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Transcript

Iraq Ten Years On: Iraq 2013: Achievements and Challenges

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Jeremy Greenstock:

Good morning, everybody. Into session one, on Iraq's achievements and challenges. You've already had an expert and succinct preface to that. We will try to get into more detail in this session.

We have with us two Iraqis, one at the centre of government. Dr Safa al-Sheikh is the deputy national security adviser. Dr Faleh Fayad, the national security adviser, apologizes – he's been called to a piece of business, and his deputy has very kindly taken his place. So you've got an insider view in Baghdad.

Ambassador Feisal Istrabadi was part of the effort to create the new Iraq when I was there in 2003–04, particularly as part of Adnan Pachachi's group in looking at the transitional administrative law. After that he went as ambassador and deputy permanent representative to the United Nations in New York between 2004 and 2007. Since 2007 he's been visiting professor at the Indiana University School of Law. He will give us a view of the Iraqi diaspora from outside Iraq.

We have, to give a different perspective, Dominic Asquith, who was in the Coalition Provisional Authority in the first year of the new Iraq and has since been ambassador in Egypt, ambassador and representative of the British government in Libya recently, and still involved very much in the creation of British policy in the Middle East.

We're going to take up some of the themes that you've already been listening to. I'd like to take five to seven minutes' worth of presentations from these three gentlemen in the order that I introduced them, and then we'll get into questions and comments from the audience.

I think this session must dig a little deeper into what is going on in Iraq and what is the promise for the future, as we've been enjoined to do in Simon Collis' session. Iraqis find it difficult not to look into the mirror but are exercising an effort of will to look into the future and create something that is sustainable with the opportunity they've got. Perhaps you can think of it as a sort of precursor to the Arab Spring, with changes introduced from the outside, not on the inside, so the internal changes still have to happen. They have to bubble up from the Iraqi people.

But the experiment in Iraqi democracy is a very important part and not separated from what is going on in the Middle East as a whole, with massive political change, because the people now have a voice. How that voice is

being expressed in Iraq and what it will mean for the future is something we need to explore, because the relationship between the people and their government is an equivocal one, is a difficult one, is one that is split by the historical vociferousness of Iraq. We need in this session to explore that and see what businesses can take away, what professionals from outside dealing with Iraq can take away, and what those of you in this audience who are Iraqi, who are extremely welcome in these sessions, can take away for your own country.

Dr Safa, would you like to give us your remarks first? Thank you.

Safa al-Sheikh Hussein:

Thank you very much, Your Excellency. When I was coming to this event, I asked some of my British friends: what are the audience most interested in? They said the question: was it worth it, the invasion of Iraq?

For me to get a meaningful answer and to avoid being lost in the details, we need to answer two more questions. Firstly, what would have happened if the coalition did not invade Iraq in 2003? Secondly, what are the principal challenges that would face regime change with or without external intervention in Iraq?

If the invasion of 2003 didn't happen, most likely there would be two probable scenarios. The first scenario: nothing happens, sanctions continue. I was in the military and I witnessed the three wars: of Iraq with Iran, of the first Gulf War and the second Gulf War. More than 100 million people were killed [*sic*] during these wars. The infrastructure was destroyed, the army was destroyed. But I can sincerely say it is nothing compared with the sanctions we had for 10 years. The number of people who died because of the sanctions was between 1–3 million, from different statistics, mostly the weak population – children and the elders. Society was changed. The middle class almost disappeared. We had many social and psychological diseases in the society which we face now and I think we will face for years to come.

The other scenario that is probable, and maybe more probable: that Iraqis would revolt at some point, just like the other Arab countries did. Some people make the analogy of what would have happened if the Iraqis revolted without external help with what happened in Syria. We don't need to go to this analogy. The Iraqis have already risen up and made a revolt in 1991, and in a matter of a few weeks more than 100,000 people were arrested, were killed,

or arrested and executed. So we can figure out a longer term of revolution against the regime.

My second point is that if the Iraqi regime was changed without external intervention, the aftermath would not be less painful. My take is that the crises we face are a product of three sets of factors: the legacy, the geopolitics and the syndrome of democratization.

The legacy: the new regime in Iraq, just like other regimes in the area, faces a legacy of deep and difficult social, economic and demographic problems. Solving these problems needs reforms but takes a much longer time than regime change, and exceeds people's patience.

The geopolitics: Iraq is in the middle of a US–Iran confrontation in the Middle East, an Iranian-Saudi struggle for hegemony, and an Iran–Turkey competition on spheres of influence. The rise in the extreme Salafist political Islam is another challenge that shapes the environment Iraq is in.

