

THE BROOKINGS INSTITUTION

Saban Center Expert Comments on Iraqi Constitution

Moderator: Ken Pollack

August 16, 2005

11:00 a.m. CT

Operator: Good day everyone, and thank you for joining today's conference call on the Iraqi Constitution. As a reminder, this call is being recorded.

Today's presentation will last approximately 15 minutes and will be followed by a question and answer session.

And now at this time, I would like to turn the call over to Mr. Ken Pollack. Please go ahead, Mr. Pollack.

Ken Pollack: Thanks very much, (Yolanda). Thank all of you for joining us on this conference call. I thought I would make some (introductory) remarks and then we can open it up to your various questions.

Obviously, the big news is the delay in the constitution, and I'll start by saying I don't think the delay is at all a bad thing. My feeling has always been that no matter how you look at the political future of Iraq, no matter what your theory for how things could, should work out in Iraq; having a good constitution is far more important than having an immediate constitution.

If you start with the administration's theory - and I don't subscribe to the administration's theory, but I think it's worth laying it out there. If the administration's theory about how things are going to get better in Iraq is that we're going to have a constitution that all Iraqis will look at and like and want to participate in.

That will lead to good elections where huge numbers of Iraqis will participate which will then create a legitimate government that virtually all Iraqis will wish to support and that that support will be what destroys the insurgency and creates kind of, you know, an Iraqi ground swell for dealing with the other problems that are out there.

Again, this is the administration's perspective. It's not one I share, but if that is your perspective, I think that you have to say that the most important thing then is having a good constitution because if you get a bad constitution, that whole chain of events breaks down.

If you get a bad constitution, people are going to be very unhappy, they won't turn out in high numbers, the government won't have legitimacy; therefore, there won't be a lot of popular enthusiasm for taking the hard steps necessary to deal with the insurgency and other things.

So even from the administration's perspective, I am a little bit perplexed with how much emphasis they're placing on getting things done now, although I do understand their main argument, which is, "Look, if you don't basically set a deadline, these people are just going to argue endlessly."

And that's not an incorrect statement. Certainly there is some element of that out there. But I think the simple fact is that the Iraqis have not yet been able to come to grips with a number of critical issues, and we have to give them the time, they're going to take it anyway, to deal with those and then come up with a good constitution.

I'll say from my own perspective, I am much less focused on the constitutional process as being some kind of a watershed, which I think seems to be the administration's perspective and the perspective of a lot of other people, certainly in the media.

My own perspective is that getting a great constitution would certainly be useful, but it's certainly not going to solve all of Iraq's problems by itself, and it probably will only be a rather minor step on the road to that because the things that are necessary to solve Iraq's problems, in many ways, are unrelated to whether the constitution is good or not.

In many ways, it's about what resources are available in Iraq and how those resources are employed. For me, though, the constitution is very important because if you get a bad constitution then I think that could greatly impair the entire process of reconstruction.

As I said, I don't think that having a great constitution will help the process of reconstruction enormously. Certainly I don't think it's going to solve all the problems by itself, which I think is closer to where the administration is, but I do think that getting a bad constitution could be extremely dangerous because if you get a bad constitution, that will alienate even more Iraqis, it will convince some Iraqis who are sitting on the fence that they're never to get what they want from this process, and I think that it will just exacerbate the tensions already out there and could accelerate that kind of slow slide that you're starting to see towards civil war.

It could make things infinitely worse in Iraq if you got a bad constitution. So as I say, I think that the constitutional process is an important one, but mostly for those negative reasons rather than for the positive ones that the administration seems to focus on.

I'll say that I think there are some very strong incentives for this group of Iraqis to get the constitution done in a reasonable amount of time, and in particular I think there's a very strong incentive for the Shia.

The Kurds, frankly, you know, they'd love to get a constitution done now because they feel like they've got a fair amount of leverage. They do (have) the TAL (Transitional Administrative Law) sitting out there and they can continue to make reference to the TAL as a way of keeping, preserving the gains that they made in the TAL.

But they're perfectly willing to wait. I think that if this process started to break down, if it was clear that the Shia were just going to push for the various things that they want and the Kurds don't, then I think the Kurds would walk away because the Kurds know that they can always come back to the table whenever the table gets reset.

You will always have Jalal Talabani and Masood Barzani calling the shots for the Kurds. So, they've got no particular downside to walking away.

