

Is Iraq's interim govt 'sovereign' under UN resolution?



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THE Bush administration pledged to transfer "full sovereignty" to the Iraqi interim government on 30th June. The US initiated in the 15-member UN Security Council a resolution that was revised four times before it was unanimously adopted on 8th June. In the 10-page resolution, it incorporated a "road map" of Iraq's democracy by establishing a constitutionally-elected government by 31 December, 2005. The one and half year period will witness Iraq's "sovereign" government going through various democratic processes including the drafting of a permanent constitution.

The UN is to take "a leading role" in political matters but not in security affairs. There will be a close "partnership" between the Iraqi interim government and the multinational force (US forces).

The resolution has been claimed as a diplomatic victory for the US. By giving a stamp of UN's approval, Iraq's new interim government may claim international legitimacy and may occupy the UN seat.

No sooner was the resolution adopted, the leaders of Iraqi Kurds criticized it and even some members threatened to resign from the interim government. This is because the resolution failed to endorse the interim constitution (Iraq's Transitional Administrative Law that sets out Iraq's political future until a permanent constitution is adopted) that recognizes the existing autonomy of Kurds in the north of Iraq.

The resolution did not endorse the interim constitution because Grand

Ayatollah Ali-Al-Sistani of the majority Shi'ite community in Iraq has expressed strong reservations to the "veto" power given to the Kurds in the interim constitution. The adoption of the UN resolution has fuelled a political dispute between Shi'ites in the south and Kurds in the north who are divided over the fate of the country's interim constitution.

Let us first briefly examine how far the resolution makes Iraq's interim government 'a sovereign' one?

Sovereignty has been defined in law books for hundreds of years. It simply means that the authority of a

state has unfettered powers over its political, economic and security matters. Its powers are not limited or controlled by a foreign power. Its authority over its individuals, resources and territory is supreme. The government has exclusive control over external and internal affairs and is the formal actor at the international level.

The test of sovereignty was applied in 1931 whether or not the government of Manchukuo was sovereign. Japan recognized it as a sovereign government of the state of Munchukuo, a province of China, invaded by Japan that set up a government. A Commission was set up to discover the facts relating to its sovereignty. The Commission came to the conclusion that the Manchukuo government failed the test and reported as follows:

" In the government of Manchukuo, Japanese officials advisers are attached to all important departments. Although the Premier and his Ministers are all Chinese, the Japanese officers exercise the greatest measure of actual power".

Likewise, if sovereignty is examined in accordance with the above test, Iraq fails miserably. Why? Because the interim government has

no control over the military operations by the US forces within Iraq and is not in control over Iraq's "oil profits".

The UN resolution makes it clear that the US commanders may only "consult" the Iraqi interim government but they will decide the type of military operations in Iraq. The interim government will not exercise any "veto" over US decisions. Furthermore, the International Advisory and Monitoring Board shall continue to monitor the funds in the "Development Fund for Iraq" a fund established to hold and administer

autonomy since 1991 under the protection of the Anglo-US troops and they do not want to lose their semi-independence status from Baghdad.

Although the resolution provides a "road map" of Iraq's democracy, the Shi'ites and Kurds have conceptual differences over the "federal" character of Iraq. While Kurds want it to be a "confederal" type, leaving full autonomy for Kurds, the Shi'ites demand for a genuine "federal" type so that Baghdad will have a final say on issues affecting Kurds.

In the context of these difficulties,

support of the members of the US-appointed Iraqi Governing Council.

The only qualification the interim Iraqi President and the Prime Minister seems to have is that they are reportedly very close to the US and British intelligence agencies. It is reported that the President spent hundreds and thousands of dollars in Washington to lobby for him to get a berth in the government. The New York Times recently came up with a story that the present interim Iraqi Prime Minister was involved at one stage with the CIA in planning to overthrow or destabilise the Saddam

The answer to the question may rest on three matters. Will any country send its troops to Iraq under the command of the US? Second, will any country share with the US the expenses (already US\$100 billion dollars until this September) for military operations in Iraq? Third, whether the UN will come back to Baghdad?

