

## We The Iraqis...

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The second part of interview with Antonia Juhasz on the outcome of Iraq constitution

- Antonia Juhasz is a Project Director at the International Forum on Globalization ([www.ifg.org](http://www.ifg.org)) and a Foreign Policy in Focus ([www.fpif.org](http://www.fpif.org)) scholar. She is a Project Censored Award recipient and co-author of *Alternatives to Economic Globalization: A Better World is Possible*, 2nd Ed. Her articles have appeared in publications such as *The New York Times*, *The Cambridge University Review of International Relations Journal*, and the *Johannesburg Star*.

### We The Iraqis...also read Another setback for US. Administration

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Shahram Vahdany : Talabani announced that all the demands of the Sunnis have been met and there is no longer any excuse not to vote for the draft constitution.

Antonia Juhasz : So basically, what happened was that one of the Sunni political parties was essentially brought over to accept the constitution and that was really accomplished by the US ambassador Zalmay Khalilzad who's been working aggressively to get a deal done.

What the Sunni leader Shaikh Harith al-Dhari, said was that he would essentially be able to ensure that 80% of Sunnis in his province would now vote in favor of the constitution and by locking in that one province of support it makes it now essentially almost 100% certain that the constitution will pass. The agreement that was reached is a pretty important change.

According to press reports what was agreed to was that whereas the constitution previously said that there could be no amendments made for another two years. The agreement reached was that there could be amendments offered in four months. So that's a pretty big change.

What we don't know of course, because no one has seen any language, this is just what the press has said, is can it be any part of the constitution that can be changed, who will be involved in the process of writing the new amendments and, you know, who will get to say what amendments are being offered and details have not been discussed. But that is a pretty significant change today.

Shahram Vahdany : Are people have to vote on it without knowing what those amendments might be.

Antonia Juhasz : Right, and that would just be in four months time there could be an amendment, if an amendment were passed it would need to be agreed to by two thirds of the Iraqi parliament and then it would have to go to a national referendum.

Shahram Vahdany : What about the amendments the Sunnis insisted upon; like the role of Islam in the constitution. Are they talking about that?

Antonia Juhasz : Not anymore. What is now set is the language on Islam, in that Islam will be a source of law.

Shahram Vahdany : Is that A source of law or The source of law?

Antonia Juhasz : A source of law. But, you know, really what I know the most about is the economic process, what has happened in the constitution with the US Military, with the economic laws and with the oil.

Shahram Vahdany : Have there been any significant changes in those?

Antonia Juhasz: Yes. The first thing is that there were attempts by the Iraqi parliamentarians to have an article put into the constitution which would have said no foreign military bases can exist in Iraq. That did not make it into the final draft, which means that the US bases, which are already being constructed, are going to continue to be able to be built.

There also were attempts to have a very specific timeline on when the US troops and the coalition forces would have to withdraw. And that was not successful, so that the US military presence has been reassured through the constitution.

However, the UN resolution that granted the right of the coalition to be in Iraq that is set to expire when the transitional period is over. So, if this constitution passes and if there are elections in December the new parliament would have the opportunity to then either sign or not sign a new negotiated treaty with the Coalition forces. That does still have to happen.

So that will be an opportunity for the Iraqis to be able to weigh in, or at least the parliamentarians on the presence of US forces. The new constitution as it is currently drafted leaves in place all of the economic changes implemented by Paul Bremer, and the Coalition Provisional Authorities. What there is now is very specific language that says, for example, Article 25 says the state shall guarantee the reforming of the Iraqi economy according to modern economic bases in a way that assures complete investment of its resources, diversifying its sources and encouraging the development of the private sector. That locks in the economic changes.

You also then have very specific articles on oil that what has essentially fallen into place is that the federal government is going to work with the regions that have oil to allocate the access to future oil. The federal government will have control over the existing oil wells and their explorations and a new board will be formed of the regional and federal government to make decisions on the new exploration, which is where the vast majority of the oil will be.