The Sunnis I think actually - the Sunni Arabs, that is --I think have actually a real incentive to walk away in many cases because I think many of them now recognize it was a mistake to have

boycotted the elections, and I think that many of them are calculating that if there were new elections, they would not boycott, their community would not boycott, that is, and they'd (eventually) come back to new constitutional negotiations in a stronger position than they're in now.

I think that the people who have most to lose are the Shia, and, in particular, this group of Shia leadership. You know, Ibrahim Jaafari's popularity seems to be declining rather precipitously, and you've seen real fragmentation among the Shia coalition.

And what's more, there are a number of Shia politicians who, frankly, recognize that the only reason that they got into power was because of the kind of artificial circumstances of the changeover of power and the fact that many of them had been chosen by the U.S. as part of the Iraqi governing council or put in other positions of power by the U.S. and that, if there were new elections, they might not get re-elected to parliament. Their parties might not get as many, or even any, votes.

And so all of them have an incentive to get this thing done now while they're still in power, and that suggests to me that there still is a pretty good likelihood they will. If the Shia leadership still does believe that it is in its best interest to get the constitution completed now, obviously since they remain the majority at the moment, that's a pretty strong incentive to get it done.

So, I'm reasonably confident. If it doesn't happen, as I was indicating before, I have no problem with a significant period of delay. I have no problem with several months.

I also have no problem with them having to go back to the drawing board and start all over again with new elections. As I said at the beginning of my remarks, I think that a good constitution is very important, mostly because of the importance of avoiding a bad constitution.

And then just as a final remark, I will come back to a point that I've made on any number of occasions, but I think it bears repeating, which is that it's not entirely clear how relevant a good constitution is because what matters in Iraq is popular opinion.

And increasingly we're seeing unhappiness among the Iraqi people. That unhappiness is driving them toward various militia groups, toward various would-be war lords, toward the various Muqtada al-Sadr of Iraq.

And their concerns are mostly over the failure of this government and the United States. And in many cases, they don't necessarily distinguish between the two, which is also a problem for their government.

It's the failure of those two entities to provide basic security and basic services, like jobs, electricity, water, gasoline, et cetera.

You know, the newest public opinion polls that came out a couple of weeks ago overwhelmingly showed enormous Iraqi disappointment on every single one of those factors. You're seeing it in the way that they are increasingly turning away from Jaafari and from his

government because a growing feeling of disconnectedness between Iraq and the people in the Green Zone who are negotiating over the constitution. All of this is deeply troubling, and none of this is the stuff that will be solved by even having a wonderful constitution.

And one of my fears is actually that we could get a very good constitution. We could get new elections in December and a new government is elected. And, of course, the Iraqi people will then be expecting them, once again, to do what they've expected every government to do: deliver on security and jobs and gas and electricity and all that other stuff.

And if the United States does not make some significant changes, both in terms of military, political, and economic strategies, none of that's going to be forthcoming, and you will have Iraqis as disillusioned with that government as they have become with this current government and the IGC and the transitional government under Iyad Alawi and the CPA and ORHA before that.

They've been disappointed in every single government they've had. Under the circumstances, I think you will see a lot of Iraqis moving back toward the militias. I'm told - I've not been back to Baghdad in quite some time, but I'm told by friends who have recently returned that the militias are increasingly in control, even in Baghdad itself.

And that, to me, is the greatest problem, my greatest concern, and not something that I necessarily see as something that can be remedied by even having a wonderful constitution.

So let me stop there, and (Yolanda), if you could open things up to questions, I'd appreciate it.

Operator: Thank you, Mr. Pollack. The question and answer session will be conducted electronically.

If you would like to ask a question, please do so by pressing the star key followed by the digit one on your touch-tone telephone. If you are using a speakerphone, please make sure your mute function is turned off to allow your signal to reach our equipment. We will proceed in the order that you signal us and will take as many questions as time permits. Once again, please press star one on your touch-tone telephone to ask a question. And we'll pause for just a moment.

And we'll take our first question from Richard Wybrow from CNN Radio.

Richard Wybrow: Ken, how important is it to avoid regional autonomy in this creation?

Ken Pollack: Honestly, Richard, I - first point, and it's a good one, I don't think the United States should be terribly concerned with too many of the details.

Look, obviously we don't want a system where Iraqi women are as oppressed as they are in a place like Saudi Arabia, nor do we want the Iraqis coming out and basically declaring themselves to be an Islamic theocracy, like Iran.

Short of extremes like that, I think the United States needs to have a very hands-off approach. And basically what we need to say is whatever system the Iraqis can agree to, whatever system they think works, is fine for us because ultimately that's what we need.

