

CARNEGIE COUNCIL *for Ethics in International Affairs*

The Struggle for Iraq's Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy

Public Affairs

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Transcript

Introduction

JOANNE MYERS: Good morning. I'm Joanne Myers, director of Public Affairs Programs, and on behalf of the Carnegie Council I'd like to thank you all for joining us.

Our speaker is Zaid al-Ali, who will be discussing his book entitled *The Struggle for Iraq's Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy*. In choosing this title, and with three words—corruption, incompetence, and sectarianism—our speaker has in a nutshell put forth the inherent challenges in rebuilding Iraqi institutions and repairing the fabric of its society.

In December 2011, when U.S. forces [withdrew](#) from Iraq, international attention also shifted away. Since then, life for Iraqis has not become any easier. In fact, a decade after the [invasion](#) and three years since the withdrawal, Iraqi institutions, from its infrastructure to the national government, are widely regarded as ineffective. Corruption still roils the government, human capital is still horribly deficient, and fear of the current political system pervades society. [Bombings](#) and [sectarian violence](#) are on the increase, and there is a real possibility of a civil war, or even of a dictatorship, derailing the country's future.

From an American point of view, having been successful in toppling [Saddam Hussein](#), Iraq's failure to emerge from widespread instability is seen as a disappointment. Still, one could argue that after intervening in another country and dismantling the government, staying to rebuild its institutions amounts to a moral promise that has been broken.

And what about a policy that seeks to accomplish a moral good by punishing a recalcitrant member of the international community but devastates its society along the way?

The history of U.S. involvement in Iraq over the past decade contains not only valuable lessons about what America was able to achieve, but also what it found impossible to change.

For our speaker, Iraq is a very tragic and personal story. His family was exiled from there and, although he himself was not born in Iraq, shortly after the 2003 invasion he returned to lend his legal expertise by helping to draft a new constitution. He also worked on issues related to parliamentary and judicial reform. He hoped that his efforts would play a role in rebuilding the nation.

However, after spending many years directly involved in the struggle for Iraq's future, he left frustrated. Zaid learned firsthand how the current situation in Iraq came about. He knows the challenges and knows what is needed in order to establish a successful democratic system of government and restore the vitality of the nation.

Please join me in welcoming a person who can take us behind the headlines to show us where hope for the future might lie, our guest today Zaid al-Ali.

And I might add he just flew in from Cairo last night, or this morning, I'm not sure which. Anyway, thank you for coming.

Remarks

ZAID AL-ALI: Thanks very much. Good morning, all of you. Thanks to the Carnegie Council for having me, it's a real pleasure, and thanks all of you for being here.

The first thing I'll be talking about, to get us going, is the status quo, what's happening at the moment in Iraq.

As you know, we are reaching the end of [Nouri al-Maliki's](#) second term as prime minister. We have parliamentary elections coming up, theoretically at the end of April—that's when they're scheduled to take place; we hope that they will take place at that time.

But what is also happening at the moment is that we have deteriorating security problems in the country. You probably remember that after the initial [invasion](#) in 2003 there was deteriorating security and things got very, very bad in [2006 and 2007](#). At one point, the official numbers of civilians dead per month was around 3,000. Around 2008–2009, that was reduced significantly by around 90 percent, so it was reduced from around 3,000 dead per month to around 300. It stagnated at that level of violence for a few years, from around 2008 all the way to around 2011–2012, and now it's back [on the upswing](#), I'm afraid. So we're not at the same level of violence that we were at in 2006, but currently we are at around 1,000 dead per month. And the trend is trending negative.

We don't actually know. Last month there was significant violence in Fallujah, which is a town in western Iraq, and you'll probably remember it was the scene of significant [violence](#) in [2004](#). Last month there was significant violence in Fallujah, and it is rumored, we've heard, that perhaps around 2,000 security officials were killed in Fallujah. We don't know exactly what's happening, we don't have official numbers, but it's very, very violent.

Now, you probably heard that the situation in Fallujah and western Iraq started deteriorating around two months ago very quickly, for a combination of reasons. One of the reasons is because, obviously, it's a region that borders [Syria](#), and the border area with Syria is completely out of control, much more so than it was in the past. Previously, it was out of control because the state authorities in Syria wanted it to be out of control. Now it's out of control because they simply don't have the capacity to control it anymore and there are terrorist organizations and smuggling operations that have completely taken over that area. That, obviously, has spillover effects on our country.

