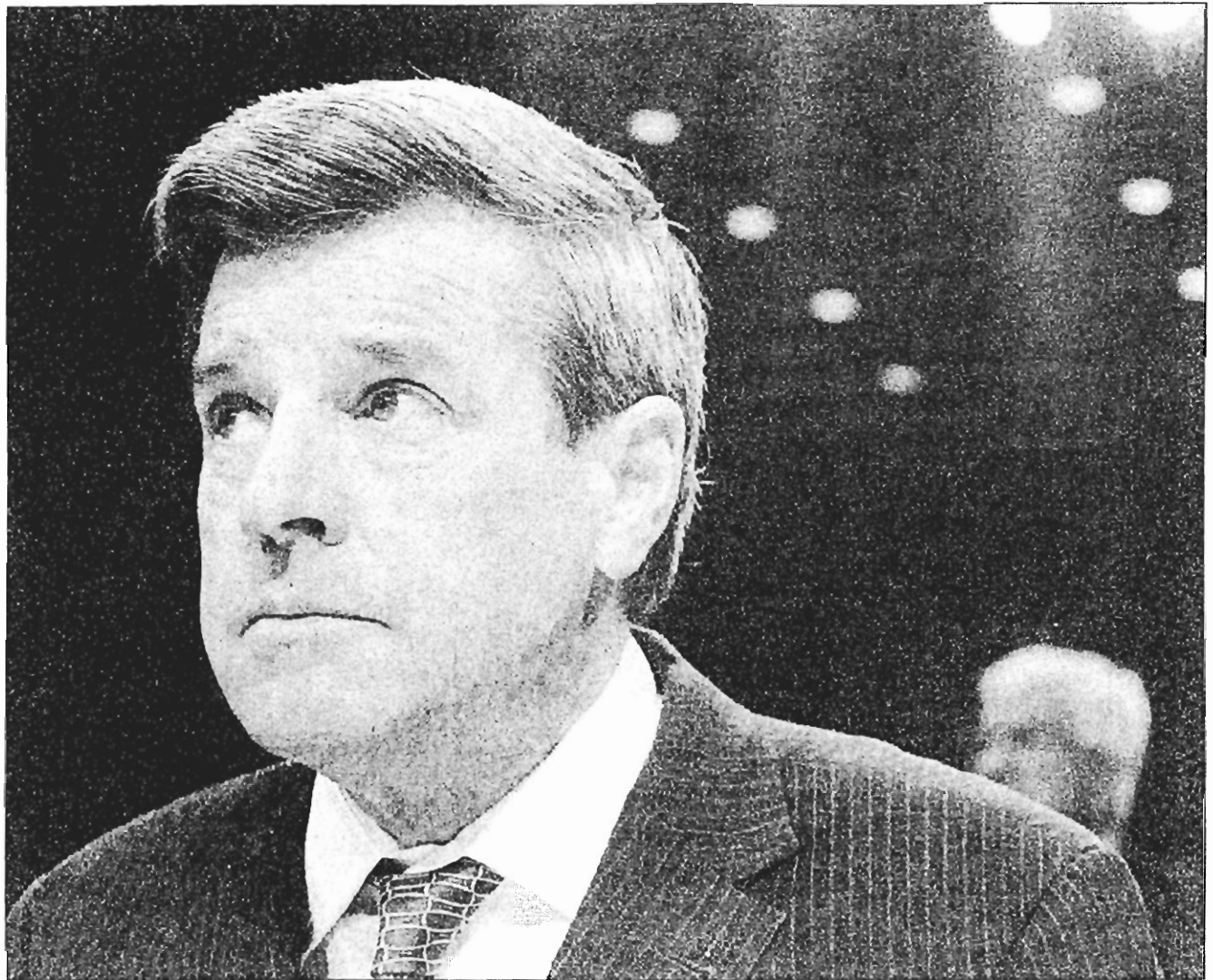


IRAQ



MARK WILSON Getty Images

**BETRAYAL:** L. Paul Bremer III, the U.S. civilian administrator for Iraq, has been influencing the draft for Iraq's interim constitution. The plan ignores promises made by President Bush to the Kurdish leaders.