Preliminary comments from Canada, France, Germany, Russia and India indicate that they will not send their troops to Iraq nor they are to provide funds for military presence of US forces in Iraq. Unless security improves, UN officials will hesitate to return. This means that the status quo in Iraq remains as it is including its dire security situation, despite the adoption of the UN resolution.

Unless the security situation is stabilised, nothing will improve for Iraqi people. The security situation appears to be tied with the presence of US forces in Iraq. Unless the US forces leave Iraq, it is difficult to see how the situation will improve. The Bush administration is in a bind. It cannot leave Iraq until a constitutionally elected government is installed in the country. The election may not occur because of the lack of security in the country. This is a real problem confronted by the Bush administration that did not foresee when it invaded Iraq. The only way for the US to leave Iraq appears to be to hand over security control to the UN "blue helmet" forces.

Conclusion: The UN Security Council resolution has so far failed to provide: a genuine sovereign government in Iraq. It is unlikely to improve material well being and security in the everyday lives of the Iraqi people. Nothing is likely to change until Washington completely reverses its course. It is too much to ask Washington at this stage to change it during the Presidential election year. President Bush may have made a mistake when he chose to invade Iraq as part of war against terrorism. He may not have realized that this war, if war it is, is one that could go on in Iraq so long the US forces remain in the country.

BOTTOM LINE

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the use of Iraq's oil profits.

The US Embassy in Iraq will be the largest one in the world, reportedly having more than 1,000 officials. It is further reported that the embassy will open its offices in every corner of Iraq. The size and the extent of the cover of the US embassy in the country demonstrate very clearly the gigantic and overpowering presence of US in Iraq. Moreover the fact that the embassy will disburse US\$18 billion for Iraq's development will continue to provide a strong leverage for the US in Iraq's affairs for a considerable time.

An intriguing feature is that these controls do not have a sunset clause. The resolution provides that such controls will expire "upon the completion of the political process in Iraq". Given the complexity of ethnic and religious differences among the Sunnis, Shi'ites, and Kurds, it would be difficult to achieve the completion of political processes, in particular the framework of the permanent constitution of the country.

Ayatollah Ali Sistani wants majority to rule in Iraq. This means that the Shi'ites (60% of 26-million of Iraqi population) will call all the shots in Iraq including over the Kurds areas. The Kurds have been enjoying full

there is a view that the multinational force led by the US may continue to remain in Iraq for an indefinite period.

What kind of government has been installed in Iraq?

The UN envoy Algerian Lakhdar Brahimi once announced that the interim government would be composed of "technocrats" and not of "politicians". His plans were effectively derailed by the US administrator in Iraq and the US-appointed members of the Iraqi Governing Council. In that situation, it would have been appropriate for Brahimi to withdraw his UN mission from Iraq. But that did not occur. Why? The UN Secretary General Kofi Annan was reportedly pressurized by the US to keep involvement with the composition of the interim government in Iraq.

The UN had to drop its original plan and support the composition of the interim government. The members of the interim government are not known to ordinary Iraqis because they lived in exile for a long time. They have no credibility to Iraqi people. They are not elected by regional elders of Iraqi people as the interim government in Kabul was appointed. They have been picked up by the US administrator with the

regime.

The willingness of the interim government to keep the US forces in Iraq almost indefinitely demonstrates its character. When France and Germany fought with the US in the Security Council to provide "veto" powers in the military operations of the US forces to the interim government, it was the Iraqi Foreign Minister (a Kurd) who rejected the Franco-German plans in a speech to the Security Council. This simply means that while foreign powers wanted to assert Iraq's sovereignty, it was Iraq's interim government that did not want it.

The above situation may lead to a reasonable conclusion that the existing interim government is a "puppet" government, completely under the control and influence of the US. The US Ambassador to Iraq Negroponte (presently Ambassador to the UN) will emerge as the strongest political person in Iraq who will appear to have a "final say" in Iraq's affairs. Some have compared the interim government of Iraq with the "Vichy government" in France led by Marshall Henry Petain when the country was under Hitler's occupation in 1940.

Does the UN resolution change anything on the ground?

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