What I meant by the syndrome of democratization, I was referring to a change in the wealth and power distribution between the communities and the problems related to that; the unleashing of ethno-religious centrifugal forces that tend to divide the society; and thirdly, a security vacuum. These are a recipe for a long, painful transition period.

Having mentioned the challenges, it is fair to mention the progress that has been done. The Iraqi constitution sets the principles of real democracy. If you have any complaint you can blame Mr Feisal, because he is one of the authors.

Feisal Istrabadi:

I wrote the interim constitution, not the permanent constitution. Don't blame me.

Safa al-Sheikh Hussein:

It was the mother of the constitution.

Feisal Istrabadi:

Mother and father are not the same thing!

Safa al-Sheikh Hussein:

Also, Iraqis do enjoy today unprecedented freedoms, to include freedom of speech and the media. Authoritarian rule will not come back. Iraq has made progress in democracy, relative to the region, in terms of fair elections, separation of authorities, and distribution of power. Also, Iraq is repairing its ties with the Arab countries. It has solved many of the problems with Kuwait. Its relations with Jordan are much improving. It is emerging, I hope, to be a stabilizing country in the region. Also, for the first time in five decades, Iraq is coming closer to the West, in terms of economic and strategic relations.

I conclude by returning to the question of: was it worth it? We may have different answers for this question, but for me I would like to thank the British people and government for the sacrifices they made to get rid of Saddam's regime, and their continued support and assistance. I sincerely express my gratitude to the families of those who were on duty in Iraq. Thank you.

Feisal Istrabadi:

It's a pleasure to be here. I have to say, I'm a bit confused: for years I've been attending conferences and being told that we're operating under 'Chatham House rules'; now I come to Chatham House and it's a public event and everything's on the record.

Jeremy Greenstock:

'Rules' is in the plural, Feisal.

Feisal Istrabadi:

I guess it is, yes. I'm a lawyer, I look for the singular. In any event, I'm delighted to be here and delighted to be with Sir Jeremy again.

We're a panel on achievements and challenges. I have to say, I'm going to be waxing a bit more about the challenges, I think, than the achievements. I take it the principal achievement is the removal of a despotic regime, of a genocidal regime. That really is an achievement for, say, the first year. Ten years on, it's not much of an achievement to boast about, it seems to me. So what I would like to focus the balance of my remarks on is an assessment of where we are in terms of progress toward the establishment of constitutional democracy, economic reconstruction and the reestablishment of social cohesion. There are other things we could talk about but time won't permit –

perhaps we can in question and answer – in terms of foreign policy, regional policy in particular.

But I have to say, in my view, taking those three factors into account that I've just mentioned, I think that the last 10 years in Iraq have so far been a dismal failure. Indeed, it would be almost a comical failure had not the loss of lives been so high. In the Western media, of course, we are accustomed to seeing the report of the loss of Western lives; too often in Western media is forgotten the hundreds of thousands of Iraqi lives lost in the last decade.

Let me look at the issues in the realm of constitutional democracy. I'll try to go quickly.

I have to say, as a lawyer, there is in Iraq now, theoretically, no constitutional democracy as a lawyer would use that term, or perhaps, as a political scientist would use the term – although I'm not a political scientist so I shouldn't say it, but as a lawyer would use the term. What we have in Iraq is, theoretically, sort of a purely majoritarian democracy at best. I'll get to that part of it a little later. The will of the majority is constitutionally enshrined; I see very little by way of protections for minorities, in particular for political minorities, in the country. We can talk more about that – the time here is very limited.

There has been, as a matter of praxis, no sense of the orderly, peaceable transfer of power. Yes, we have had elections, but the notion that elections have consequences – as they like to say in the United States – is, I would argue, missing.

In a very real sense, the decision-making process in Baghdad still follows the same sort of pattern that is left over. There is problem – this is something I'm rather interested in – there is a sort of a constitutional legacy in Iraq that dates back to the first British involvement in Iraq, if not earlier. You sort of see certain things continuing despite regime changes, despite coups, despite foreign military interventions in this case, so that you have a process of centralization – or at least the attempt to centralize decision-making – in the prime minister's office, and away even from ministers and from the council of ministers.

We know, for instance, that there are armed and security forces that report directly to the prime minister, that do not go through the legal chain of command. This has proven to be a huge problem. We know that even senior officers have had their prerogatives withdrawn. We know that army units have been moved around the country without the knowledge of senior officers. The same patterns, in other words, continue to re-emerge in the post-2003 period.