# The U.S. Is Brewing Up a Disaster for the Kurds

By BRENDAN O'LEARY

**I**RBIL, Iraq — The Bush administration wants to impose an extremely centralized interim constitution on Iraq. That's a recipe for disaster.

The plan of L. Paul Bremer III, the U.S. civilian administrator, will not fly, except perhaps in Arab Iraq. The reason is that Iraq is not one nation but at least two. Some Arabs on the U.S.-appointed Governing Council are making a deal with the Coalition Provisional Authority. Nothing surprising about that. But the

proposed constitution's strong centralized government ignores 13 years of autonomy.

proposed destruction of its autonomy? Not a bit. The draft envisages a weak presidential council of three — with no guarantee of one being from Kurdistan — and a prime minister with more powers than a U.S. president.

Powerful national minorities typically insist on two demands if they forgo inde-

If Bremer presses this draft interim constitution, Kurdistan will reject it. In return for a deal with some unrepresentative Arab politicians, he would alienate the one pro-American community in Iraq — and its armed *peshmerga*. Quite an achievement. But Bremer has no reputation as a diplomat. Visiting

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deal would be at the expense of the Kurds and of Iraq's other nation, the semiautonomous region of Kurdistan. It would sacrifice secular principles, women's rights and meaningful federalism, so Americans should pay close attention to what is being done in their name.

The proposed Iraqi transitional administrative law is the "Pachachi" draft. Quotation marks are needed because its authors — a nephew of Ahmed Chalabi, a Shiite Muslim, and an advisor to Adnan Pachachi, a Sunni and a member of the Governing Council — mostly transcribed, word for word, passages from Bremer's papers.

The draft is no home-grown interim constitution that can subsequently be blamed on the natives. It was composed via the White House — and betrays the promises made by President Bush to the Kurdish leaders who organized the sole indigenous military support for the liberation of Iraq.

The Pachachi draft would create a "federation" far more centralized than what we have in the United States, reflected in its persistent use of "central" to refer to the interim government. It would make federal law supreme in all matters the central government deems within its sphere. So much for states' rights. It would make Kurdistan a subordinate level of government — not a co-equal partner in a voluntary union. It would give the central government exclusive competence in security, military and defense matters (ignoring Kurdistan's determination to have its own national guard). The central government also would control natural resources and determine fiscal, monetary and wage policies. It would eliminate Kurdistan's judiciary and prevent separate judiciaries in the federation's units. Imagine California having no separate state judges.

These provisions would extinguish 13 years of Kurdistan autonomy, established after the U.S. failed to support the Kurds' uprising against Saddam Hussein in 1991.

Is Kurdistan compensated for the

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pendence: territorial autonomy and guaranteed power-sharing in the federal government. The Kurds are guaranteed neither, which is why they have rejected the draft.

Kurdistan wants five provisions incorporated in the interim constitution to defend its autonomy. First, the protection of its existing territory and powers, except those appropriately delegated to a federal government. These rights must include the ability to opt out of federal laws — for example, laws that don't uphold the rights of women. Second, the expansion of its territory to include contiguous Kurdish-majority areas, either through a census or fairly conducted referendums. Third, local control over security, including the right to veto the deployment of Iraqi armed forces and intelligence services. (Eighty years of oppression, torture, forcible expulsion and genocide by Arab-dominated armies and police dictate nothing less.) Fourth, local control over unexploited natural resources. Finally, full fiscal autonomy, but with cooperative arrangements with the rest of Iraq.

Kurdistan seeks full recognition as a constituent co-nation of Iraq, which should be acknowledged in language laws. A fair share of political power is mandatory in the federal government — in the collective presidency, in the allocation of ministerial portfolios and in bureaucracies. Its judiciary must preside over its own bill of rights, a situation more progressive than any contemplated by elderly Muslim men in Baghdad, and have the capacity to block intrusions on Kurdistan's autonomy. Finally, Kurdistan must separately ratify the future federal constitution.