Again, you know, take up the administration's theory; we need something that Iraqis can rally around. Now, that's one way of answering it.

The second way of answering it is asking the question of how much regional autonomy will various Iraqi groups tolerate. And the fact of the matter is we just don't know yet. I mean, up until, I'd say, six or eight months ago, I had never heard any Shia talk about regional autonomy.

And it was only about six or eight months ago that I began to hear Shia talking about regional autonomy, and then obviously in the last few weeks you had things like, you know, Hakim coming out and saying that, you know, the nine Shia provinces want their own autonomy as well, which is obviously taking things to a new level.

Look, a certain amount of decentralization is actually very important in Iraq. Iraq's central government is not terribly efficient. It has never been terribly efficient. It would be useful if you could get more resources out into the hands of the local population, and certainly a good way to avoid another dictator, like Saddam Hussein, would be to decentralize power.

You know, as far as the Kurds are concerned, one's opinion on that is, I think, a personal one. Do you believe the Kurds deserve their own independence? You can make an argument – and I have made this argument any number of times-- there are 25 million Kurds in the world. Twenty-five million Kurds probably deserve their own nation.

Is that right for Iraq today? No. And I would argue that any process of (succession) needs to be a constitutional one and needs to be well down the road. And for now, Iraqi Kurdistan definitely needs to be a part of Iraq.

But I think the key issue there is not so much what do we care about because, at the end of the day, borders are always fluid over time. The big issue is what can the Iraqis tolerate? And we just don't know the answer to that question yet.

Richard Wybrow: Thank you.

Operator: And our next question comes from Tyler Marshall of the "Los Angeles Times."

Tyler Marshall: Ken, you started your remarks by setting out a scenario that the administration believes will defeat the insurgency. And you said that you don't sign on to that scenario. Can you lay out how you do see things happening?

And a second question, you seem to be fairly relaxed about a possible breakdown and a long delay, including possibly an election of a new transitional government. What do you see as the implications for such a delay in halting the momentum that one of the sole upsides of the last year that the administration has been able to point to is gradual steady progress in this effort to produce a constitution in a large, in a fully democratic government? If that halts, what else is there to keep the boat moving, so to speak?

Ken Pollack: Sure. And let me answer your second question first, Tyler, because I think it's a good one.

You're right. The administration likes to point to momentum. I think momentum's irrelevant, OK? Momentum is something the administration likes to point to as a way of appeasing the American media and, I think, trying to convince the American public that what it's doing is the right thing in Iraq.

But frankly, the momentum that I care about is the momentum with the Iraqi people, and there I see the momentum going in absolutely the wrong direction. And as I was saying, you know, everything that I see is growing disenchantment by the Iraqis with the course of reconstruction and now even with this new government, which, pardon me for tooting my own horn, is exactly what I predicted when we had the elections (in January 2005).

The point that I made then was that the reason that the Iraqis are so excited about the elections that they had on January 30th was, in part, because of this expression of democracy in the sense of taking their lives into their own hands. That was certainly an element of it. But the bigger thing, the longer-term thing, was the hope that they were finally going to get people in power in Baghdad who would actually address their concerns. That was why they turned on Iyad Alawi before him. That's why they turned on the governing council before them. That's why they turned on CPA and on ORHA because in every case their feeling was, "We want. We deserve," and I think they're right, "security, constant electricity, gasoline, clean water," just the basic necessities of life.

Then add to that, you know, improving economic conditions in terms of unemployment. That's always been their greatest concern.

And typically we have one government after another that's not been able to deliver, in many cases through no fault of its own. Now, as I've also written about, there is massive corruption with this government. That is a huge problem. But beyond that, we've got other issues which are that the United States simply isn't willing and interested to use its resources to actually address these various problems. And as long as that's the case, the Iraqis are going to continue to be unhappy with the course of events in Iraq, and they'll continue to turn against each new government in turn.

So, I think that this need for the administration to point to momentum is completely misplaced. For me, the momentum that they're talking about is probably irrelevant to whether or not we succeed in Iraq.

And that's one of the things, as you can hear from my voice; it's one of the things that I'm most frustrated and concerned about.

Now, you asked me what should we do or what could - I can't remember - I need to ask you the question of do you mean what do I think we should do in an ideal world? Or are you asking me what do I think the most likely scenario is?

Tyler Marshall: It's the second of those, Ken.

Ken Pollack: All right. Well, look, I want to be very careful here because I do think it is possible for the administration's theory to succeed-- possible. I think it's exceedingly unlikely but I think it's possible.