The ordinary courts of Iraq have been eviscerated in ways that even the previous regime failed to – actually the previous regime sort of ignored the regular courts because it established a system of extraordinary and special courts, leaving the ordinary courts alone. The courts have now been corrupted and have become sort of a tool of the executive. I will cite the foreign minister of Iraq – if you noticed the *Financial Times* article over the weekend, he stated that parliament acts like the government, which I must say is a rather dismissive attitude towards parliamentary oversight. But this is the foreign minister, Hoshyar Zebari, saying – and I'm quoting now from the *Financial Times* article: 'Parliament acts like the government, and the executive interferes in the work of the judiciary.' I think that's a damning admission as we move on, 10 years after the liberation of Iraq from the previous regime.

It's been mentioned in the question and answer – we have the sitting vice president of Iraq a fugitive under multiple death sentences. We have an arrest warrant for the former minister of finance, Rafi al-Issawi. Sinan al-Shabibi has been removed in an extraordinary way – this is the governor of the central bank – while he was officially heading a delegation in Tokyo. He was removed from office, allegedly for corruption – and indeed the anti-corruption system has been used repeatedly as a political weapon in Iraq.

In terms of economic reconstruction, let me just say very quickly – and this is not really my field – we have no services, no electricity. This is the 11th summer for Iraqis – and my comments now are for outside the Kurdistan region, for the part of the country that is under the control of the Baghdad government. What economic development there is, as the ambassador mentioned, in Basra and other places, has been local initiative – as the ambassador I think also suggested. It has not been the initiative from Baghdad.

The problem with all of this is that the inability of the state to provide services and the corruption of the government of Baghdad is in fact implicating the legitimacy of the Baghdad government in the eyes of the regions and the provinces, as the ambassador suggested, so that there is now talk of decentralization. This is not a positive development in itself. It's a reaction to a sense of the delegitimization of the state.

Finally, I would say that there is no sense – I mean, here we are, 10 years on, and there has been no effort to engage in political reconciliation. The government seems to be resistant to notions of engaging in reconciliation, is resistant to the idea of power-sharing, I would argue. While it is true, as the

ambassador said in his keynote this morning, that the violence is not what it was in 2006 and 2007 – remember we were having thousands of bodies turning up, thrown in the streets of Baghdad in 2006 and 2007 – again, that's rather a low bar to compare against.

I'll end with this, and let me speak in broad terms here – let me talk about the Sunnis of Iraq; I don't have time to define my terms more narrowly. If you are Sunni, you boycotted the first elections in 2005; what you got out of the elections was a Kurdish president, a Shiite prime minister and a Sunni speaker. You participated in the second elections in 2005 but you elected your own sectarian candidates and you got a minority, and there was a Kurdish president, a Shiite prime minister from the same party, and a Sunni speaker. Then in 2010, you rejected your own sectarians. You actually won a plurality of the seats. But the power distribution was identical.

Now, if you're a sheikh in Anbar, or somebody disaffected in Ninawa, what's your response? And if you come to the conclusion that the political process means nothing to you – because whether you participate or don't participate, whether the party you support wins more seats than other parties or whether you are wiped out, you are not really effecting change in Baghdad – what are your options? I think that is something which really ought to keep policy planners awake at night.

I had more to say but I don't have time. Thank you very much.

Dominic Asquith:

Observing the twin disciplines of brevity and perspective, given what's happened over the past 10 years in the region, I want to try and meet two targets in what I say. Firstly, remind ourselves what were the preoccupations roughly at the midway stage between 2003 and today, because that was the stage at which Iraq was at its lowest. And then suggest a number of considerations that we might want to keep in mind as we look forward.

On the first, the Baker-Hamilton Iraq Study Group report strikes me as a pretty reasonable midway marker, not least because it sought to challenge some of the established policy. I remember very well the atmosphere of deep pessimism when I met them. Among the common concerns at that time were that we were staring anarchy in the face and constructing a political process by playing on the ethno-sectarian divisions.

The prospect was of chaos, which would trigger the collapse of Iraq's government; the dissolution of the country's fragile unity; escalating ethnic

cleansing; a humanitarian catastrophe as refugees internally and displaced across borders as well, the numbers mounted; the inability of the Iraqi security forces to provide non-sectarian security; the refusal of Iraq's neighbours to help build stability in Iraq; region-wide Sunni–Shia clashes; the expansion of Al-Qaeda's base of operations; increasingly and dangerously polarized views in the societies of the countries that were partnering Iraq. All that is there in the Baker-Hamilton report to remind ourselves what was the situation.

