

Iraq after the Constitution: new horizons and continuing challenges

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IRAQ AFTER THE CONSTITUTION NEW HORIZONS AND CONTINUING CHALLENGES

A special report on the proceedings and conclusions of the conference *Iraq After the Constitution: New Horizons and Continuing Challenges*.

The conference was organized and coordinated by Dr. George E. Irani, Director of the Africa and Middle East Program at the Toledo International Centre for Peace (CITpax) and hosted by the Fundación Rafael del Pino (Paseo de la Castellana, 37, Madrid) on 25-26 October 2005.

Conference proceedings by Stuart Reigeluth, Desk Officer, Africa and Middle East Programme, CITpax.

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SUMMARY

The Conference revolved primarily around the legitimacy and viability of the present Constitution. The four panels examined (1) the validity of previous constitutions, (2) the rule of law, (3) the external foreign policy, and (4) the role of the European Union and Spain in the reconstruction of Iraq.

Panel 1: “Democracy in Iraq through the Lens of Previous Constitutions”

- The founding Iraqi constitution, which dates from 1925 during the Mandate of Great Britain, provides for the “sovereignty of the Iraqi people” and the territorial integrity of the country. Since then, Iraq has had many constitutions, but in the Conference no consensus was reached regarding which constitutions could be considered national documents; but rather were viewed as representing the interests of the political and social groups that were propounding each one.
- Iraq and Spain have maintained diplomatic relations since the Second World War. The period of mutual recognition between them characterized the 1960s, a phase of diplomatic distance ensued during the 1980s and 1990s, due to the Iraq – Iran War and the two Gulf wars of 1991 and 2003. Nonetheless, the political distance did not disrupt the continuation of commercial trade and cultural exchange. Relations entered a new phase when Spain appointed an ambassador to Iraq in 2005. The Iraqi constitutional process has reinforced these diplomatic relations since then. Spain wants to be present in the political and economic reconstruction of Iraq.
- Three points were stressed in explaining the current constitution: (1) compared to other constitutions, the Constitution of Iraq had very little time for drafting; (2) though the three Sunni regions of Iraq were the most peaceful in recent wars, now they represent the venues of strongest opposition to the constitutional process; and (3) once the final official document is approved, with the last amendments included, the demographic majority in Iraq (Shia') is *not* to alter the document without the consensus of a majority of the population. Of the 140 constitutional articles of the Constitution, 54 require legislative approval by a majority.
- The Iraqi participants perceived the constitution as being heavily influenced by external pressure, rather than a response to internal Iraqi demands. The consensus was that transparency, dialogue and discussion are needed for future elections and referenda, thus involving a greater breadth of the population to obtain a greater popular consensus.
- Despite the passing of the constitutional referendum, the path of Iraq remains uncertain. Some claimed that the “multi-ethnic democracy” would result in an “ethnocracy”; others proposed a strong Senate with checks and balances, which remains the only solution not yet proposed by the United States.

Panel 2: “The Rule of Law and the New Constitution in Iraq”

- The current reconstruction of Iraq is a direct result of the recent fall of the old regime, the subsequent military occupation of the country and the dismantling of state institutions. In the transitional political process, there is strong rivalry between the different fragmented players, which is intertwined with the multi-dimensional rise of militant Islamist groups as a political and military factor in the region.
- The distribution of natural resources implies a distribution of power: Iraq is an oil-rich government, not an oil-rich nation.
- The Iraqi National Assembly wrote the Constitution and rushed the process under pressure from the United States. The short term plan can be seen as highly inefficient, considering that there are no institutions to monitor the efficiency of the constitution. Enduring and socially rooted institutions are needed for a constitution to operate effectively.
- Civil war has been prevented due to the presence of occupation forces in Iraq; and has been avoided by Shia' restraint when confronted with Sunni aggression. Some said Iraq is experiencing a process of reconstruction, others claimed the central government was slowly disintegrating. With the risk of a split in the national army obsolete, civil war in Iraq was broadly redefined as trans-ethnic and trans-communal conflicts and as inter- and intra-sectarian battles.
- Although women played a role in the constitutional process, their demands for equal rights were not met. The role of women has not substantially changed, and the text of the Constitution did not reach as many women as hoped. As women comprise 58% of Iraqi society, a majority of the population therefore remained on the margins of the constitutional process.
- The question of international and local constitutional legitimacy remains unresolved. Some claimed Iraq would gain legitimacy with the implementation of the Constitution, others emphasized the effects of sectarianism and polarization of Iraqi society.

Panel 3: Iraq's Foreign Policy in Multiple Contexts

- A broad history of Iraq was traced and the position of the United States was reiterated. Iraq is *not* experiencing reconstruction “from zero”; rather it is experiencing a “gap of legitimacy.” This gap results from the transition from dictatorial to democratic rule. The lack of a legitimate central government hinders Iraq from developing a foreign policy. In the meantime, Iraq remains susceptible to the influence and interests of various foreign actors.

- The United States is the only world power that can effectively intervene in Iraq; the European Union does not have a unified foreign policy or an adequate military apparatus.
- Canada, Japan and India were mentioned as other potential bilateral democratic partners to counterbalance the unilateral policy of the US and the proposed multilateral option of the EU.
- Iran and Israel were identified as the primary geo-strategic beneficiaries of the Iraq War. Iran's influence is not necessarily negative, but should be monitored because Tehran has its own agenda and could use southern Iraq as a platform for Persian expansion, and as a means to reinforce its own national security.
- The lack of political parties and the rise of extremism destabilize the implementation of democracy and place Iraq in a very precarious political position. If the transitional phase does not lead to a viable democracy, then a faux democracy could be more dangerous than a dictatorship.
- Terrorism was redefined along sectarian lines. The reintegration of extremist factions in Iraq remains controversial. From the Iraqi government's perspective, the "insurgency" or "terrorism" emanates largely from the Sunni community. However, there are battles between the "insurgency" and the "resistance", which are generally overlooked and labelled as "terrorism" by the Coalition forces.
- Instead of being an integral part of the government, the new ministries resemble "little fiefdoms" which may herald the emergence of a mafia-style regime, as occurred in privatised post-Soviet Russia. The future of Iraq remains caught between the aspirations of sovereignty and the necessity of internal stability for development. The rule of law in all domains, political and financial, is key to stability. In the prevalent conditions of insecurity, the flight of professionals is unrelenting: in the last years, a massive exodus of scientists occurred and 3,000 doctors abandoned Iraq.

Panel 4: The Role of Spain and the EU in the Reconstruction of Iraq

- The length of US-UN economic sanctions and the corruption of the "oil-for-food" program destroyed the Iraqi economy, which has become entirely dependent on oil and foreign aid to maintain its GDP. Oil remains the driving force for economic growth and development.
- The transparency of Iraqi institutions, the rule of law and the consolidation of security are crucial to ensure economic cooperation with Spain and the EU, as well as for the implementation of foreign aid and future investments

- At the International Donors Conference (Madrid, October 2003), Spain agreed to donate \$300 million in reconstruction funds: \$160 million between 2003 and 2004, and \$140 million between 2005 and 2007. Thirty percent of this total is channeled through multilateral means; the remaining 70% is channeled through bilateral means. Approximately \$20 billion are needed for the construction of one million houses. Since 1985, no new hospitals have been built.
- The areas for Spanish-Iraqi cooperation in development programs include health, education, infrastructure, cultural heritage preservation, transportation, environment and regional economic agreements. Conference participants mentioned that in the present circumstances, security alone absorbs between twenty to thirty percent of all project budgets.

Conclusions and Project Recommendations:

- Political reconciliation between conflicting parties is a primary requirement for achieving economic stability. Broader popular representation in the political process is the means to reinvigorate economic development. The rule of law remains the cornerstone of the economic and political development of Iraq.
- The most effective projects will be highly targeted and of a joint-bilateral nature. Investors, international and private, should avoid channelling resources into corrupt areas. Iraqi participants also suggested that foreign investors should be cautious of the NGO "industry."
- Projects should be implemented in stable parts of Iraq, in which short-term investments can generate positive long-term effects (incubator effect). Projects will develop from the local to the national level; gradually enabling areas of stability to broaden, and thus instigate economic growth.
- The United States is the only world power that can effectively intervene in Iraq; the European Union does not have a unified foreign policy or an adequate military apparatus.

PROCEEDINGS & DISCUSSIONS

Tuesday, 25 October 2005

The conference opened with welcoming remarks by three Spaniards. **Maria del Pino**, Vice-President of the Fundación Rafael del Pino, focused on the necessity to address present issues for future generations. **Antonio Garrigues Walker**, President of CITpax, referred to *The Economist* (October 22-28, 2005) when describing the constitutional referendum process in Iraq as being between “votes and bombs”. **Ambassador Emilio Cassinello**, Director of CITpax, asserted the value of having Iraqi participants present, which had not been the case of the previous conference “Iraq: the Day After”, organized and hosted by CITpax in Toledo, Spain (May 2003). All three stressed the importance of democracy in the world and dialogue amongst nations, and emphasized the relevance of this conference in addressing the obstacles and venues to rebuilding Iraq, and thus setting a possible precedent for positive change in the Middle East.

SESSION I: “Democracy in Iraq through the Lens of Previous Constitutions: Critical Historical and Current Perspectives”

Chair:

Mr. Ricardo Martínez Vázquez, Director General of Cooperation with Africa, Asia and Eastern Europe, Ministry of Foreign Affairs and Cooperation (MAEC), Spain.