The board operates under articles in the constitution that basically say we need to encourage investment, we need to encourage market principles, and we need to open this sector. Now, that means that the new Iraqi oil law, which is set to be implemented in 2006, is not challenged by the constitution. And that new oil law says that future exploration of Iraqi oil will be done by private, foreign companies and that the oil sector will be on the road toward privatization.

The new draft of the constitution since the last time we spoke is actually more explicit in its language towards the Iraqi economy which is going to be privatized, opened up to the presence of foreign companies under rules that favor their operation in the oil sector may very well face the same fate.

Shahram Vahdany : What about human rights issues? Has there been any change in women's rights and children's rights?

Antonia Juhasz: There have been no changes in women's rights.

There has been some positive change on guaranteed - nothing is guaranteed in this constitution - one of the things that's very interesting about the final draft is that an effort, an attempt to reach some sort of agreement in the constitution in areas such as human rights and guaranteed services like healthcare and education and those sorts of things are vague as opposed to the constitution that existed when the Americans invaded which guaranteed maternal and child care, education and health services. This constitution does make reference to the right of Iraqis to have an education.

That healthcare is something that everyone should have but it doesn't say that the state is going to provide it, except in a few instances. Probably in the most important area, which is the right to freedom of expression and freedom of the press and freedom of protest, it says that the state guarantees, as long as it does not violate public order and morality.

Shahram Vahdany : When you put conditional words such as 'if' and 'as long as' in it, it potentially contradicts the spirit of the law.

OK Let me see if I heard you correctly, Iraqis have the right to live if they can afford it.

Antonia Juhasz: I think that is the direction these laws are going in. And basically anyone who is familiar with the policies of the World Bank, and the International Monetary Fund and the World Trade Organization, if these are the same policies that are being implemented in Iraq but even more, to a further extreme, it's possible that all of the services won't be privatized, but the way that the law is written, the Bremer orders say that every sector of the Iraqi economy is open to privatization, and much of that privatization has already taken place on the books even if it hasn't been implemented. So the water sector, the water ministry is already investigating privatization.

Much of the production, many of the factories, it's already been decided, which ones will be privatized and a lot of this is simply waiting until the new government is in place. "Nothing is guaranteed in this constitution - one of the things that's very interesting about the final draft is that an effort, an attempt to reach some sort of agreement in the constitution in

areas such as human rights and guaranteed services like healthcare and education and those sorts of things are vague as opposed to the constitution that existed when the Americans invaded which guaranteed maternal and child care, education and health services. This constitution does make reference to the right of Iraqis to have an education."

There's nothing in the constitution that stops that from happening, and rather, with the language like the article that I read (Article 25) says that's exactly what the Iraqis are going to do.

There is more language in here, which I think is important to say, because this is a victory for the parliamentarians that worked for it, on things like education and healthcare, which wasn't in the interim draft. But it's nowhere near, what the Iraqis had before and it certainly isn't guaranteed in the way it was before and that is a lot for the parliamentarians that were working for that.

Shahram Vahdany : What about the form of government, it stays as it is?

Antonia Juhasz: There remains a parliamentary structure, obviously, what is changed significantly is federalism and there is a great deal that's left unclear. The right of Kurdistan to separate seems to be very possible.

Shahram Vahdany : Is that possible?

Antonia Juhasz: It's possible. It's not guaranteed in the constitution but it's possible. The authority of the North and the South is significantly greater obviously, than it currently is.

There's a potential for them both to maintain their own militias, to write their own constitutions but the constitutions can't contradict the federal constitution. But they can still write own constitutions. They have the potential to have a great deal of autonomy, however as I said the constitution is extremely vague on many of these areas and it says most of this is going to be decided by law, which means decided by the parliament after the constitution is passed.

Therefore, it means that Iraq is being set up for a huge fight yet to come.

Shahram Vahany: Thanks Antonia

Read Bush's economic invasion of Iraq, by Antonia Juhasz

This interview was conducted on Thursday October 13 2005,

Special thanks to Emily Mervyn for transcript.