These are not unreasonable requirements for a people who prefer independence. The Baathist regime pursued Arabization, which included expelling Kurds from Kirkuk, moving Arab settlers from the south to the north and genocidal gassing. Kurds resisted, and don't want soft Arabization instead. They will accept federation only if it guarantees no repeat of their historical mistreatment and the substantive capacities associated with independence. Bremer is mistaken if he thinks Kurdistan's leaders can accept some version of Pachachi's draft. If they did, they would lose their jobs — and perhaps their lives.

no reputation as a diplomat. Visiting Kurdistan, he asked, "Who is that?" on seeing the portrait of Mustafa Barzani, the late Kurdish freedom fighter. This is analogous to a foreign diplomat asking, "Who is that?" on seeing the portrait of George Washington.

What guides Bremer's thinking? Oil management is part of the story. Despite widespread criticism of centralized *rentier*-oil regimes, he believes that a federal government with monopoly jurisdiction over oil production and its revenues is the best model available. Politically, Bremer feels driven to appease Iraqi Arabs and wider Arab public opinion. Instead of building on Kurdistan as the most democratic unit in Iraq, he has sided with those anxious for a quick exit and whose focus is on the U.S. presidential electoral clock. The administration's deference toward Turkey, Iraq's neighbor, also constrains him. But why it defers to a largely unreformed Turkey in the post-Soviet world, especially when Turkey didn't back the U.S.-Iraq war, defies understanding.

However, what may ultimately be driving Bremer's Coalition Provisional Authority to recentralize Iraq is a bad idea: that binational federations don't — and can't — work.

The fact is, some do, provided they are voluntary pacts and they combine effective self-government for nations within their territories and power-sharing for all within the federal government.

The Canadian federation is binational and bilingual. It has a distinctive society in Quebec — both in its legal system and ethos — but divides up English Canada symmetrically. It permits differences in its provinces' policies. It leaves provinces in charge of natural resources but has formulas for revenue-sharing.

Canada has had no civil war and has been self-governing since the United States survived its Civil War.

Bremer rejects such analogies without argument, though his officials mutter, "What about Quebec?" Indeed. Quebec has not seceded from Canada, yet. And if it did, it would happen peacefully, and Canada would have had a remarkable 150 years of cooperation.

Bremer has deliberately sought to preclude the discussion of alternative models of federation.

Closed minds usually trap themselves.

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## Sistani's Call for a Direct Vote

[Sistani, from Page M1]

tion Provisional Authority has left him untainted in Iraqi eyes by any collaboration with the Americans. Yet he supported Saddam Hussein's overthrow because he and his followers were among the primary beneficiaries of the tyrant's exit. As a result, Sistani is in a position to lead Iraqis to democracy, rather than the U.S. imposing it on them.

Finally, for an administration determined to bring democracy to the Middle East through regime change in Iraq, Sistani offers a lesson. The reverberations

recently appealed to Sistani to intervene in Iran's electoral dispute between conservatives and reformers. They were inspired by his "courageous" call for "free, fair and direct elections" in Iraq.

We shouldn't delude ourselves into thinking Iraqi democracy is just around the corner. Sistani knows the U.S. presence in Iraq is necessary to the future. Although seeming uncooperative, he has been careful to control his followers and discourage them from rampaging in the streets in support of his demands. The U.S. must make sure he doesn't change

nothing but a ploy to ensure Shiite domination in Iraqi politics.

The Bush administration has no choice but to seek a compromise with Sistani, because it has lost the caucus argument in Iraq. But from purely narrow electoral calculations — after all, the administration picked June 30 for the transfer of power for political reasons — postponing Iraqi elections until after the U.S. presidential election may enable President Bush to stave off criticism of his Iraq policies during the campaign. Sistani has offered as much. All that's