Speakers:

Ambassador Senén Florensa, former Director General of the Institute for Cooperation with the Arab World and the Mediterranean, MAEC, Spain.

Dr. Isam al-Khafaji, Professor of Political Economy, University of Amsterdam.

Dr. Khamis al-Badri, Professor University of Baghdad, Editor of *Iraqi Papers*.

In light of the popular approval of the 15 October 2005 referendum, the opening session provided insightful opinions from Iraqis and Spaniards concerning the validity of the current constitution.

Mr. Ricardo Martínez Vázquez commented on Spanish efforts to assist Iraq. Though \$140 million are still to be disbursed, he reaffirmed that the total amount of \$300 million would be procured by the Spanish Government by 2007 to further the reconstruction of Iraq. He also mentioned the Spanish initiative to create a training centre for journalists in Amman, Jordan. However, the most important aspect, he claimed, is to build institutions. A strong judicial system would also support and enable economic development; and secure geographic areas would assist the implementation of open elections.

Ambassador Senén Florensa elaborated on the “long tradition of friendship” that has existed between Spain and Iraq. Ambassador Florensa mentioned the first Spanish Ambassador to Iraq, Emilio García Gómez – the renowned specialist on the Arab world and translator of the “The Dove’s Necklace” by Ibn Hazm of Cordoba – as a primary example of the importance and respect Spain attributed to Iraq. He also claimed that Spain could act as an effective example of a nation that made a peaceful transition from dictatorship to democracy.

Like other Arab states, Iraq is an artificial construction, compromising of three Ottoman *sanjak* (provinces). (The southern Shia¹, central Sunni and northern Kurdish areas are now referred to as the three regions of Iraq.) As a “leitmotif” to his comments about the past and present constitutions of Iraq over the last eighty years, Ambassador Florensa stressed the importance of “consensus” between the political leaders and the Iraqi people. He reinforced his remarks by stating that the devastation of Iraqi civil society by the Ba’ath regime had pushed Iraq into severe social regression; and concluded that the difficulties of reconstructing a “calcified society” can be overcome by infrastructure- and institution-building.

Contrary to Ambassador Florensa’s remarks about the previous constitutions, **Dr. Isam al-Khafaji**, asserted that “Iraq has no constitutional tradition”, and that “there have only been two real constitutions: the initial one of 1925 and the current one of 2005.” He was not surprised that two of the three Sunni provinces, out of a total of fifteen Iraqi provinces, voted with a 2/3 majority against the constitution. A third “swing province” needed to deny the 15October 2005 constitutional referendum did not materialize, and the new Iraqi constitution was approved by the Iraqi people.

Doubting the validity of past and present Iraqi constitutions, Dr. al-Khafaji redefined the meaning of a permanent constitution as a “cementing document” for a “pluralistic and democratic society.” He asserted that the permanency of a constitution depends on two conditions: (1) the majority of the population must feel an affinity to the document, and (2) the document must not be approved or rejected due to ethnicity. Furthermore, when passed, such as in Iraq, the majority must not alter the final constitution to their benefit.

Dr. al-Khafaji concluded his remarks by comparing Iraq to other nations. Whereas Iraq is being asked and expected by the United States to abide by a strict time schedule, it took the United States thirteen years to draft its constitution. South Africa did not pass its constitution until five years after apartheid was ended. Iraq is a polarized society, Dr. al-Khafaji said and claimed the constitution is exacerbating this polarization: areas that were peaceful prior to the 2003 Iraq War are now belligerent (central Sunni region), and regions that were once integrated are now increasingly secessionist (northern Kurdish region). Notwithstanding, he agreed with the federalism propounded by the Kurds and supported a federal Iraqi state.

Dialogue and discussion is a sign of freedom, claimed **Dr. Khamis al-Badri**. He said this freedom of opinion was lacking in the composition of the constitution. Since the time of the first four Muslim caliphs, the Arab people have made decisions as a community. Though the previous Ba’ath regime did not allow full political participation to the Iraqis, Dr. al-Badri said Iraqi citizens were not involved in the drafting process either, thus

diminishing the legitimacy of the current constitution. He concluded that to become a democratic country Iraq has to include *all* parties and movements within its political system. Relying on open opinions and full participation, Iraq would also be able to develop its civil society outside of the political system.

DISCUSSION I

The first discussion revolved around the validity of the present constitution. **Dr. Adel al-Kayar**, Professor of Political Science at the University of Baghdad, intervened first by asserting that the constitution had been “dictated from outside.” By way of a description of the difficult daily life in Iraq, he stated that seventy eight professors had been killed and that a large majority of Iraqis remained unaware of “what is in the constitution.” He concluded that what the Iraqis want is a document that has popular backing. **Dr. Faleh Abdel Jabar**, Director of the Iraq Institute for Strategic Studies, was not surprised about the pressure exerted by foreign powers for the drafting of a constitution. The first Iraqi constitution of 1925 relied on a strong central authority with a separate European Mandate treaty. He concluded that if the “multi-ethnic democracy” in Iraq leads to an “ethnocracy”, then the constitution can be seen as a success. Dr. al-Khafaji said there was and would be no “ethnocracy”, and that Iraqi policy-makers needed to look at the long-term process to see whether they were headed in the right direction. The United States had “designed all types” of solution for Iraq, but what Iraq needs, he concluded, is a “strong Senate, with a system of Checks and Balances”, ironically like that of the United States. As important, Dr. al-Badri and **Dr. Mohammed al-Shaickly**, Professor of Nuclear Medicine and Member of the Iraqi National Council for Scientific Research, agreed that an election project should be established to monitor the ballots and voting, while databases could be compiled through research. This increase in information and transparency can assist in building democracy. Dr. al-Shaickly also stated that democracy was known in Iraq during eras prior to the 2003 Iraq War, and asked whether Iraqis really want democracy or not.

SESSION II: “The Rule of Law and the New Constitution in Iraq”

Chair:

Mr. Miguel Ángel Bastenier, Deputy Director for International Relations at *El País*.

Speakers:

Dr. Faleh Abdel Jabar, Head of the Iraq Institute for Strategic Studies (IIST), London.

Dr. Joost Hiltermann, Middle East Project Director, International Crisis Group (ICG), Amman and Brussels.

Ms. Amina Goyani, Program Officer, *Asuda*, As-Sulaymaniyah, Iraqi Kurdistan, Iraq.

This panel addressed the disintegration of civil security when confronted with the reconstruction of a national government; highlighted the movement of women's rights in Iraq; and redefined the meaning of civil war.

Mr. Miguel Ángel Bastenier opened the session by referring to the article “The Geopolitics of Disaster” by Patrick Seale (October 17, 2005)¹ to introduce the local, regional and international obstacles with which Iraq is currently confronted. **Dr. Faleh Abdel Jabar** elaborated on the various incongruities of the current constitution. Iraq, he claimed, is undergoing a process of deconstructing and reconstructing elements from the Ba’athist regime. A defining trait of this process is the power “contest between different fragmented players.” “Constitutions cannot operate without institutions”, he asserted. This lack of institutions has hindered the effective rule of law and has led to “violence against all”. Much of this violence is attributed to the rise of Islam, which Dr. Jabar divided into (1) popular Islam, (2) political Islam, and (3) institutional Islam. When merged together, these three components represent the broad influence of Islam in Iraq, which cannot be ignored.

Concerning the approved constitution, Dr. Jabar clarified important points. Though there was pressure from the US Government to meet specific deadlines, the rush to write the constitution came from Iraqi political leaders. Moreover, he asserted that the desire to “reduce violence was not an American bribe”, but rather a necessity for the safety of Iraqi citizens. Dr. Jabar claimed that the short-term Coalition plan for the transition of sovereignty had been disastrous, and there is still no legal institution to buttress the constitution. The final constitution distributed to the Iraqi people was not a permanent document and was written by a “disproportionate assembly”, which lacked popular legitimacy. There are 55 pending articles, which are to be passed by majority vote. For example, Dr. Jabar asserted that Article 89 requires the addition of a Sharia’ (Islamic law) specialist, and Article 39 remains contingent on the old family law, which needs revision. However, there has been a “drive towards majoritarianism”, which suggests the representation of more political parties in the coming elections.

Dr. Jabar concluded his remarks by emphasizing regional economic differences. Iraq is an “oil-rich government, not an oil-rich nation”, he said and affirmed that a federal system can most effectively ensure a balanced distribution of natural resources to the different regions. This will also imply a distribution of power, as reaffirmed by Mr. Bastenier.

¹ <http://www.agenceglobal.com/Article.asp?Id=684>

Dr. Joost Hiltermann stated that “Iraq is on the verge of civil war.” Individual attacks are carried out based on suspicions. Sectarian fighting is increasing and there are alarming signs of ethnic cleansing in which minority groups are being pushed out of areas. However, Dr. Hiltermann pointed out that widespread civil war has been prevented thus far by the “remarkable restraint” of the Shia’ population and by the presence of Coalition military forces in Iraq. Ayatollah Sistani, leader of the Supreme Council for Islamic Revolution in Iraq (SCIRI) persuaded his Shia’ followers to not take revenge when confronted with Sunni aggression. SCIRI has deep ties with and remains within the orbit of influence of Iran. The Badr Corps, the military wing of SCIRI, provided much “resistance” to the occupying forces, until Ayatollah Sistani reached an agreement with the United States. Congruently, there is currently no alternative military power, national or international, to replace the Coalition forces.

