

JIC Assessment, 15 September 2005

IRAQ: THE DRAFT CONSTITUTION AND SUNNI VIOLENCE

This paper was discussed and approved by the JIC at their meeting on Wednesday 14 September 2005.

Key Judgements

- I. Many leading Sunni figures are unhappy with aspects of the draft constitution. The most significant Sunni groupings – the National Council for Dialogue (NCD) and the Muslim Ulema Council (MUC) are likely to campaign for a “no” vote in the referendum. At the grass-roots many Sunnis wish to vote: most who do are likely to reject the draft.
- II. It is unlikely that the Sunnis can mobilise a two-thirds majority against the draft in the requisite three provinces. Apart from demographic uncertainties, their chances of success will depend on their ability to agree a common strategy and get out their vote. Even if they succeeded in this, the Sunnis would still probably need some Shia support.
- III. Actions of the insurgents will be critical to the size of the Sunni vote. The hard core of the insurgents – whether jihadists, Ba’athists, or nationalists – see the political process as a threat and will try to disrupt the referendum. Their continued violence will inhibit the turnout by Sunnis; less so by Shia.
- IV. Some figures from groups such as the NCD and the MUC have links to some Iraqi Sunni Arab insurgents. A decision by them to campaign for any participation would be a test of their influence. They would be unlikely to persist in the face of insurgent threats.
- V. In the likely event that Sunni voters fail to block the constitution, their perceptions will be reinforced that the political deck is stacked against them. Sectarian divisions will be exacerbated; support for the insurgency will harden. The hard core insurgents are likely to step up attacks to counter any perception that they have failed again to derail the political process. In the short term violence will increase.

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This paper was commissioned by the Iraq Senior Officials Group.

Violence steadily rising

1. The acceptance of the draft constitution by the Transitional National Assembly on 28 August was not marked by a surge in violence, unlike previous symbolic political events. But the overall level of violence has been rising steadily, from an average of around 300 attacks a week during the post election "lull" in March to approaching 600 a week in August. Most reported attacks continue to be low-level, targeting the Multinational Force (MNF) using small arms and improvised explosive devices. The violence can be escalated locally, the fighting in Tall Afar being the latest example. Insurgents have also refocused efforts on attacking the oil and power infrastructure: the number of such attacks in August was the highest so far this year. A stream of suicide bombings, mainly against Iraqi targets – the Iraqi security forces (ISF), Shia and other civilians – continues to cause significant loss of life.

2. Sectarian violence permeates the insurgency. Its scale is difficult to judge. MNF figures of around 6 incidents a week are vastly under-stated: intelligence indicates that sectarian intimidation and violence is much more widespread (that is certainly the perception of many Iraqis). Among the Sunni, accusations of involvement by the ISF are common - and in some cases correct.

Sunni political attitudes

3. We judged in [a JIC assessment on 14 July] that winning over Iraq's Sunni Arab population was the key to reducing the insurgency over time. Sunni buy-in to the draft constitution was the first hurdle leading to elections in December. The initial reaction of leading Sunni figures has been at best mixed. Intelligence confirms diplomatic and open source reporting that many are unhappy with aspects of the draft. Key disputes have been over federalism (fuelled by Sunni perceptions that the Shia will follow the Kurds in freeing themselves of control from Baghdad); the relationship between the centre and the regions in controlling natural resources, particularly water; how to articulate Iraq's relationship to the Arab world (particularly sensitive to the Kurds); and a Sunni fear that continued pursuit of de-Ba'athification will be exploited to exclude them from government. [...]

4. Amendments to the draft since 28 August, for example to strengthen wording about Iraq's Arab identity, may bring on board more Sunni ministers and minor political groups, such as the IIP. The more far-reaching concessions demanded by the NCD and others have not been met. Grass-roots Sunni intentions are difficult to gauge. Intelligence suggests many Sunnis wish to vote and overall voter registration is reportedly higher than in January. The position in largely Sunni provinces is less clear, but in Anbar province the registration period has been extended. Most Sunnis, if they vote, will follow the wishes of local leaders, whether secular or religious. At present we judge that most will vote "no" in next month's referendum.