Another reason why security has deteriorated markedly in that area is because of corruption. Corruption has played a big role, and I'll go into that afterwards. But corruption isn't just in the civilian sector; it's in the security sector in Iraq too. Where there is corruption in the security sector, then you can bribe all sorts of people to get information, you can pay them to allow bombs to get through, etc., etc. It's very easy nowadays in Iraq. It has always been easy, but now it's even easier.

Another reason why security has deteriorated in that area is because of economics. Lots of unemployed young people—every year there are around 300,000 young Iraqis who are joining the work force, or trying to join the work force, and there is nowhere near enough employment for all of those people. Maybe around 10 percent of them get fixed jobs. A lot of those other people don't have a regular source of income. And there's a lot of poverty in these areas. Therefore, a lot of those people are easy to exploit.

A final reason why security is deteriorating in that area is—this is something that doesn't affect all of Iraq; the other factors affect the whole country—this one factor only affects parts of the country, which is sectarianism. The people in western Iraq are discriminated against because of religious affiliation. They get different types of treatment than people from the south. In the south people are mistreated, there's a lot of violence and detention, there's torture, and so on and so forth. But it's worse in western Iraq. So I'm not trying to make it sound like it's all rosy on one side and all terrible on the other. But in western Iraq it is worse, and I'll go into some of the problems that they encounter in a minute.

Now, this has been a long time coming. This isn't something that just happened overnight. We are suffering the consequences of problems that have been boiling now for a long time. I'll give you the summary and then I'll give you the details. First, the summary of why is this taking place, why has this negative trend developed, and why is it likely to continue: The reason why, in my view, it has happened is because of two factors.

The first is that we don't have any convincing or valid or binding rules to govern our country. By rules I mean a constitution or a legal framework. Obviously, I'm a lawyer, so I'm biased towards legal issues, but I really think it's very important. We do have a [constitution](#) in our country. But the way it was drafted and what it says make it so that it's impossible to apply it.

That's one thing. So we don't have a set of rules that the politicians or the people are willing to apply. That's one factor.

The second factor, which I think is perhaps even more important than the first, is that the people who are in charge—in any system of government, you'll rely on the rules that are in place, and then you'll rely on the individuals to implement them, you'll rely on the politicians to implement those rules.

In our case, because we don't have a set of rules that the politicians are willing to apply, we are even more at the mercy of the individuals who are in charge. Our problem here is that the people who are in charge are really of a bad nature. So we're really in a bad situation because the people who are in charge are very, very corrupt, are very incompetent, and are very sectarian. The subtitle of my book says it all, and I'll be going into some of that in a moment as well.

Let me talk about the constitution and why it is that it's not in application today, why in my view it is not being applied and why it cannot be applied.

We have two narratives about how the constitution was drafted, how it was conceived and put together. The official narrative has it that, first, an [interim constitution](#) was drafted by a group of individuals who worked for the [CPA](#), the Coalition Provisional Authority. You'll probably remember the CPA from 2003–2004. The CPA was the civilian administration that was governing Iraq for just over a year. That was headed by Ambassador [Paul Bremer](#). The Coalition Provisional Authority, the CPA, was also known in Iraq as "can't provide anything." So the CPA drafted the interim constitution.

The interim constitution was supposed to guide the country towards the end of the interim process.

The interim process provided that a permanent constitution should be drafted by an elected assembly. We would have elections in January 2005. The people who were elected would decide how the constitution would be drafted. They would either draft it themselves or appoint people to draft the constitution or nominate some of their own to draft it. Then those people, whoever it was, would then draft the constitution that would be put to a [referendum](#) in October 2005 and, hopefully, the population would be in favor.

According to the official narrative, that's more or less what happened. What happened is that the [elections](#) took place in January 2005. The 275 members of parliament who were elected decided that they themselves would not altogether draft the constitution; what they would do is that they would compose a constitutional drafting committee, and this constitutional committee was originally composed of around 60 individuals. It was eventually extended, so they increased the membership to around about 80. Those individuals worked until around August 2005, at which point they stopped working, they put together their draft, there were a couple of months of public consultation, and then it was put to a referendum. That's the official narrative.

And then, the official narrative also says—and this is true—that 80 percent of the population voted in favor of the text in the referendum. There's probably a little bit of fraud here and there, but more or less that was the result. That's the official narrative.