Elaborating on one of Dr. Jabar’s points about the constitution, Dr. Hiltermann claimed that the rush to draft the constitution took precedence over its validity. Though the drafting process did lead to the eventual majority approval of the document, an initial popular agreement was lacking over who and how the document was to be drafted. Draft constitutions were also distributed, Dr. Hiltermann claimed, that were no longer effective drafts. He also said that the final constitution should be of a sectarian nature to include all facets of Iraq. Suggesting amendments to the approved constitution, he advised the creation of “super-regions” comprising of various governorates and a reassessment of the widespread “de-Baathification”, which targeted mainly the Sunni population. He concluded that by exerting sufficient pressure the international community could play an important role in brokering a more valid political agreement.

Ms. Amina Goyani delineated the activities of the women’s movements in Iraq and articulated the obstacles, ambitions and endeavours of Kurdish and Iraqi women in the drafting of the constitution. “Women played a role in the constitutional process,” Ms. Goyani said, “but failed to meet the demands and hopes of Iraqi women.” Considering the constitution did not fulfil the rights of women, she pointed out positive steps that had been taken, and referred to articles that need revision.

Mr. Goyani said that the political movement of women in Iraq had been growing due to increasing collaboration between Kurdish and Iraqi women. These ties are strengthening, she asserted, on the local levels with civil rights and women organizations, as well as on the parliamentary level. Moreover, modifications were made to the Family Code of 1959 due to the pressure of women’s groups, including the cancellation of articles of the Criminal Code related to the reprimand of women and “crimes of honor”; both of which imply the killing of women. The modifications that resulted from the passing of the Law of 1992 also demanded the punishment of men who did not abide to the official changes of family laws. However, concerning contentious articles of the constitution, no changes were made to Article 39 which refers to the role of women. Ms. Goyani asserted that Islamic law is in effect and religious clerics still decide the outcome of family issues. Moreover, she emphasized that family laws still override the official legal tract.

“Unfortunately, the constitutional process was subject to political concessions that ignored to a large extent the cause of Iraqi women, which represents the cause of over half the Iraqi society... The efforts of Iraqi women will continue in order to overcome terrorism, traditions and customs, confessional influences and other influences that obstruct her rights as a modern women and as part of humanity.”

– Ms. Amina Goyani

In reference to the Kurdish predicament, Ms. Goyani stated that despite the disappointment with the constitution, Kurdish women still went to the ballots because “for the first time ever, there was an official document that recognized and guaranteed the rights of the Kurdish people in Iraqi Kurdistan.” Though the nationalist Kurdish cause distracted the drafters of the constitution from women rights, as well as diverting the attention of women from the pursuit of their rights, Ms. Goyani reasserted that the Kurdish women will maintain her demands for constitutional amendments and will strive to obtain more positive changes for the women of Iraq. She concluded by stating that the constitution must (1) respect international treaties regarding the rights of women and children, (2) maintain the 35% quota of political representation of women, (3) guarantee the equality between man and woman, and (4) establish equality for all before the law.

DISCUSSION II

This open debate began with Mr. Bastenier reaffirming that there was general disappointment with the constitution. Dr. Jabar said that conflict was not always bad, and that the elections would produce legitimacy. Considering the polarization of Iraqi society, he redefined civil war by stressing that Iraq was experiencing trans-ethnic and trans-communal conflicts. Moreover, civil war requires the collapse of the central government. In the case of Iraq, the central government is building-up, not crumbling. Whether the political leaders are replaced or not is another issue, he stressed and affirmed that more people were being included in the political process, which supported the trend was against civil war. For Dr. Hiltermann the central government was slowly disintegrating, Sunni participation was fragile and had yet to reach its peak. The Iraqi national forces are also polarized along sectarian lines. However, he redefined the evolving chaos in Iraq as intra-sectarian conflicts. Equally important, Ms. Goyani claimed that time was an issue: the constitution and by extension democracy should not be imposed according to the format of the United States, but rather reassessed according to Iraqi definitions. She stated that this would be a better way to understand women’s rights in Iraq.

Dr. Joseph Abbosh, Director of the reconstruction company MEBEX, responded to the “doom and gloom” of the day by adding that Iraq was a “raped and stolen country”, that the US/UK-led occupation was spurred by personal interests and against international law. Nonetheless, he affirmed the importance of reintroducing Iraq into the Middle East and stressed the necessity to not lose perspective of the goals for reconstruction. Ambassador Florensa said that a consensus among the people of Iraq and the ability to

incorporate the extreme factions of society into the national government were crucial for a successful transition to democracy. A federal Iraq could thus gain legitimacy through a constitution, representing the needs of and presenting a balance for the different regions. Dr. Jabar asserted that the business class is on the rise and kinship “cronie” capital was fragmented. The solution, he proposed, resides in a free market economy. To avoid the inter-sectarian fighting of “tribes with flags”, **Dr. George Irani**, Director of the Africa and Middle East Program at CITpax, referred to the precedent of Lebanon. Accordingly and considering that the future of Iraq represents in many ways the future of the Middle East, he stressed the need for an adequate rule of law.

Dr. al-Badri claimed there were “no motives for civil war” in Iraq, whereas Dr. al-Shaickly asserted that “sectarianism rules” and that “civil war is an ongoing conflict.” At this point, **Ambassador Shlomo Ben-Ami**, Vice-President of CITpax, intervened to point out that a civil war usually requires a split in the national army, and that such a military force is currently lacking in Iraq. However, he also asserted that external powers, namely neighbours in the Middle East, were not interested in there being calm within Iraq. Dr. Hiltermann elaborated on the previous points by stating that Iraqi militias were fighting each other, and that battles were occurring along sectarian lines, propelled by the perception and influence of foreign neighbouring countries. Dr. Jabar claimed that Iraq was experiencing an institutional weakness, due to the period of transition, but that it was not collapsing and remained “one single nation-state.” Dr. Abbosh responded by stating that “tribes form their own movements” and that “Iraq is a tribal society.” The danger, he asserted, was not civil war, but rather a “hijacking of democracy.” Ayatollah Sistani represents the Shia’ society with their accord and had obtained their popular presentation at the ballots; whereas Abu Mus’ab al-Zarqawi claims to represent the Sunni population, but did not obtain either their popular support or their input during the January 2005 national elections. Dr. Abbosh also warned of Iran’s “revengism”, and their desire to “recreate a Persian empire”; and concluded that there was currently no civil war, because civil wars need financing, something Iraq is lacking in all sectors of the economy and in all regions of the country.

SESSION III: “Iraq’s Foreign Policy in Multiple Contexts”

Chair:

Ambassador Shlomo Ben-Ami, former Ambassador of Israel to Spain, Vice-President of CITpax.

Speakers:

Dr. Adel al-Kayar, Professor of Political Science at Deutsches Orient Institut and Sorbonne University.

Mr. J. Christer Elfverson, Diplomat in Residence, Director of Member Relations, Club de Madrid.

Ms. Kathleen Fitzpatrick, Political Counselor, United States Embassy in Spain.

Mr. Talal H. al-Khudairi, H.E. Ambassador of Iraq to Spain.

Mr. Ignacio Rupérez, H.E. Ambassador of Spain to Iraq.

Mr. Alberto Moreno, Deputy Director General of the Middle East, MAEC, Spain.

This session examined the interests foreign and neighbouring countries have in Iraq, which shed light on the obstacles presently impeding a coherent Iraqi foreign policy.

Ambassador Shlomo Ben-Ami referred to the perspective of the Arab-Israeli conflict to illustrate what kind of foreign policy Iraq might develop. He does not believe that Iraq could disengage from the all-Arab front when it comes to the Arab-Israeli conflict. By way of example, he claimed Israel had attempted mistakenly to detach Lebanon from the Arab world in the 1980s, and said that foreign power intentions to sever Iraq from its Arab culture and history will not work. In the wake of the 2003 Iraq War, Israel and Iran were the two countries that benefited most on the geo-strategic level. The Gulf states feel threatened by the expansion of Shia’ influence and Turkey is gaining prominence with the possibility of its entry into the European Union. According to Ambassador Ben-Ami, Iraq does not want to be seen as a tool of the United States’ foreign policy, but is experiencing a “gap of legitimacy” due to the government’s affiliation with the United States.

Dr. Adel al-Kayar claimed that people are far from realizing how bad the situation is in Iraq. He teaches political science at various universities in Baghdad and thus described the daily difficulties of teaching in Iraq. Since the beginning of the 2003 Iraq War, he claimed some 70 Iraqi professors had been killed by way of political assassination. He depicted the terror related to going to universities, in trying to teach about politics and history, as others, foreign and local alike, attempt to impede such educational endeavours. The desire to re-write past history and to claim the present course of Iraq’s history has resulted in such bloodshed that Dr. al-Kayar could not restrain his rage when recalling his fallen friends and colleagues. He concluded that due to extreme internal turmoil, the Iraqi government is not capable at this time to develop a foreign policy.

Mr. J. Christer Elfverson agreed that an Iraqi foreign policy is difficult to discuss with 140,000 American troops still on Iraqi territory. He claimed that the “constitutional referendum left much in abeyance: fifty of the 139 clauses are incomplete and to be

determined later when laws are passed; Baghdad's power to tax is not determined; state religion is uncertain; women's rights are unclear; role of police is unspecified; and although the militias are to be disbanded eventually, the document does not say by whom."

Mr. Elfverson also referred to the problems posed by Iraq's neighbours and warned against a "Balkanization" of the region if Turkey, Iran, Syria, Jordan and Saudi Arabia became further involved.

