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The Meaning of the Referendum on the Iraqi Constitution

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The referendum on the Constitution is only the beginning of a political process to resolve the issues dividing Iraqis along ethnic and sectarian lines. Iraq's factions must now immediately turn their attention to the election to take place on December 15th. There is little time to really explain and debate issues, and this election is likely to be one where most Iraqis vote on ethnic and sectarian lines, with only a small fraction voting for secular and national parties.

The new government cannot formally take office until January 1st, and could take weeks -- or months -- longer to organize. New ministers must then come in, and only then will the key issues that were the focus of the constitution become the subject of real world political battles.

The Key Role of the Sunnis

Much will depend on how many of the Sunnis who voted against the constitution will now attempt to participate in the political process. Polls in June 2005 showed deep divisions among Sunnis as to whether boycotting the January 30th elections was a bad idea. For example, 83% in Baghdad thought it was a bad idea, but only 40% in Ramadi.

In the months that followed, however, more and more Sunnis favored participation in the constitutional referendum. A poll in September 2005 showed that 84% of all Iraqis in the Baghdad area favored registering and voting while only 7% opposed it. The percentages were: 75% pro and 5% anti in the Mosul area, 78% pro and 7% anti in the Tikrit/Baquba area. These percentages were not radically different in the Kurdish area: 79% pro and 6% anti, and the Shi'ite areas in the south: 87% pro and 2% anti.

The turnout was good, particularly given the fact that serious problems existed in distributing ballots and/or knowing which voters should go to which polling places -- especially in the less secure Sunni areas. The turnout was 63-64% of registered voters versus 58% in the January election. This reflected a major increase in Sunni voters since Shi'ite turnout in the south was lower than in January.

The Sunni vote did not reflect a solid bloc, in part because of deep internal divisions in the Sunni community. One Sunni party, the Iraqi Islamic Bloc, did support the constitution -- after obtaining some changes to the text, and agreement that it could be amended by the new parliament. Some strongly opposed it, and hard-line insurgents opposed registering and voting.

The results of the vote are still unclear, but reflect the predictable favorable outcome in Shi'ite and Kurdish areas -- but, *which does not mean agreement on how the constitution is to be completed, interpreted, and enforced*. The Kurds want Kirkuk, oil areas, and secure revenues. The Shi'ites still have to work out the power balance between factions, the role of figures like Sadr, and issues like the role of religion versus secular practices.

The Sunni vote was strongly "anti" in purely Sunni areas -- with "no" votes ranging around 85-95%. (97% in al Anbar). It may have been more favorable in mixed areas. However, problems existed in the Sunni turnout in many areas, including Mosul and Nineveh province because of insurgent threats -- which may explain why 78% of the voters supported the constitution. Similarly, 70% were favorable in Diyala.

The Key Issues To Be Faced After January 2006

It should be noted that an agreement was reached before the referendum that the new parliament would have the right to amend the constitution. Moreover, many provisions are vague or partially contradictory, and 50 out of 130 clauses were not completed before the referendum.

These key issues are:

- Defining federalism, the relative power of the federal regions versus the national government, and demarcating any ethnic and sectarian zones with "fracture" lines in areas like Kirkuk, Basra, Mosul, etc.
- Allocating oil revenues for existing and future fields, and deciding on the future of oil development.
- Deciding who has the power to tax,

- Defining the power of the national government relative to provincial and local government,
- Deciding on the role of religion in the state,
- Deciding on the relative balance of religious and secular law and the power of national versus local courts and law enforcement,
- Deciding who really has power over the police, whether the security forces will become nation, and whether the prohibition of militias will actually be enforced.
- Interpreting the meaning of the human rights provisions of the constitution.

Some further compromises may be possible before the election, but it seems unlikely that most of these key issues can really be resolved before mid-2006. Throughout this period, insurgents will continue to try to block the political process and cause a civil war. Sunnis will have to decide whether and how to participate in the political process, and pre-referendum polls showed sharp divisions over whether to participate by town and governorate.