5. The modifications made to the draft constitution are unlikely to be sufficient to overcome the opposition of the most significant Sunni opinion formers – the NCD and MUC. The form this opposition will now take is unclear. Some hardliners may push for non-participation in the referendum; the more moderate, wary of repeating the failure of non-participation in the January election, will probably campaign for a “no” vote or keep their views ambiguous. We judge that the Sunnis are unlikely to be able to mobilise the two-thirds majority in three provinces required to veto the draft: some Sunni leaders are also not confident that they can. Apart from demographic uncertainties, their chances of success will depend on their ability to agree a common strategy (hitherto an elusive goal); and to get out their vote.

6. Even if they succeed in this, the Sunnis would probably still need Shia or other support to achieve a blocking majority. [...] But if al Sadr did seek to strengthen his nationalist and anti-Coalition credentials, by coincidentally aligning himself with Sunni rejectionists, he would risk confronting Grand Ayatollah al Sistani and mainstream Shi’ism. The jihadists would also react violently to such an alignment. We judge that al Sadr will try to keep his options open for as long as possible, but ultimately he will not oppose al Sistani.

Insurgent reactions

7. Actions of the insurgents will be critical in defining the size of the Sunni vote but it is unclear how it will affect the outcome. In the January elections their campaign of violence and intimidation contributed to preventing any meaningful vote in the Sunni heartlands. Intelligence indicates they plan to do the same in the October referendum. The portents are not good: there have already been attacks on voter registration centres. The referendum also coincides with Ramadan which in the past has been marked by increased violence. The hard core of the insurgents – whether jihadists, Ba’athists, nationalists – see the political process as a threat. So long as they remain confident in the progress of the insurgency, they will be more interested in trying to disrupt the referendum than in using it to influence the political process. The draft constitution will have reinforced Sunni fears of the break-up of Iraq and Shia/Iranian domination, and increased their alienation from the political process. The jihadists, in particular those associated with al Zarqawi’s Al Qaida in Iraq and Ansar al Sunna, have made clear their opposition to the referendum in announcements on their web-sites, reinforced by threats against those Iraqis who try to vote. The assassination of an NCD representative on the Constitutional Commission will have sent a clear message to those Sunni politicians seeking political engagement. They will try to disrupt the referendum: their continued violence will inhibit the turnout by Sunnis; less so by Shia.

8. There are limited indications that the political debate is reaching into, and across, the insurgency, although few signs of imminent change in insurgent attitudes. [...] Intelligence indicates that some smaller Iraqi jihadist groups have been contemplating the acceptability under Islamic law of joining secular governments. [...]

9. Some figures from groups such as the NCD and the MUC have links with Iraqi Sunni Arab insurgents, and may seek endorsement of any referendum campaign. They are trying to draw in the more moderate end of the insurgency and capitalise on the enthusiasm of the Sunnis not to repeat the perceived mistake of January. [...] A decision by the NCD/MUC to campaign for any participation would be a test of their influence on the insurgents. They would be unlikely to persist in the face of insurgent threats. If they

persevere, their engagement in the political process may begin to expose potential fault lines in the insurgency. But some will continue to pursue political engagement and violence in parallel.

Will the violence worsen?

10. The ability of Sunni Arab political and spiritual figures to mount a coherent campaign in the referendum is doubtful. They may be able to take a step forward in the political process by at least engaging, and probably mobilising more of a Sunni vote than at the January elections. But we judge that, in the likely event that Sunni voters fail to block the constitution, their perceptions will be reinforced that the political deck is stacked against them. Sectarian divisions will be exacerbated; support for the insurgency will harden. The hard core insurgents are likely to step up attacks to counter any perception that they have failed again to derail the political process. In the short term violence will increase.