

The Sunni Moment

By Donald L. Horowitz

The Iraq elections tomorrow will revive the constitutional dispute that is certain to have a profound impact on the future of that country. A post-election crisis is likely.

A half dozen major political groupings are contesting the election. Together, the main Shiite and Kurdish lists might win more than 50% of the seats, but they will feel a strong imperative to coalesce with one or more of the Sunni lists. The big questions are whether such a coalition can prove durable and whether it can stem the insurgency.

The main policy priority of the Sunnis is the constitution. Before the referendum, Sunnis secured a concession allowing amendments to be proposed within four months by a committee of the new legislature. Nothing is more important to Iraq's future stability than these amendments to a poorly conceived and poorly drafted document that is loaded against Sunni preferences.

The product of a Kurdish agenda to which Shiites signed on, the constitution creates an exceedingly weak central government and extraordinarily powerful regions. More than that, it assumes that political life will be lived mainly in the regions, rather than in Baghdad. The upper house, to represent provinces and regions, is mentioned in the constitution but is not even to be brought into existence until after the *next* legislative elections, years away. The central government has few powers in its exclusive control. It shares many powers with regions and provinces, which also have their own exclusive powers, including all powers not explicitly delegated to the central government. Among the dangerous powers accorded the regions is the authority to create "internal security forces," in addition to police. Furthermore, all regional powers are entrenched. They cannot be altered without the consent of regional legislatures and regional referenda.

The Iraqi state created by this constitution is probably the weakest federation in the world. Since provinces, Sunni as well as Shiite, have every incentive to unite into regions, what is really envisioned is a state of three regions, each dominated by one of the three large groups. Nothing could be further from habitual Sunni thinking about Iraq as a unified, centralized entity committed to the Arab world. Sunnis are also alarmed by a provision that seems to tie the distribution of future oil revenues to the location of the resource in one region or another. Iraq's oil is in the Kurdish north and Shiite south.

The future of an inclusive government will therefore turn on Sunni success in achieving fundamental change in these constitutional arrangements. Sunnis have much to offer in return for constitutional change in their direction. If a sense emerges that Sunnis are an integral and influential part of the new Iraq, the Sunni population will be much less inclined to be tolerant of

the insurgency. Insurgents find it hard to survive when they are not supported by the civilian population around them. The U.S., therefore, has every reason to side with the Sunnis in pushing for a revised constitution.

Without a strong American push, there are grounds to think these efforts will probably fail. The first is that the Kurds have waited a long time for a constitution like this, and they will dig in their heels. Shiites are more ambivalent, which is not surprising: There are many Shiites in what would become the Sunni-dominated central region, as there are other minorities in all three regions. Yet Shiites have bitter memories of a centralized, Sunni-dominated Iraq. They see safety in regionalism. In the earlier constitutional deliberations, Kurdish and Shiite negotiators met privately outside the formal venue and carved up the constitution according to their preferences, excluding Sunni delegates who had been added to the process to placate the Americans. This history, and the sheer size of the gap between Sunni and non-Sunni visions, make the odds against fundamental change long indeed.

But if major changes are not adopted, Sunni parties can scarcely continue in a governing coalition. And if they go into opposition over such a fundamental issue, it will be exceedingly difficult to reduce support for the insurgency. In a real sense, peace turns on the constitution.

Freed of American restraint, a Shiite-Kurdish government will ultimately take off the gloves against the insurgents. Brutal tactics may show some success, but not as surely or as quickly as starving the insurgency of Sunni support.

For the U.S., the failure of new constitutional negotiations has major implications beyond continuation of the insurgency. If strong regional governments take hold, Iraq will present not one but four problems. In the Shiite south, there is the prospect of a most unwelcome Iranian influence. In the north, a *de facto* sovereign Kurdish state is likely to create friction with Turkey, a U.S. ally. In the center, an embittered Sunni entity will be a base for Islamist terrorists, and could be controlled by those who are now merely insurgents. The armed forces of each region will have the capacity to go to war with the forces of the others over the treatment of minorities, the distribution of oil revenue or terrorist incursions across regional boundaries.

These dismal prospects may not come to pass, but cannot be dismissed. The constitution is only one piece of the Iraq puzzle, but for the Sunni—and for the U.S.—it is surpassingly important. Departing colonial powers left their imprints on new constitutions all over Asia and Africa, and many of these proved durable. It is time for the U.S. to do the same.

Mr. Horowitz is professor of law and political science at Duke University and author of "Ethnic Groups in Conflict" (California, 2000).