I think the next scenario that's out there in terms of optimism, not likelihood, but optimism, is one where we simply have continued muddling through for a while. You know, the United States retains over 100,000 troops in-country. We do continually bring new Iraqi forces on-line, although other Iraqi forces are likely to fall off-line because of a variety of different reasons. The economic situation doesn't really improve but what has been really remarkable over the last two years is the degree of commitment of the Iraqi people to reconstruction.

Before the war, I predicted that they would be in favor of reconstruction, but I also warned that there would be a honeymoon period. At some point in time, they would get frustrated, angry, and turn against it. And you're starting to see that. Those are the trends that I'm talking about that have me, really concerned. But what to me is so striking is that they haven't done it faster than they have, given how frustrated and angry they seem to be, that they remain - you look at those polls and you continue to see the Iraqis saying that we think next year will be better than this one. And as long as that's the case, you can keep this kind of a muddle-through going for some time.

I think the next scenario after that is the one that really concerns me, and unfortunately I think that is increasingly becoming the most likely one, which is a slow descent into some form of civil war.

Again, this frustration that you're seeing on the part of Iraqis is leading many of them to basically make their own arrangements to deal with this stuff. And again, recent visitors to Baghdad have come back to me and said, "Sadr City is run by Muqtada's forces. They provide water. They provide gasoline. They provide jobs. Whatever you need, Muqtada's forces provide it for you."

It's a Hezbollah model. It's a very effective model. And many of these groups are copying that model very deliberately, in many cases with Iranian assistance.

And, as the frustration of the Iraqis continues to build, I think you will see more and more of them turning to local war lords, local sheiks, local Alims (Muslim clergymen), to provide them with what the central government can't.

And that is the path to civil war. And I think it will be a slow progress, but that is the process that I am most concerned about. And, it's where the current trajectory says to me we're headed, unfortunately. You have a lot of people already saying that we've got a civil war going on in Iraq. Clearly you've got lots of Sunnis attacking and killing Shia and Kurds, and you've now seen some of these stories - again, I first got the inklings of these about five, six months ago, but

these Shia hit squads, which are operating in Baghdad and other parts of the country. Its low level, but those are the first steps.

And again, its low level and it can be short-circuited. It doesn't mean we're not on a slippery slope. It's not irreversible. It's just that is the trajectory we seem to be on.

Tyler Marshall: A follow-up, what's your formula for heading that off?

Ken Pollack: Well, boy, it is a big one. It's, - for those of you that saw the piece that I put in the New York Times at the beginning of July, I kind of outlined it there. I also outlined it in my Senate testimony in July, but it starts with a very different military strategy, a true counter-insurgency strategy, the kind that the British used in Kenya, Malaya, Cypress, Northern Ireland; the kind that we eventually learned to use in Vietnam, although we only learned to use it after all the damage was done and we were basically on the way out.

But, if you look at something like the CORDS program that General Abrams set up in Vietnam, something like that, it focuses on protecting the population, which, you know, if you go back - if you read the army's new manual of counter-insurgency warfare, which is actually a very good manual, if you go back and read it, it would say, that is, point number one. The first task of counter-insurgent warfare is to protect the people, to create safe spaces where they can develop economically and politically, which gives them, then, a stake in the success of the counter-insurgent campaign.

And we have failed miserably to do that. Our forces do not protect the Iraqis. In fact, in many cases, the Iraqis feel like we put our security ahead of theirs and at the expense of their security.

In other words, we do things that make them less secure because we're trying to protect ourselves. You know -- it's fresh in my mind because someone just told it to me yesterday -- but a friend of mine, an Iraqi, just came back from Baghdad, who said that his drive out to the airport was even more frightening than it normally is because there was a small column of American vehicles traveling on the highway. They were traveling - for whatever reason; they were traveling about five miles per hour. I assume that they were looking for IEDs and insurgents. And on the back of the last Hummer in the column was hanging a sign that said, "If you approach within 100 meters of us, you will be shot." And so, as a result, all traffic on this highway was going at five miles per hour because they were - everybody had to stay 100 yards behind this American column. That does not send the message to the Iraqi people that we're there to help them protect them. It sends exactly the opposite message to them.

And unfortunately, that's how we've been conducting ourselves. You know, we go off on these absurd insurgent sweep missions in western Iraq which accomplish nothing, just as they accomplished nothing in Vietnam.

And so, you know, it starts with protecting the people, creating spaces where their economy and their political systems can revive and building out (from) them in a very, very traditional kind of approach.