The Shi'ite majority will have to resolve its own issues about the relative role of religion in the state and Shi'ite militias. The Kurds will have to settle their future role in government, and deal with issues like the future of Kirkuk. Inevitably, there will be debates about who controls the military, security forces, and police, and the role of the Coalition.

The Intensity of the Fighting

The insurgency will pose a continuing challenge.

The data on the intensity of the fighting are mixed. The Bush Administration's October 2005 report to Congress does not show any decline in the number of attacks before the referendum. They totaled some 570 per week during 29 August to October 2005. This compares with about 470 during 12 February-28 August, 515 during the previous election period from 27 November 2004 to 11 February 2005, and a previous peak of 540 per week during 29 June to 26 November 2004.

Average daily Coalition casualties have dropped from peaks of 24-25 per day in late 2004 to around 17 per day during the period before the referendum, but Iraqi casualties averaged around 65 per day during 29 August to October 2005. This compares with about 48 per day during 12 February-28 August, 51 per day during the previous election period from 27 November 2004 to 11 February 2005, and 40 per day during 29 June to 26 November 2004.

Major infrastructure attacks still average around 10 per week. This compares with 4 per week during 12 February-28 August, 5 during the previous election period from 27 November 2004 to 11 February 2005, and a previous peak of 13 per week during 1 April to 26 June 2004.

The Administration indicates that the insurgency is concentrated in Baghdad (500+ attacks from August 29-September 16), Ninevah (190+ attacks), al-Anbar (440+ attacks), and Salah ad Din (300 attacks) Provinces. These four provinces have less than 42% of Iraq's population but account for 85% of all attacks. If one considers population differences, Al Anbar and Salah ad Din provinces are the only ones that average more than one attack per day per 100,000 population (1.85 and 1.65). Baghdad and Ninawa average around 0.4)

Two other provinces have significant attack levels: Diyala (100 attacks) and Al Taming (65+ attacks). They too average around 0.4 attacks per day per 100,000 population.

Only 6% of all attacks take place in 12 of the 18 remaining provinces – which have some 50% of Iraq's population. These provinces had less than 10 attacks each during August 29-September 16th. Aside from Babil, all average well under 0.05 attacks per 100,000 people per day.

A State Department poll found that 88% of the Iraqis polled felt they were safe in their neighborhood and region in the mid-Euphrates region, and this percentage was 81% in Kurdish areas, and 78% in the south. However, 72% of the Iraqis polled in Baghdad, 83% in Mosul, and 45% in the Tikrit/Baquba area said they did not feel safe in their neighborhood and region.

The Growth of the Iraqi Security Forces

Major Coalition military forces will be required at least through 2006. The Iraqi security forces still have many problems, and will not approach "critical mass" in terms of self-sustained war fighting capability until the spring through fall of 2006. They will then continue to need major assistance in training, equipment, sustainment, firepower, armor, air support, and mobility.

Iraqi forces do, however, now total some 192,000 trained and equipped personnel, and are taking over more missions. A total of 116 Iraqi military and special police battalions are now operational -- an increase of 22 over the last three months.

There are 88 operational army combat battalions versus 69 in February and 5 in August 2004. A total of 52 Iraqi Army and Special Operations Battalions are now fighting side by side with Coalition forces, and 36 battalions can play a lead role or fighting independently. This total of 36 has risen from 24 in June 2005 and 21

in March 2005.

The figures for the Special Police Forces total 26 battalions fighting side by side with Coalition forces, and 2 battalions playing a lead role or fighting independently. There are a total of 28 battalions capable of combat operations versus 13 this spring.

Prognosis

This mix of challenges and problems is not a reason to assume that Iraq cannot eventually work out the political compromises necessary to function as a cohesive state, and develop the forces it needs to help defeat the insurgency. However, this outcome is anything but certain.

One thing is certain, it will be at least mid-2006 before the real meaning of the referendum plays out in terms of practical Iraqi politics, and it could be much longer.