Turkey feels menaced by the increased autonomy granted to the Kurds in Iraq, and fears another secessionist Kurdish movement. Iran is balancing the threat from the presence of Coalition troops in Iraq by influencing events within Iraq through the Shia' population, notably through SCIRI. According to Mr. Elfverson, Syria, like Iran, is "perceived as using the current situation as a forward defence." Syria not only shelters former regime loyalists, but also allows for the flow of "third-country nationals (Arabs and Iranians) through its territory." Mr. Elfverson asserted that Jordan is highly suspicious of Iranian influence in Baghdad and is worried about the exacerbation of violence. (This fear proved justified when Abu Mus'ab al-Zarqawi, leader of al-Qaeda in Iraq, attacked Amman in November 2005). Saudi Arabia demonstrates "similar anti-Iranian hostility" and feels "anxiety over the influence of resurgent Shi'ism in Iraq." The Arab League is perceived of having been "overly-sympathetic to the former regime" and as intervening now "only to bolster the position of the Sunnis against the government." Though Iraq still officially supports and relates its current situation to the Palestinian cause, Mr. Elfverson said that under the current conditions, "practical support probably all but ended."

As a former member of the UN team in Iraq, Mr. Elfverson provided insight into the difficult position the UN was made to assume. Security Council Resolution 1546 (8 June 2004) attributes a "facilitation role" to promote dialogue and reconciliation in Iraq. Resolution 1546 also transformed the US/UK occupation into a "security partnership" and approved the creation of an "Interim Government of Iraq to work towards a federal, democratic, pluralist, and unified Iraq", albeit the government was appointed by the US. Besides the vague attributed responsibilities, the UN played an important role by vaccinating five million children, thus reducing the possibilities for an epidemic of measles and controlling the spread of polio. According to a UN survey of 22,000 homes, Iraqis want "security, jobs, clean water, sanitation, education and health care," Mr. Elfverson quoted. Receiving funds from the European Union, UN and Iraqi experts chlorinated vulnerable water supplies to prevent cholera, provided water tanks to ensure hospitals had adequate supplies, repaired industrial plants with local engineers, and distributed school bags filled with supplies. Despite these efforts, Mr. Elfverson was sceptical of the usefulness of the United Nations, considering the impediments caused by the presence of foreign forces in Iraq.

"He who desires or attempts to reform the government of a state, and wishes to have it accepted and capable of maintaining itself to the satisfaction of everybody, must at least retain the semblance of the old forms; so that it may seem to people that there has been no change in the institutions, even though in fact they are entirely different from the old ones."

**– Niccolò Macchiavelli, *The Prince*
Quoted by Mr. J. Christer Elfverson**

Ms. Kathleen Fitzpatrick represented the position of the United States in Iraq. She asked who else, beside the European Union, could help bring stability to Iraq. The US, she claimed, did not see the EU as acting as a balancing force, but rather as a partner. Ms. Fitzpatrick asserted that the US did not intend to be an occupying power, but found itself “building from zero” in Iraq. She said that the foreign policy of Iraq depended on the intentions of its neighbours, and that Iraq should search for Arab and European partners to consolidate the rule of law and to abide by the norms of international institutions. She asserted that the October 15 referendum effectively approved the constitution when 63% of registered voters went to the ballots, but concluded that security risks persist.

Ms. Fitzpatrick stated that the US wants democracy in Iraq and asked: what do the insurgents want? She emphasized that the US was engaged in a three-part political-military process: (1) clearing areas of heavy insurgency, (2) once cleared, maintaining security with Iraqi forces, and (3) building institutions. The third component should be operated by and for Iraqis. She concluded that there is a possibility of freedom in the way Iraqis want, and that it is in the United States’ interest to pursue that opportunity.

Ambassador Talal al-Khudairi traced a brief history of Iraq, from ancient Mesopotamia and the Sumerian language through the “dark period” of the Ottoman Empire to the Hashemite Kingdom of Feisal I under the Mandate of Great Britain. When the Ba’ath Party came to power in 1968, he asserted, it did not reflect the interest of the Iraqi people. He stressed that the current United States engagement in Iraq was “opening a new period” that surpassed past history. Ambassador al-Khudairi claimed that Iraq hopes for good relations with its neighbours, and called for international support to counter terrorism. He concluded that without stability in the Middle East there would be no stability in the world.

Ambassador Ignacio Rupérez referred to the “painful recent past” in Iraq and asked: What Iraq do we envision? How are we to rebuild the political system? What exactly are we rebuilding? And why do we not know where Iraq is headed? He asserted that the situation in Iraq was a negative experience for Arab countries. He pointed out that democracy has its “destabilizing factors” as well, and that a democracy, “if it turned extremist could be more dangerous than a dictatorship.” A stronger and more just Iraq is of international importance, he claimed, even if that means being less friendly with Israel, the United States or Spain. Ambassador Rupérez also stressed the importance of including other political parties that are currently underrepresented and concluded that reinforcing the development of the middle class would be a positive step in stabilizing Iraq. (See Press Coverage: Interview with Dr. Mohammed al-Shaickly for the Lebanese newspaper, *Al-Mustaqbal*).

Mr. Alberto Moreno presented the predicament of Spain: military engagement in Iraq had caused an internal political problem, which led to popular fragmentation. He listed the foreign actors that could help restore stability in Iraq. The EU was only prepared to act militarily prior to and after, but not during a conflict. The US, he claimed, is the only world power that has the instruments to intervene effectively. Iran is not necessarily exerting a negative influence, but it has its own agenda, and has the potential to provide a platform for expansion. Mr. Moreno asserted that both Israel and Turkey had benefited from the 2003 Iraq War.

In the internal Iraqi arena, Mr. Moreno said it would be difficult both to stop a Kurdish state from emerging in the north, and to brake Shia' secession in the south. He asserted that "insurgency" was a difficult term to use when referring to the modes of Sunni and Shia' resistance. According to Mr. Moreno, simplifying and thus confusing the term "insurgency" led to a "stratification of Persian and Arab influence" with respect to the Sunni and Shia' populations in the Middle East. He warned that this could lead in turn to a violent religious upheaval in the region. Mr. Moreno stressed the need to "re-negotiate" the current constitution and to "withdraw" foreign troops in the pursuit of a "united, democratic and sovereign" Iraq.

DISCUSSION III

Dr. Isam al-Khafaji intervened to claim that Arab and Kurdish nationalists had a tendency of "throwing dirt on foreign powers." "Tyranny," he asserted, "is of our [Arab] making." Dr. al-Khafaji questioned what other country could act as a partner to Iraq. He defined India as the "most democratic country in the world" and Japan as an exemplary partner for potential economic revival. He stressed the importance of "modesty" with respect to the past and present of Iraq, and underlined the necessity to "maintain traditions." He stated that Iraq was "humiliated and defeated," has a "devastated infrastructure," and acts as a "springing board" for neighbouring interests. The US, he asserted, is "sitting idle" as Iran extends its influence into Iraq. He also mentioned that Iraq is the only country from the Organization of the Petroleum Exporting Countries (OPEC) to be almost entirely land-locked, and thus needs to "form friendly relations with its neighbours."

Dr. al-Shaickly claimed: "wars rarely achieve their goals; usually it is the opposite that occurs." He asserted that the United States was not "building from zero" and stressed the "failure of occupation throughout history." He said the central question did not revolve around the violence or the "insurgency", but rather what the US is doing and intends to do in Iraq. He clarified that most Iraqis reject the Coalition occupation, and that the US should reconsider its foreign policy. Dr. al-Kayar seconded these comments by stating that the Iraqis are "still suffering with the US presence in Iraq" two years after a victorious end to the war was declared with the fall of the Ba'athist Party. Mr. Elfverson also claimed that the current process was *not* one of "building from zero", and clarified that the process of "de-Baathification" was taken too far. As an example of the repercussions caused by this process, he said the "new ministries" were acting like "little fiefdoms", instead of as integral parts of the national government.

"Despite the outcome of the referendum or the constitution, this country will continue chewing its misery and division, and will keep on bleeding people and wealth... I can see no agenda for Iraq that does not take into account a serious dialogue to finish the occupation... without finding a solution to this problem, we cannot really be demanded to solve any of the other current problems (the constitution for instance) which have all become overly complicated due to the occupation."

- Dr. Mohammed al-Shaickly

Dr. Abbosh was “positively critical” when he redefined “terrorism” by stressing the importance of differentiating the “insurgency” from the “resistance”, and by emphasizing the more “positive role” Europe could assume. Mr. Moreno claimed that terrorism could be countered by reintegrating the extremist factions of society within the political system. Dr. Abbosh specified that the “insurgency” comprised of a Sunni majority (some 4,000-5,000 Saudi *mujahideen* – holy warriors – had infiltrated Iraq), whereas the “resistance” comprised of a Shia’ majority. Terrorism, he asserted, is a “blemish on the Iraqi resistance”, and claimed that the resistance not only threatens the terrorist factions in Iraq, but also often confronts and kills members of these factions. The external interest for stability which is propounded by foreign actors is also evident in the internal struggle for stability amongst Iraqi militias. Dr. al-Khafaji underlined the need for economic openness and political transparency to avoid widespread corruption.

Wednesday, 26 October 2005

SESSION IV: “The Role of Spain and the European Union in the Reconstruction of Iraq: Economic and Political Challenges”

Chair:

Mr. Alvaro Irazo-Gutierrez, Director General Foreign Policy for the Mediterranean, Middle East and Africa, MAEC, Spain.