There is another narrative about how the constitution was drafted. Some people have alluded to it in writing. You will have seen some of it. In Iraqi discourse it's more common to hear about this than in Western discourse. There is a chapter in my book, Chapter 3, which I invite you to read, which goes into this in significant detail. I think I am the first person to actually set it out in this much detail, at least in English.

The second narrative, which in my view is the real story of how these things happened, how the constitution was drafted, is very different from the official narrative.

My version of events—and it is well-documented at this stage—is that the official drafting committee that was responsible for drafting the constitution during the summer of 2005 and that was working until August was heading in a certain direction. They were producing drafts for around a couple of months.

I collected all those drafts. I was working at the time for the United Nations as a legal advisor to a group of people called the Office of Constitutional Support. We were providing direct support to the constitutional drafting committee. So we were reviewing all the drafts and providing input and so on and so forth. I collected all of those, and I still have all of them, and I'll be putting them up all online very soon.

So they were heading in a certain direction. The direction that they were heading in was one of consolidation of power for the central government. It was going to turn the system of government of Iraq toward a more centralized system than what the CPA had originally intended. It was also heading in a direction of less liberalism than what the CPA originally intended as well. They were going to give religion a much more important role than what was originally intended.

Then what happened, suddenly in August 2005, is that it was decided by the powers that be that the drafting committee should no longer continue to work, that it should cease to exist, it should be dissolved. The doors to their offices were locked and they were told to all go home and that they were not allowed to continue their work.

Then the powers that be, which included three Iraqi political parties—the PUK, which is the Patriotic Union of Kurdistan; the KDP, the Kurdistan Democratic Party; and what was referred to at the time as SCIRI, which is the Supreme Council for the Islamic Revolution in Iraq—those three political parties, as well as the United States Embassy and the United Kingdom Embassy, decided together that the constitutional drafting committee should no longer continue its work and that they shall take control over the draft and that they shall be responsible for putting together the final text of the constitution.

So the drafting sessions moved from the convention center, which is where the parliament's offices are and where the drafting committee was working to the United States Embassy for a little while, and then they moved to the PUK's offices, the Patriotic Union of Kurdistan's offices.

For a while there was "an army" of U.S. officials that were in the room drafting language. Once again, I should just remind you that at this stage Iraq was not theoretically an occupied country. At this stage, Iraq was theoretically sovereign. Sovereignty had been transferred back in June 2004, so over a year before all of this happened. So this should not have been happening at this stage. It would have been understandable if that had happened in 2003, but certainly not in 2005.

Then what happened is, not only did they take control of the draft, but they changed the direction of the draft altogether. By tracing the evolution of the draft constitutions—and, once again, I have all of the texts that I'll be putting online soon, and I put all the detail into Chapter 3 of my book—instead of following along the lines of what the constitutional drafting committee had been going along, of consolidating power for the central government, what they decided to do is that they cut out all of the provisions that they had drafted, they threw them all away, and replaced them with the TAL's [Law of Administration for the State of Iraq for the Transitional Period] provisions. The TAL was the interim constitution that had been drafted by the CPA. They decided that the system of government that we had drafted is good enough for them, this is going to be in the final draft, and that's it, no discussion.

It was a chaotic process. It was even disastrous at some stage. It was so secretive—no one exactly knew what was happening—that different negotiation sessions were taking place at the same time, and at the same time without knowledge of each other even. Now, the reason why I know this is because my office, once again the Office of Constitutional Support at the United Nations, was responsible for printing and circulating the draft to the Iraqi population.

You won't believe this. At one stage, one of the members of the Iraqi drafters who was working in secret came to us and said, "Here we are. We have the final draft of the constitution. It's ready. Please print and circulate it to the Iraqi people." We had a big budget to do this, it was \$7 million dollars, generally financed by the United Nations Member States.

Our response at the time was—our boss at the time said, "Well, how can I know that this is really the final version? All these negotiation sessions are taking place in private. We don't know who is responsible. We're hearing that different meetings are taking place. How do I know that this is real?"

They said, "Take it from me, this is the real final version."

We said, "Well, we really can't because this morning we got a different version. So we have two competing versions. We really cannot."

They turned to us and said, "What can we do to reassure you that this is the final version?"

We said, "What we would like you to do is to apply the terms of the interim constitution that is

theoretically in force and to allow parliament to debate and to vote on it."

They said, "We're not going to allow that to happen."

We said, "Why not?"

"Because a debate might lead in a direction that we're not happy with. So we won't let them debate about it."

We said, "Well, will you allow them at least to vote on it?"

