have rejected this notion, and as such will not support the constitution as it currently exists.

The interim Iraqi constitution was dead on arrival. The Bush administration just hasn't accepted this fact. It had no chance of survival had the Shi'a won an outright majority of the vote in the Iraqi election. 'If it [i.e., the percentage of Shi'a votes] had been higher, the [Shi'a] slate would be seen with a lot more trepidation,' a senior U.S. State Department official said, once the official Iraqi election results were announced on Feb. 14. The problem is, there is good reason to believe that the percentage of votes for the Shi'a was higher – much higher. Well-placed sources in Iraq who were in a position to know have told me that the actual Shi'a vote was 56 percent. American intervention, in the form of a 'secret vote count' conducted behind closed doors and away from public scrutiny, produced the Feb. 14 result.

The lowering of the Shi'a vote re-engineered the post-election political landscape in Iraq dramatically. The goal of the U.S., in doing this, is either to guarantee the adoption of the U.S.-drafted interim constitution, or make sure that there are not enough votes to adopt any Shi'a re-write. If the U.S.-drafted Iraqi constitution prevails, the Bush administration would be comfortable with the secular nature of any Iraqi government it produces. If it fails, then the Bush administration would much rather continue to occupy Iraq under the current U.S.-written laws, than allow for the creation of a pro-Iranian theocracy. In any event, the Shi'a stand to lose.

Whether this re-engineering will succeed in the long run has yet to be seen. What is clear, however, is that many senior Shi'a know the real results that occurred on Jan. 30, and will not walk away from what they believe is their rightful destiny when it comes to governing of Iraq: a Shi'a controlled state, operating in accordance with Shar'ia law.

The post-election 'cooking' of the results in Iraq all but guarantees that the Shi'a of Iraq will rally together to secure that which they believe is rightfully theirs. This journey of 'historical self-realization' may very well ignite the kind of violent backlash among the Shi'a majority in Iraq that the U.S. has avoided to date. It could also complicate whatever strategies the Bush administration may be trying to implement regarding Iraq's neighbor to the east, Iran. But in any case, the American 'cooking' of the Iraqi election is, in the end, a defeat for democracy and the potential of democracy to effect real and meaningful change in the Middle East. The sad fact is that it is not so much that the people of the Middle East are incapable of democracy, but rather the United States is incapable of allowing genuine democracy to exist in the Middle East.

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