Speakers:

Dr. Sateh al-Arnaout, Senior Municipal Development Specialist, Middle East and North Africa Region, World Bank, Washington, DC.

Dr. Joseph Abbosh, Director of Mebex. Reconstruction Consultant for the Iraqi Government.

Dr. Mohammad A. S. al-Shaickly, Professor of Nuclear Medicine and Member of the Iraqi National Council for Scientific Research.

The final roundtable examined the benefits of bilateral accords over multilateral assistance in Iraq, and propounded means for viable economic reconstruction.

Mr. Irazo-Gutierrez said Spain’s foreign policy is focused on multilateralism, and reaffirmed that Spain has committed to donate a total of \$300 million (USD) to the reconstruction of Iraq. Between 2003 and 2004, \$160 million were invested to develop programs in healthcare, education, infrastructure and transportation. These projects included procuring medical material and rebuilding schools. Between 2005 and 2007, the remaining \$140 million is to be allocated to Iraq. Mr. Irazo-Gutierrez concluded that Spain is concentrating these funds in areas to build transparent political institutions and to reinforce the rule of law by consolidating local and national security. Thirty percent of these funds are transmitted through multilateral means, which include the funnelling of funds to international organizations such as the United Nations and the World Bank; and 70% are transferred through bilateral agreements between Spain and Iraq, including some \$400,000 to the training of a regular national Iraqi army and another \$300,000 for a training project of Arab journalists initiated by MAEC.

Mr. Irazo-Gutierrez specified that Spain is committed to supporting the Iraqi political electoral process and the UN mission of supervising the elections. Accordingly, Spain concentrates on the following areas: programs for media communication and “outreach” information dissemination, assistance programs with electoral experts and training local observers, and programs of support to the Iraqi Electoral Commission. Spain contributed some 31.5 million euros to the general January 2005 elections, and another 20 million euros to the October constitutional referendum, plus another planned 30 million euros to the December 2005 elections. In accordance with Spanish foreign policy, these funds are channelled via multilateral means to Iraq. For instance, for the development of the political process (cluster 9), funds are funnelled into the UN International Reconstruction

Fund Facility for Iraq (IRRFI) and the World Bank Iraq Trust Fund Allocations. Smaller bilateral funds are transmitted to Iraq and Jordan via the Spanish Development Support Fund (FAD). The first phase of the bilateral funds were directed to the emission of Iraqi money and to financially supporting Iraqi persons and families who were displaced due to the conflict.

Spain is also committed to financially buttressing the institutional and economic reconstruction of Iraq. Areas of investment have been the program for the development of civil society, democratisation and human rights, the energy and transportation sector, the healthcare sector, as well as education and employment. Spain also demonstrates its support for the reinsertion of Iraq in the international community by participating in international conferences about Iraq, such as in Sharm al-Sheikh and Brussels. As part of the European Union, Spain endorses the European initiative PENOM (strategic partner for the Middle East and the Mediterranean) and thus supports the regional integration of Iraq. Finally, Mr. Iranzo-Gutierrez claimed that Spain supports the promotion of dialogue between Iraq and the European Union.

Dr. Sateh al-Arnaout reaffirmed that the national economy of Iraq remains heavily dependent on oil, which he called the “engine of economic growth.” Though Iraq is a founding member of the World Bank, it now presents a unique “in-conflict” challenge to the World Bank. Three wars and thirteen years of economic embargo impoverished the Iraqi population. Though the GDP rose 47% and reached \$25 billion in 2004, Dr. al-Arnaout said the persistent insurgency hinders reconstruction, economic recovery and systemic reform. Due to the weakness of the financial infrastructure, he propounded “Iraq’s National Development Strategy” along the lines of establishing good governance and strong social safety nets, restoring basic services, and spurring private-sector led growth.

Dr. al-Arnaout stressed the similar paths of transition between Spain and Iraq, and called on Iraq to look to Spain as an example of making a successful transition from dictatorship to democracy. He proposed two “different scenarios of action”: (1) do-nothing scenario, and (2) re-engagement. In the first scenario, Spain could still demonstrate political innovation and take a political initiative within the context of the EU. In the second scenario, Spain would have to decide to act bi-laterally or within the multilateral foreign policy of the EU. Currently, Spain’s foreign policy emphasizes European multilateralism. Dr. al-Arnaout wondered whether Spain would “re-engage unilaterally” to help directly in the reconstruction of Iraq, or would wait for a more coherent EU foreign policy toward Iraq. He asserted that Spain can re-engage by remaining politically neutral, endorsing political reconciliation and tolerance, and focusing on sectors that could be easily identified with Spain (cultural heritage and political transition) and sectors with well-defined social targets (women, youth, and minorities). Dr. al-Arnaout also mentioned establishing a system of monitoring in the areas of social development, regional development and economic convergence, environmental management and civil society. He emphasized the importance of using Iraqi staff, and concluded that low expectations starting with small projects would provide better socio-economic results.

Dr. Joseph Abbosh claimed that the fourteen sectors of World Bank financial activity in Iraq need assessment. Dr. Abbosh confirmed that the US/UN sanctions destroyed Iraq.

He reasserted that projects should focus on stable geographic areas of Iraq that ensure stable areas of the Iraqi economy. Twenty billion USD are needed within the housing sector for the construction of one million houses. Dr. Abbosh asserted that projects focused on stabilization would provide the best return for the people of Iraq. He affirmed that security measures take between 20-30% of project budgets, and reasserted that small stable areas should be the focus of investment and reconstruction efforts.

Dr. Abbosh suggested that future projects revolve around the distribution of water. "Instead of piers in the south," he said the water could be brought inland toward the north. The creation of "sea-cities" would lead to the construction of inland ports. These ports would be connected to the rest of Iraq via a railway through Basra-Baghdad-Mosul, to Aleppo, through Syria and Turkey. This East-West Railway would be cheaper than passing through the Suez Canal, and would take less time, connecting the Persian Gulf to Europe. Dr. Abbosh concluded that building from small to large, rather than from broad to small, would permit greater returns for the Iraqi people.

Due to the looting following the war and the deterioration of hospital buildings and clinics, he stressed the importance of focusing on the pharmaceutical industry and procuring equipment and medications to private hospitals. He also suggested that the emphasis for future projects should not be restricted only to the building of hospitals and dispensaries, but should focus on prevention for the treatment and control of diseases. These measures would include (1) repairing and building utility services for hospitals and clinics (power and water supply plants, sewage networks, garbage collection and solid waste management); (2) promoting the fields of education, specifically medical and paramedical staff training, as well as training administrative and technical staff; and (3) supplying equipment, such as research tools, laboratories and environmental investigative facilities.

The last time Iraq was able to build new hospitals, with the assistance of international contractors, was during the Iraq-Iran war (1980-89). Eleven maternity and children hospitals were built, five hospitals by the Spanish firm OHL, six hospitals by the French firm Renault, and thirteen general hospitals by the Japanese firm Marubeni. During the thirteen years of sanctions (1991-2003), no new hospitals were built in the three Kurdish controlled autonomous governorates; however, the United Nations and the World Health Organization supervised the construction of eight new hospitals by the Iraqi Ministry of Health. Many hospital projects were approved by the UN monitoring committee, and according to the Dr. Abbosh, the distribution of these projects were fair and "covered all the fifteen governorates under the control of the central government." However, the unilateral Coalition invasion of Iraq thwarted these projects.

After the 2003 Iraq War, a large number of skilled surgeons and specialist doctors have left the country. During the process of "de-Baathification" many hospital administrators were fired or replaced, thus "creating dislocations of management in the war-torn country." Dr. Abbosh claimed that "the majority of changes were politically initiated or motivated." Numerous female Iraqi doctors and scientists have also been imprisoned for indefinite amounts of time under the new Iraqi regime. Moreover, the sudden introduction and "infusion of new thinking and a multitude of decision makers, both local and foreign, has created major dislocations, disturbances and chaos" to the slow recovery and

rehabilitation process of the Iraqi healthcare system.

“In view of the lack of adequate medications, animal human associated diseases have increased, tuberculosis has increased as well as sterility, due to irradiation exposures.”

- Iraq Health Care Status, Dr. Joseph Abbosh, Mebex Consultants

Dr. Mohammed al-Shaickly said the depleted uranium contamination in Iraq is “an environmental catastrophe” that requires “urgent national and international attention.” During the 1991 Gulf War, the United States and Great Britain introduced armor-piercing ammunition made of depleted uranium (DU) – a radioactive and toxic waste produced as an outcome of nuclear fuel enrichment. Dr. al-Shaickly claims that “more than 350 tonnes (700.000 pounds) of depleted uranium contaminated equipment and soil on the battle fields of Kuwait and southern Iraq”. During the 2003 Iraq War, he said “around 1.700 tonnes (3.5 million pounds) contaminated middle and southern Iraq”.

Dr. al-Shaickly presented his field research, including soil and urine samples that depicted the contamination of depleted, rather than natural uranium. He presented the detailed isotope composition of natural and depleted uranium, and concluded that there was a wide range of exposure to DU, which “may have been caused by air borne minute particles blown by the wind and sand storms during the year (2003).” Two members of the international survey team represented by Dr. al-Shaickly were contaminated within a two-week period, including himself, “many months after the conflict.” He warns that the persistence of the depleted uranium represents “a risk to civilians, non-governmental organization staff, coalition armed forces, foreign contractors and diplomatic staff.”