They said, "No, no vote."

"So how can we be sure that this is the official version?"

They each scratched their heads for a little while. They said, "Okay, this is what we'll do. We'll take it to them and then we'll read it to them."

We said, "That's it?"

"Yes, that's what we'll do, we'll just read it to them."

That's what happened. They read it to them. The members of the parliament at the time said, "Well, don't you think we should be allowed to debate or to vote?"

They said, "Absolutely not. The session is closed. End of story."

Then the text was circulated to the Iraqi population in September 2005. Remember, the referendum took place in October, so just a few weeks before.

And then, even after the text was circulated to them, negotiation sessions continued in secret and changes were made even after the text was circulated to the people. In fact, changes were made to the text up to two days before the referendum took place. On October 13, 2005, two changes were made to the draft constitution and the referendum took place two days later, on October 15.

So when people turn to me and say, "Well, 80 percent of the population voted in favor, so therefore clearly it has popular sovereignty," my response is always, "People had no idea what they were voting on. They didn't have the text that they were voting on. And even if they had, as you know all over the world, when referenda take place in relation to constitutional issues, people tend not to read the text that they have. In Iraq, even if they had read it, it wouldn't have been the final version anyway."

So the problem that we have in our case is the text was drafted in a secretive process that was absolutely not democratic and, on top of that, it established a system of government that was far removed from what was accepted in Iraqi political discourse.

Now, what do I mean by that? In Iraq, traditionally, we had a very centralized system of government. Rightly or wrongly, that has always been the way it has been. So the people have always accepted that way of doing things, apart from in the Kurdistan region, which has been autonomous now since the 1990s and has enjoyed their autonomy for a while, and there is no prospect of that changing anytime in the near or distant future, and rightly so.

Now, in the rest of the country, however, in the 85 percent of the country outside of the Kurdistan region, people have long lived with and have become accustomed to a centralized system of government.

After the war in 2003, many people argued that Iraq should be federalized. Now, there are different forms of federalism, obviously. Federalism in the United States is very different to Canada and to Germany, etc., etc. So the question was: What type of federal system of government should we be having? If it's going to be federal, in what way?

Some people argued that it should be ethno-sectarian, that we should have three states in Iraq—one Sunni, one Kurdish, and one Shia state. Many people argued that that would lead to the break-up of the country and that they were not willing to head in that direction.

So the question was: Who would win in that argument and who actually constituted the majority in that argument?

It turns out that, over time, we now know today, after 10 years, that a large majority of the population rejects ethno-sectarian federalism, a very large majority of the population. We know this on the basis of opinion polls that have been taken by the American, European, Arab, amongst other polling companies, over a 10-year period, which have all returned the same results on a consistent basis.

And we also know this on the basis of electoral results. So the political parties that have campaigned on an ethno-sectarian basis, that have argued that Iraq should be divided along ethno-sectarian lines, have suffered terribly in elections, and those parties that have argued on the basis of a more national perspective, one where Baghdad should have a more important role in determining policies and so on and so forth, have done much better.

So we know that based on 10 years of experience. But in 2005 there was only one election, which was very opaque; the results weren't very telling at all. So who decided what type of system of government we would have?

The elections took place, as I mentioned, in January, and the elected representatives of the people were drafting a text, and they decided that we would have a system of government that would be more centralized.

But then, as I mentioned, it broke down. The constitutional drafting committee was dissolved and replaced by this opaque, secretive process that took place first in the American Embassy and then in the PUK's offices.

So who were the three parties that were actually in control of the drafting process at the time? I mentioned before the PUK, the KDP, and SCIRI. Those are the three parties that are mostly in favor of ethno-sectarian federalism. It so happened to be the case that these three parties were also heavily allied with the United States Embassy.

I can't specifically tell you what they were thinking at the time, whether there was conspiracy or not conspiracy or whatever—that's not really my issue. But what I do know is that these three parties today, together—SCIRI, PUK, and KDP, all three of them together—represent less than 20 percent of the population, based on 10 years of polling data, electoral results, and so on and so forth and their vision of ethno-sectarian federalism lies far outside what is accepted in the rest of the population, far outside. These are the parties that were in control of the drafting process in 2005 as a result of many factors, including the fact that they were heavily allied with the U.S. Embassy at the time.

So what does that mean? They established an ethno-sectarian federal system of government for our country, and then elections take place. The new elected government decides "We're opposed, we don't like it. We're not going to apply it, because if we apply it, we consider that the country will break up. So we will not apply this system of government."