Among the study's priorities were enhancing stability at a time when militias, death squads, terrorist groups, sectarianism and criminality were rampant; encouraging an Iraqi government to move forward with national reconciliation, to provide basic security, and to deliver essential services; and protecting America's – and read for that, coalition partners' – credibility, interests and values while withdrawing combat forces from Iraq responsibly. On some of those challenges, things are indeed better and reflect a trend. But Iraq unquestionably remains vulnerable to most of those risks, even if the intensity of the concern has abated.

How those risks are addressed has also changed, although the underlying requirement for trust and for consent remains as imperative now as it was then. There can be, in my view, no sustainable solution if it is indeed true that the Iraqi diaspora in 2013 is larger than it was in 2003. You've got to think of what the reasons are for that.

Five years ago it was assumed to be a major responsibility of the coalition to build a regional consensus in support of Iraq. In my view, the Arab uprisings have profoundly altered that assumption. Countries in the region are engaged in influencing outcomes themselves, so what sort of partners are they? Five years ago, it was assumed that Iraq on its own could not achieve security and national reconciliation within Iraq. Should we recast that assumption today? Five years ago, the balance of judgment was just in favour of the conclusion that it was in Iran's and Syria's interest – or they saw it as in their interest – to avoid chaos in Iraq. Has that judgment shifted?

There are other important ways in which the manner and the context in which we need to address the challenges have shifted. So my nine considerations, largely but not exclusively directed at Western policy-makers, are influenced by the perspective of the lessons we should learn from Iraq and from the Arab uprisings. I've given nine because everyone is going to have their tenth.

The first is time frame. Be realistic about it, communicate and resource for the long term. I remember the requirement in November 2006 to have a

reconciliation plan in place and delivering definitive results in six months. I pointed out that that would be 20 times faster than in Northern Ireland, which was relatively easy compared to Iraq. Now Arab Spring countries have demonstrated that even when the West had no or little role in the upheaval, stability after that upheaval takes a long time.

Timetables – different from time frame. Just because it fits your political timetable doesn't mean it's right. The US congressional benchmarks of progress frequently prompted mistaken decisions. Too often – Jeremy, you said this yourself and I agree 100 per cent – too often decisions were taken in capitals for coalition but not for Iraqi reasons.

Observe the realities. Ambition is important, as Tony Blair would tell me every day, but you can't ignore the realities. Get clear what the realities are, the degree to which there is or is not a sense of nationhood or shared history, the absence of a non-sectarian, national, representative centre party comfortable with its neighbours. Integration in the region is a two-way process: Iran is a neighbour with real influence in Iraq. Lack of security prevents effective commercial engagement. Those are realities.

Fourthly, false assumptions, or what I used to call 'it's easy to be brave in Whitehall'. The benefit of a particular course of action may not be so blindingly obvious to someone else as it is to you. The benefits of transparency and independent judiciary, state monopoly of violence, reconciliation, power-sharing, might seem incontrovertible in London and in Washington – until it's apparent that a decision on any one of them might present personal or indeed national risk in country, given the alignment of forces and that very delicate balance between stability and chaos.

Be consistent. There is a presumption in post-conflict management to engage with all the parties and actors, and I think it's a fair assumption. But preconditions are going to be necessary, particularly relating to the renunciation of violence. In which case, ensure that those preconditions are consistent with those applied elsewhere, and that if they are inconsistent they are explicable.

Don't try and do it all. The lead international institution or country – I felt this in Libya very hard – needs to play to its strengths and to allow others to deliver where they are stronger. Real, coordinated, shared effort was my holy grail.

Institutions really matter. An independent judiciary, effective civil service or teachers or healthcare or a strong civil society are what prevents the collapse of regime and collapse of state being synonymous. Building those requires dull, quite time-consuming projects, and political leaders in post-conflict states

are under intense pressure from those whose real agenda is corruption and discrimination.

Eighth, tackle distrust of the West. This is a key one. The ability of Western partners to help is directly determined by the degree to which the host government is comfortable working with them. It is essential for the host government to articulate its vision of the relationship it wants with the West.

Lastly, just because it has lost urgency doesn't mean it has lost importance. Iraq isn't currently top of the league table but it will be back there unless its political leadership builds trust and consent.