According to his field findings, the soil contamination of the radioactive isotope varied considerably. Food cycle contamination was obviously hazardous and has long term repercussions “if not treated urgently.” An interesting phenomenon arose when the majority of “people dismantling the content of the tanks to sell” were contaminated. Dr. al-Shaickly claimed “it was absurd” that most of those contaminated realized the “hazard of radiation in these tanks”, but chose to ignore the risk out of economic frustration. He claimed the “American occupation is still there and somehow ignored as the actual cause of trouble.” The occupation, he concluded, had aggravated the existing problems in Iraq, “among them the destruction of human environment by using DU ammunition.” The problem of recycling and enriching depleted uranium, he asserted, cannot be solved by Sunnis, or Shia, or Kurds as individual entities, but rather as the unified people of Iraq.

DISCUSSION IV

The final open discussion revolved around the implementation of projects on the ground in Iraq. Dr. Joseph Abbosh suggested renewing bilateral relations with neighbouring countries. In the healthcare sector, he said medical journals would be useful; as would «joint ventures between Iraqi and Jordanian and Lebanese hospitals». He stressed the importance of employing consultants from both Arab and foreign backgrounds, and said that training doctors and nurses as well as maintaining medical provisions and equipment would assist in preserving a decent level of healthcare in Iraq.

Dr. George Irani stressed the need to support suffering societies and to place the human being prior to other material interests. He suggested creating a Task Force to support and monitor the reconstruction of Iraq. Practical means of assistance, particularly in the health care sector, are the distribution of publications, grants for residency abroad, and the support of women's grass-root organizations. Ms. Amina Goyani intervened to say that there was a «lack of real understanding» of the situation of Iraqi women. Women's groups had pressured the interim government, for example the National Assembly, she claimed; but there was no definite program, no organization amongst them. And women comprise some 58% of Iraqi society. Ms. Goyani said that projects of awareness, in particular via the educational system, should «start from the beginning», at the first levels of schooling. At the time of this conference, the budget of the Iraqi Ministry of Women's Affairs was \$2,000 per year.

**If you educate a man you educate one person,
if you educate a woman you educate a whole family.**

- Dr. Adel al-Kayar

Dr. Isam al-Khafaji claimed that foreign aid had turned into a business, and warned against collaborating with the «NGO industry». He reasserted that Iraq should open bilateral relations with particular countries, such as Canada, Japan, India and Spain. He said these countries could provide more balanced and thus effective assistance than the United States, the European Union, or Middle Eastern states, such as Saudi Arabia or Iran. Dr. al-Khafaji said there was a need to create follow-up programs for «targeted projects» on the ground. Establishing a transparent system of monitoring and evaluating these projects, he said, would help avoid the emergence of a «mafia-style privatisation» of the Iraqi economy, such as occurred in post-Soviet Russia. He concluded that the international community should «beware of channelling into corrupt funds», and re-emphasized the need for accountability, responsibility and transparency. In the field of education, Dr. al-Khafaji said that cooperation between Iraqi and Spanish universities could be an interesting venue for developing advanced education programs.

Dr. Faleh Abdel Jabar said the main conditions of foreign involvement were to (1) realize that the occupation is not welcome, that only certain sections of the society welcomed the foreign military presence; (2) link all development projects «to good governance and the rule of law», based on the conditionality of international law and in conjunction with the process of building institutions; and (3) «rely on the native capacity,» and thus to not underestimate the potential of Iraqis. Dr. Jabar claimed there are some 11,000 PhD-holders that need to put their expertise to practice; as well as some 385,000 technocrats that can serve in business as civil servants. He also asserted that short-term investments would be most beneficial. They would act as «short-term incubators» for larger development projects. In conclusion, projects should focus in politically neutral areas that permit the potential for more substantial economic growth.

PARTICIPANTS

Joseph Abbosh is Director of MEBEX and Reconstruction Consultant for the Iraqi Government. He is a surgeon and medical planner, as well as consultant for numerous organizations participating in projects in the Middle East, the Persian Gulf, North America and Western Europe. He established the MEBEX Consultants (1979), as a Medical Planning Consultancy Office, specializing in the management, planning, distribution and implementation of healthcare facilities.

Faleh Abdel Jabar is Director of the Iraq Institute of Strategic Studies (IIST). He served as director of research and publications at the Centre of Social Studies in the Arab World, based in Nicosia, Cyprus (1983-90). He published *The Shi'ite Movement in Iraq* and *State and Civil Society in Iraq* (1995) and *The Impossible Democracy: The Case of Iraq* (1998). He was Senior Fellow at the Jennings Randolph Fellowship Program at the US Institute for Peace (2003-2004) and worked on «The Day After: Prospects for Post-Ba'ath Democratization in Iraq.» His forthcoming book is entitled *Post-Conflict Iraq: The Totalitarian, the Authoritarian and the Democratic* (2005).

Sateh C. al-Arnaout is a Senior Member of the World Bank and a Senior Municipal Development Specialist, Middle East and North Africa Region, World Bank, Washington D.C. He graduated in civil engineering (1991) from the American University of Beirut (AUB), Lebanon; and became a development consultant for the Delegation of the European Union (2000). He lectured on the assessments and damages of "The Bam Earthquake: from Tragedy to Recovery" (2004) at the AUB and worked for the Joint Needs Assessment for United Nations Development Groups (UNDG) / World Bank, Housing and Urban Management, in Iraq.

Khamis al-Badri is Assistant Professor at the University of Baghdad, and Chief Editor of *Iraqi Papers* in Baghdad, Iraq. He obtained a Ph.D. in Political Science, has researched and studied constitutional and political systems, and has participated in many workshops inside and outside Iraq, and has presented papers at conferences for the political right and participation of women.

Adel al-Kayar is Professor of Political Science at Baghdad University, Iraq. He also lectured at Deutsches Orient Institut and La Sorbonne University, Paris. He has published numerous articles about the Middle East in general and Iraq in particular, including "Regards croisés sur la guerre du golfe." (2003) and "Iraq between Armed Groups and Occupation" (2005).

Isam al-Khafaji is a leading Middle East social scientist and former consultant to the World Bank and Senior Expert to the UNDP (Syria). He is contributing editor to the Middle East Report, and participated in the US State Department's workshop on the "Future of Iraq" in 2002. He published "The Myth of Iraqi Exceptionalism" in *Middle East Policy* (2000) and *Tormented Births: Passages to Modernity in Europe and the Middle East* (2004). After 25 years of exile (1978-2003), he returned to Iraq and joined the Iraqi Reconstruction and Development Council, working with the Coalition Provisional Authority, until he resigned and became Director of the Iraq Revenue Watch, Open Society Institute.

Talal H. al-Khudairi is Ambassador of Iraq to Spain since July 2004. He holds a degree in Economics and Political Science from the University of Baghdad (1968). He served in Geneva (1971-74), Bulgaria (1977-79), Washington D.C. (1984-89), and China (2000-04). He was born in 1943 in Baghdad, Iraq.

Mohammad A. S. al-Shaickly is Professor of Nuclear Medicine and Member of the Iraqi National Council for Scientific Research. He was born in 1946 in Baghdad, Iraq. He obtained a Bachelor of Science at the University of Baghdad (1967) and a Master of Science in Radiobiology at the University of Manchester, UK (1971). He is Scientific Advisor for the Associated Arab Company for Press, and contributes to the Lebanese daily newspaper, *al-Mustaqbal*.

Miguel Ángel Bastenier is Deputy Director of International Relations for the Spanish daily newspaper, *El País* since 1993. He was director of the *Tele Exprés* in Barcelona, and Deputy Director of *El Periódico de Catalunya*. He wrote *La Guerra de siempre* (1999) about the Arab-Israeli conflict, and continues to write extensively about North Africa and the Middle East.

Shlomo Ben-Ami is Vice-President of the Toledo International Centre for Peace (CITpax), Madrid, Spain. He is former Ambassador of Israel to Spain (1987-1991) and former Acting Foreign Minister and Minister of Foreign Affairs (2000-2001). He was the head of the School of History of Tel Aviv University (1982-86), and the primary Israeli negotiator at Camp David II (2000) and presided at Taba (2001). Ben-Ami has published in Hebrew, Spanish and English. His latest book is entitled *Scars of War, Wounds of Peace; the Arab-Israeli Tragedy* (Oxford University Press, 2005).

Emilio Cassinello is Ambassador of Spain and Director General of CITpax, Madrid, Spain. He served as Ambassador of Spain in Africa and Latin America. He was President of the Board of the EXPO'92, S.A. (1985-1992) and Commissioner General of the Universal Exposition of Seville (1992). He is the author of *Cultura y Economía Hispanas como nuevo horizonte de Cooperación* (2002), and *Spain and the Hispanos: a strategic project* (2004).

María del Pino is Vice President of the Fundación Rafael del Pino. She has a MBA from the Spanish IESE Business School at the University of Navarra.

J. Christer Elfverson is Diplomat in Residence and Director of Member Relations at the Club de Madrid. He is a former Director in the United Nations Office of the Iraq Programme in Baghdad. He was also chef de cabinet at the UN Office of the Special Representative of the Secretary General for Western Sahara (MINURSO). He worked at UNCTAD in Geneva (1970) and then as Area Officer at the UNDP in New York and Latin America.

Kathleen Fitzpatrick is Political Advisor at the Embassy of United States in Spain.

Senén Florensa is Director General of the European Institute of the Mediterranean (IEMed), and Ambassador in Special Mission at the Spanish Ministry of Foreign Affairs and Cooperation (MAEC). He is former Director General of the Instituto de Cooperación

con el Mundo Árabe, Mediterráneo y Países en Desarrollo (1996-2000) and Ambassador of Spain to Tunisia (2000-2004).