It's obviously politically a very difficult thing for, I think, the administration even to entertain because it would mean effectively recognizing that they can't keep control of the entire country and that they would have to, basically, concentrate on the Shia south and the Kurdish north and maybe some areas in the center.

And basically, they would not be able to control all of it. I think there are ways that you could deal with Anbar and Salah as-Din, and some of the other problematic provinces. In particular, and the thing that I've recommended over and over again, is cutting deals with the Sunni sheiks. One of the things that I think is pretty clear about the insurgency is that while there are a lot of different groups involved in the insurgency, the vast bulk of the personnel are tribal Sunnis who either are doing it because their sheiks are telling them to do it, either because their sheik is angry at us or because their sheik is trying to convince us that we need their help, which is a very typical kind of pattern of behavior with Iraqi sheiks, tribal sheiks. In other cases, the tribal sheik may not be actually telling the sons of the tribe to engage in these kinds of operations, but he certainly isn't preventing them from doing so. And if he ever did so, that would be a tremendous amount of influence.

Meanwhile, you've had delegations of Sunni sheiks come to the United States time and again and propose these kinds of deals whereby we effectively pay them the way that Saddam paid them so that they're policing the roads rather than attacking the roads.

And the truth be told, there are many American units at local level that are taking these guys up and are enjoying tremendous cooperation. I mean that in a kind of a tactical sense with them, but nobody's willing to do it at a strategic level.

So those are just, those are just part of it. If you go to my Times piece, if you go to my Senate testimony - you might also look at the piece I wrote last year called After Saddam, which is still on the Brookings Web site where -- it was written over a year ago, at this point in time -- but I still think that many of the points that I made there are absolutely germane. These are still things we're not doing, unfortunately.

Tyler Marshall: Thanks.

Ken Pollack: Sure.

Operator: And as a reminder, that is star one to ask a question. Next we'll hear from David Jackson with the "Dallas Morning News."

David Jackson: Yes. Thank you. It's a little bit off beat here but, you know, the administration is also keeping its eye on the Gaza withdrawal this week, so it's a very nervous week for them over there. And I'm curious if you think if that goes well, or better than expected, will it help the Iraqi situation at all?

Ken Pollack: No, almost certainly not.

David Jackson: Yes.

Ken Pollack: I think the administration will certainly try to deflect attention for anything that's going wrong in Iraq to Gaza if Gaza goes well.

David Jackson: Right.

Ken Pollack: But look, you know, where Gaza's concerned, I have similar concerns to my concerns about Iraq in the sense of Gaza withdrawal, I think, is an important thing. I'm glad that the Israelis are doing it. But it begs the next and more important question of what happens afterwards. Can you create a viable Palestinian authority that is capable of maintaining security, dealing with its own terrorists, providing the Palestinian people with the economic and political benefits that they deserve so that they will, you know, you will end the same cycles of anger and frustration giving rise to terrorism and civil war within in the Palestinian community?

To me it is a little bit eerie how many similarities there seem to be between the Palestinian issue and the Iraqi issue, which obviously they're also enormously different ones.

David Jackson: Right.

Ken Pollack: But there are some striking similarities, and I think that in both cases, we've put all of our emphasis on the short-term and on what's easy rather than on the long term and what is hard and what matters far more.

David Jackson: So, you're saying that the Iraqi Constitution - that the administration sees the Iraqi Constitution and this Gaza pullout as ends as opposed to just steps along a very long roadway?

Ken Pollack: Exactly. Or you know, to put it a different way, I think they may see the Iraqi Constitution (just) give them credit....

David Jackson: Right.

Ken Pollack: ...they do, I think, follow that logic chain that I laid out there. I think they see it as the beginning of the end whereas I'm not even certain it's the end of the beginning.

David Jackson: Right. Cool. Thanks. Thanks, Ken.

Ken Pollack: To misquote Churchill.

David Jackson: Been done before.

Operator: And as a final reminder, that is star one to ask a question. And it appears we have no further questions at this time. Mr. Pollack, I would like to turn the conference back over to you for any additional or closing remarks.

Ken Pollack: Perfect. Well, thank you all very much. Good set of questions. I'm beat. And you know, good luck with the story, good luck with all the other stuff going on in the Middle East.

And if you need to get a hold of me, actually probably the best thing in the next couple of weeks is to go through the Brookings communications office or just send me an email. But thank you all very much and good luck to you.

Operator: And that does conclude today's conference. We thank you for your participation, and have a great day.

END