Antonio Garrigues Walker is President of CITpax, and President of the Fundación Ortega y Gasset, and President of Garrigues, Abogados y Asesores Tributarios.

Amina Goyani is Program Officer of *Asuda* in al-Sulaymaniyah, Iraqi Kurdistan. *Asuda* is an NGO that helps battered women in Iraq. Ms. Goyani has participated in several seminars and workshops in Iraq and the Middle East.

Joost Hiltermann is the Middle East Representative for the International Crisis Group (ICG), Brussels, Amman, and Beirut. He served as Adjunct Professor at Georgetown University and the Johns Hopkins School of Advanced International Studies (SAIS). He served as Director of Human Rights Watch Iraq (HRW) Documents Project, and became the Executive Director of the Arms Division of HRW (1994-2002).

George E. Irani is Director of the Africa and Middle East Program at CITpax. He is author of the "The Papacy and the Middle East" (University of Notre Dame Press, 1986); and has organized two conferences on reconciliation in Lebanon: "Acknowledgment, Forgiveness, and Reconciliation: Lessons from Lebanon" and "Reconciliation and the Displaced Communities in Post-War Lebanon". He led the organization of the Madrid conference: "Iraq After the Constitution" (2005).

Alvaro Iranzo-Gutierrez is Director General of Foreign Policy for the Mediterranean, Middle East and Africa, MAEC, since 2004. He served Spain in Gabon, Mozambique, and Algeria; and was Ambassador of Spain to Angola (1997-2001) and Malaysia (2001-2004). He was also Sub-Director General for North Africa (1992-1997).

Ricardo Martínez Vázquez is Director General for Cooperation with Africa, Asia and Eastern Europe, MAEC.

Alberto Moreno is Deputy Director General for the Middle East, MAEC, since 2004. He is former Deputy Director General of the Diplomatic School of Spain (2003). He served as Advisor to the Permanent Representation of Spain to the European Union in Brussels (1994) and was posted in Luxemburg and Angola.

Stuart Reigeluth is Desk Officer for the Africa and Middle East Program at CITpax. He has a MA from the Center for Arab and Middle Eastern Studies at the American University of Beirut, Lebanon (2005).

Ignacio Rupérez became Ambassador of Spain to Iraq in June 2005, after being the Special Envoy of Spain to Iraq until 2000. He has degrees in Law and Journalism and began his diplomatic career in 1980. He was Finance Director for TerraMobile and Sub-Director General of Continental Asia for the General Management of Africa, Asia and the Pacific at the Spanish Ministry of Foreign Affairs.

PRESS COVERAGE

Iraqi Experts and the World Bank ask Spain and the European Union to assume a “more active” role in the reconstruction of Iraq.

Declared the legitimacy of the constitution consolidated and asked Spain to contribute its experience as a model of political transition.

MADRID, 26 October 2005 (EUROPA PRESS)

A group of Iraqi experts and a representative of the World Bank (WB) claimed today that Spain “can and should play a more active role in the reconstruction of Iraq, in particular in the sectors of construction, banking, security, education and healthcare”, as was affirmed at the end of the conference entitled “Iraq After the Constitution: New Horizons and Continuing Challenges”. The conference took place yesterday and today in Madrid. It was organized by the Toledo International Centre for Peace (CITpax) and hosted by the Fundación Rafael del Pino. The participants declared the legitimacy of the constitution consolidated and underlined that Spain can play an important role “using as a reference its model of political transition.”

According to the Iraqi Professor of Political Science, Adel al-Kayar, “the answers to the main problems must come from within Iraq”. However, Europe must also become more involved in the country and “act as a bridge between the Americans and us”. Furthermore, he expressed his desire that Spain finally establish an embassy in Iraq. “We would like to have foreign representatives that are not Americans”, he affirmed.

“What works best in Iraq is creative chaos”, claimed Joseph Abbosh, Iraqi member of the Lebanese consulting company MEBEX that works with the Government of Baghdad to put in place engineering projects financed by the WB and the Japanese Development Bank. “Independently of the political scene, some things are advancing; not everything is so black”, he added.

In his judgement, European and Spanish companies must invest in Iraq as much out of interest for Iraq as in the interest of the EU. “The overall cost of production is determined by the cost of energy, such that they who control energy control the situation”, he confirmed.

“Except for the United Kingdom and Norway, Europe lack energy resources, as does Japan, and the cheapest oil is found in the Middle East,” he explained. “The production of world oil is between 70 and 71 million barrels per day, of which only 67 million are produced in the Middle East”, he added. “Since the middle of the 1980s, no surveys have been made in Iraq, and the experts believe that when they are made, the reserves will exceed those of Saudi Arabia”, he ascertained.

In this sense, “the EU and Europe must develop strategies to see how to influence the aggressive policies of the United States in the region, which is actually creating more terrorism. In Iraq, before we had no terrorism. We had problems with Saddam Hussein, but we had no terrorism,” he asserted.

For his part, Sateh al-Arnaout, specialist for municipal development in the Middle East and North Africa for the World Bank (WB), affirmed that the WB is negotiating with the Iraqi Government to explore the possibility of requesting “long term” blank credits with hardly any interest. “Spain must enter the contests for these credits, everyone can participate, they are not assigned to any particular country,” he claimed.

Moreover, he insisted that Spanish companies associate themselves with Iraqi companies, since “there is no way for foreign companies to enter by themselves without knowing via Iraqi firms the difficulties of security and volatility of prices.”

According to the participating experts, Iraq will conclude the year (2005) with “acceptable success, given the circumstances”, throughout “three political transitions, in March 2004, January 2005 and December 2005”, and given “a disastrous economic context”. Nonetheless, some 30% of the active population is unemployed; and this percentage rises to 50% in urban areas.

Though state subsidies in material of alimentation, energy consumption and other services constitute half of the interior net product, the economy is still characterized by its “fragility and a situation of dependency”. Notwithstanding, the public Iraqi accounts have ameliorated due in part to the increase in oil prices.

IRAQI CONSTITUTION

The participants considered the legitimacy of the Constitution to be consolidated – approved in the referendum passed on 15 October according to the definitive results made public yesterday. They also expressed the necessity for a larger participation of the Iraqi population in the development and process of “social pedagogy” to bring the people closer to their new Carta Magna. In this sense, and according to the final joint communiqué, the participants underlined the role Spain could play by “using its political transition as a model of reference”.

“98% of the Iraqi population did not read the text”, affirmed al-Kayar. “When the articles were explained to them, some changed their opinion, in favor or against”, but in any case the Iraqis must be instigated to participate in the upcoming elections of 15 December to “elect the people that will modify the articles that seem erroneous”. “What we need to do now is to pursue what the majority wants”, he added.

For his part, Khamis al-Badri, Professor at the University of Baghdad and editor of the journal “Iraqi Papers”, declared that the last modifications of the Constitution “made flexible what was inflexible” and reminded that the new text foresees the creation of a Commission with competency to modify the articles.

In parallel with the implementation of the Constitution, the participants also expressed the need to strengthen political institutions and the economic structures to acquire an equal distribution of political power and resources.

The most critical contribution was made by the Kurd, Amina Goyani, who ascertained that the Constitution “did not guarantee the rights of women” and demanded that the

UN monitor the immediate implementation of Baghdad's international obligations in this field.

Interview with the new Spanish Ambassador to Iraq, H. E. Ignacio Rupérez, by Dr. Mohammed al-Shaickly, published in the Lebanese daily newspaper, *Al-Mustaqbal (The Future)*, N° 2104, 20 November 2005, p. 14.

Beyond the environment and infrastructure, the destruction in Iraq has mainly affected the population.

Spain entered the war against Iraq as a principle actor in the tripartite coalition with the United States and Great Britain. The former Spanish President Aznar was the strongest European ally to Bush's foreign policy after British Prime Minister Blair, especially concerning this war. The Spanish troops in Iraq suffered heavy attacks before their complete withdrawal when the Socialist Party (PSOE) led by Zapatero came to power over a year ago.

Before the drums of war were sounded against Iraq, Spain had distinguished relations with Iraq. It was one of the only countries that initiated the opening of a diplomatic mission to Iraq in 1997 during the imposed economic embargo. Spain is currently working on recuperating the positive role it played in Iraq before the war; particularly in contributing to the reconstruction of what was destroyed by the war and the occupation. Spain reopened its embassy in Baghdad and assigned Ambassador Ignacio Rupérez as the head of the Spanish diplomatic corps in Baghdad.

During the Conference "Iraq After the Constitution", organized by the Toledo International Centre for Peace (CITpax) and in collaboration with the Spanish Government in Madrid at the end of last month (25-26 Octobre 2005), and in an attempt to analyse the political and economic situation in Iraq and the possibilities for participating in reconstruction projects, I met with Ambassador Rupérez and carried out this interview for "*Al-Mustaqbal*":

Q: You know Spain was one of the three main states that participated in and started this war. This occurred despite the Spanish popular reaction against the war that mobilized one million protesters in the street. Then came the Socialist Party led by Zapatero, that removed itself from the Anglo-American alliance by withdrawing from Iraq. Did Spain pay a price for this withdrawal?

A: Certainly. There is always a price to pay in politics, but there are difficult decisions one has to take and execute in given circumstances. The decisions that were taken in relation to Iraq can be explained by the electoral rivalry between the Popular Party (PP) and the Socialist Party (PSOE): Iraq became the primary issue on their respective political agendas. The PSOE had promised to withdraw from Iraq because it did not believe in the legitimacy of the war, which made Zapatero take the decision to withdraw as soon as he won the elections. The military withdrawal from Iraq then took place, and now our government is working to establish more positive relations again. I want to reinforce that the decision to withdraw from Iraq was not taken with haste, but rather after much deliberation and reflection.

Q: Do you consider this decision dangerous?

A: Yes. It is both dangerous and important. It is important because it expressed the opinion of the majority. The decision was not solely a PSOE decision, since there were other political groups that opposed the war and the deployment of troops to fight in Iraq. Even within the PP there was disagreement about the war. And I have heard from opponents to the war that despite the alliance with the United States and being against the Iraqi regime and politics, they were against sending troops to engage in fighting. The decision was therefore dangerous, but it expressed a majority of both the people and the political groups. Even those supporting a confrontation with Iraq did not want to go to war, but would have rather seen steps taken by the international community.

Q: I know there is much history that unites Spain and the Arab world. Iraqis were therefore surprised that Spain allied itself with those sounding the drums of war. The Iraqis might feel relieved that Spain has taken less restrictive steps and has decided to open its Embassy in Baghdad. What does Spain hope to achieve with this move?

A: I totally agree with you. I personally witnessed periods when the relations between our countries were good, and we have sincere respect for the Iraqi people. We took the initiative of opening our Embassy in Iraq in 1997 when the international diplomatic representation was scarce there due to the situation. The decision was dangerous and we were criticized by Kuwait, the United States and others. They were surprised the Embassy was opened and a diplomatic representative was sent. The directives they were given at the time specified that they were to preserve the geographic unity of Iraq, to help the Iraqi people, and to improve the situation of Iraqi human rights and political dialogue.

Q: Do you still keep to these principles concerning Iraq?

A: I think so. In my opinion, going to war and invading Iraq, destroying the country and occupying it was not the right decision and I was against it. I think there were members of the Iraqi regime who probably did not do enough to deter the war effort due to their behaviour to the international community. These ideas were shared by a majority of people here and in Europe. We were against the politics of the previous regime, but we do not support the destruction of the country and its people.

Q: What are your expectations for the near future in Iraq? Particularly now that the Embassy of Spain has been officially reopened, and you are expected to join it soon. What is keeping you from joining it now?

A: Perhaps the security situation. I did join the Embassy and then I was asked to come back. The decision was, of course, administrative, and not political.

Q: What are your plans for the near future?

A: Despite the fact that the current political situation in Iraq is not clear and complicated, I feel optimistic because of the Iraqi people. The Iraqis I met are a great people with a glorious past. They constitute an example in their capacity to exercise their democratic rights. Their extensive participation in the elections and in approving the project of the Constitution gave me hope that in the next elections in December (2005) an international institution will take Iraq on a path to normality and national reform.

Q: So you are optimistic?

A: Not very much, but I have confidence in the capacity of the Iraqi people to decide their future. There is sectarian strife, plus external and internal attempts to keep those flames going. There are factions in the country that do not believe the draft of the Constitution will achieve justice for the people and that it is not aimed at reforming the situation in Iraq. This means more violence. In addition to this, the war has caused damages to the economic and environmental structures that have rendered living there very difficult. There is great necessity to help in reconstructing the infrastructure and the healthcare system. We look at all this with care and we profit from the fact that this Conference is being held in Madrid to establish a plan for Iraq, which may include grants that would help in the rehabilitation of schools, hospitals, and other. Based on the news we obtain from our Embassy in Iraq, what is most worrisome to me are the living conditions of many Iraqis. Concerning the initiatives we should take, we want to make this a priority.

Q: The community of scientists and researchers is among the important social groups in Iraq which suffered tremendous consequences during the embargo and the war. Iraq always took pride in this community because of the role it played in building the future of the country. The community is composed of 11,000 researchers from different fields, who currently are suffering from unemployment, and even forced emigration and liquidation. What can Spain do to help construct a new Iraq after this critical period?

A: I agree with you completely. Iraq is known for the intellectual and scientific capacity of its people, and we look at this situation with care. We have a list determining our future actions to help Iraqis in overcoming this present crisis. Perhaps one of our first priorities is preserving the unity of Iraq's territory and people, and helping improve its environmental and living conditions through the reform of its infrastructure and the rehabilitation of education and healthcare. Of course, scientists have an important role to play in this project. Regarding this issue, the conclusions we will reach in this Conference will help us define the legal and administrative structures with respect to the project and its instruments.

Q: We are aware that the destruction taking place in Iraq is not only affecting its infrastructure, but is also destroying the mental and psychological capacities of the Iraqis. The sectarian strife and violence witnessed today are a consequence of this destruction. In light of the struggle that is taking place today on the Iraqi scene, do you think Iraq will maintain its national unity?

A: I hope so, for the sake of the Iraqis, of the region, and international peace. The separation of Iraqis will imply a severe social rupture: Whether they are Arabs, Kurds, Christians, or Muslims, Iraqis have been living together for long centuries and not as factions. And a society of this kind is difficult to divide.

ABOUT THE TOLEDO INTERNATIONAL CENTRE FOR PEACE

(www.toledopax.org)

The Toledo International Centre for Peace (CITpax) seeks to contribute to the prevention and resolution of violent or potentially violent international or intra-national conflicts and to the consolidation of peace, within a framework of respect and promotion of Human Rights and democratic values. Thus, the CITpax contributes to the establishment of cooperation pathways and communication channels between the parties involved, governments, NGO's and representatives of all sectors in the civil society.

ACTION PATHWAYS

In order to achieve its objectives, the CITpax employs various tools specially designed for each particular situation, including the following:

- **Second Track Diplomacy**, through the direct facilitation in negotiation processes between relevant political and economic actors, in conflicts where a dialogue pathway becomes necessary to complement or break the deadlock in the official track.
- **Multi-Track Diplomacy and Dialogue Facilitation**, through the creation of dialogue platforms among scholars, experts, activists, local authorities and governing bodies, as well as assisting the development of peace-building capacities in conflict areas.
- **Field Projects**, aimed at improving the capacities for conflict prevention and resolution through confidence-building, research and advocacy of feasible peace policies.
- **Research and Policy Development** of peace-related issues.
- **Professional Development and Training**, seeking to enhance the capacities of practitioners from different institutions working on peace-related issues.
- **Public Awareness and Advocacy**, through information dissemination, policy-oriented publishing and participation in the public debate.

PROGRAMMES

Notwithstanding a progressive extension of its working field to other areas, such as Southeast Europe, the CITpax current activities and projects are divided into three main programmes: two geographical programmes, one centred on Africa and the Middle East, and the other on Latin America, and the Conflict Prevention and Resolution Programme, which thematically complements and supports the regional programmes.

Conflict Prevention and Resolution

The programme concentrates on the study and support of negotiation processes and peace agreements, as well as on the facilitation and elaboration of recommendations to those countries going through post-conflict situations. CITpax's activities, which are based on the idea of human security, fall within a long-term global perspective. Thus, the projects designed within this programme intend to contribute to building and consolidating peace in those contexts where violence has been formally overcome.

It also aims at formulating strategies that may prevent potential conflicts by trying to address the causes and by proposing solutions for their symptoms. The programme will also study and analyse multinational peacekeeping interventions and work to improve the tools for training those professionals that participate in peace operations. This includes UN Peacekeeping Operations as well as other multilateral interventions that result in regime change and/or post-conflict reconstruction focusing on both civil-military relations and the civil roles conducted by military personnel.

Areas of the Programme:

- International civil administration
- Rule of law, institution-building and strengthening of democracy
- Transitional justice
- Humanitarian assistance
- Electoral processes
- Disarmament, demobilization and reintegration (DDR)
- Strengthening of civil society and support for the most vulnerable sectors
- Early responses to crisis situations
- Socioeconomic dimension of conflicts
- Regional dimension of conflicts
- Development Cooperation as an instrument for conflict prevention and peace-building

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Africa and the Middle East

CITpax is involved in the following activities in Africa and the Middle East. In the Palestinian-Israeli conflict, CITpax is exploring Track II diplomatic tools to enhance ongoing negotiations and the status of the peace process. The Programme also intends to progressively address some of the core challenges of the region such as peace perspectives between Syria and Israel and the conditions for the establishment of a cooperation and security system in the Middle East. Addressing regional conflicts, discreet efforts are being made to bring regional parties to explore venues for strengthening local peaceful resolutions. Focusing on the reconstruction of post-war Iraq and the enhancement of civil society in

several countries in the Middle East, CITpax is also engaged in the North Africa context, with an emphasis on the Western Sahara conflict and the future of economic integration in the Maghreb.

Areas of the Programme:

- Regional Stability in the Middle East
- Emphasis on the Palestinian Israeli conflict
- Economic Integration of the Maghreb
- Transition to democracy

Latin America

CITpax activities in this area include second track diplomacy aimed at bringing together conflicting parties; the promotion of dialogue to build up consensus; field missions for the identification of problematic issues in tense areas and political research on questions that could have a negative effect on democracy in Latin America. In particular, the programme focuses on the Andean Region with an initial emphasis on Colombia. It promotes confidence building initiatives and facilitates better understanding of the main issues related to the conflict in Colombia. Moreover, the CITpax examines past regional experiences in order to

draw practical lessons to promote initiatives that pursue political dialogue and conflict prevention.

Areas of the Programme:

- Political regional dialogue
- Institutional stability in the Andean Region
- Alternatives to the Colombian conflict
- Promotion of "benign borders"



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