Which is good, because I agree that if it had been applied at the time, it would have led to disaster. In fact, what I can even say is at the time, in 2005, my office once again invited one of the world's leading experts in constitutional drafting, a Kenyan scholar named [Yash Ghai](#), whom some of you may have heard of. Professor Yash came to Iraq and studied the draft before the referendum and we asked him for his opinion. He said at the time, "If this text is applied, it will represent grave danger to the state and society. The country will break up. There is no chance of its surviving." So I am happy that the constitution was not applied.

But the problem is that by not applying the text we are left with no rules, no constitutional text to apply, nothing to bind the country. Instead of taking the text and saying, "We're not going to apply it, so therefore let's draft a new one," they decided, "Let's not draft a new one, let's not revise it; let's just pretend as if we don't have a text at all."

There are two problems with that. One problem is that when you decide not to apply the rules, a certain number of rules, then you can decide not to apply any of them. If you decide not to apply the system of government, what about due process, what about fundamental rights, what about judicial independence? None of those rules are binding anymore because you've decided that some rules can be applied but others will not be.

The second problem, therefore, is that you are left completely at the mercy of your politicians, of the people who are in charge.

Now, who are these people who are in charge? Where do they come from, what are their backgrounds, and what type of people are they?

Almost all of the people who are in charge are former exiles. Now, I essentially grew up in exile. My father was prominent in the exile community and I grew up with a lot of these people, principally in London. I spent the first 10 years of my life here in New York, not far from here actually, and then we moved to London when I was 10, where I continued living for a while.

In London, as you know, there was at the time a very large exiled Iraqi community. And many of the exiled political parties are based in London. So I saw these people for a long period of time. I grew up with them. I helped a lot of them as I started going to law school. I helped them process their situations in London and so on and so forth. I'm very familiar with the community, and my father is as well. Then, when a lot of them moved back to Iraq at the time, in 2003, we saw a lot of these people go back and do whatever it is that they did as well.

What type of background do these people have, what types of experience do they have? I can give you a summary. I won't go into the details of names and that type of thing because that wouldn't be appropriate.

But the summary is that the former exiles in London, and other countries that they were based in, essentially spent their time doing nothing, unemployed or underemployed, living off the state, off unemployment benefits and that type of thing, and not being allowed to work, because as an exile you're not supposed to be working, you're not supposed to be fully employed, being a doctor or an engineer or that type of thing.

So they spend their time in London just being political party hacks. What that meant, essentially, is that their level of activity was close to zero. You would just go to the various meetings. You wouldn't really do anything, apart from helping new exiles arrive from Iraq, and that's it. If you were a doctor back in Iraq you would not be a doctor in exile; if you were an engineer you would not be one in exile. So you spent a lot of time—decades even—doing nothing.

A primary example of this is the prime minister. Nouri al-Maliki left Iraq when he was still a young man, without a university degree; moved to Iran, where he lived for 10 years in a military camp, not doing much, 10 years of lack of achievement; and then moved to Syria, where he lived for 10 years, where all he was doing was being involved in political party affairs, meaning going to the meetings and helping new arrivals and that type of thing. That's it. Then he goes back to Iraq and then, suddenly, he's prime minister, never having worked for the state in any official capacity and not really having any professional training at all. That's one of the qualities that they have.

Another quality that they have is that when you live in exile from an Arab country, particularly from Iraq under [Saddam Hussein](#), you really live a very difficult existence, in the sense that anyone could be *mukhabarat*, anyone could be secret police. So any of the people that you meet when you're in London or Syria or Iran could be a representative of the secret police, of Saddam Hussein's secret police. That's a very terrifying experience because the secret police were very pervasive, they were everywhere, and they would really terrify people. What that meant is that you always had to be extremely cautious of anyone that you met.

As an Iraqi, if you are living in Baghdad and you grew up in Baghdad—Baghdad is a very diverse place, so historically it has a very rich culture, as you probably know; very, very diverse from a religious, ethnic, linguistic perspective; there are lots of languages in the city.

But when you live in exile, that changes suddenly, because when you are living in exile and you are a political party exile, then the only people who you can really, really trust are the people in your political party, and even those people you may not trust completely either.

So suddenly, if you are in an ethno-sectarian political party, or your political party represents a particular religious affiliation, suddenly the only people who you know and your only friends are people who are from your religion and people from your race—that's it. You don't really know anyone else. You might meet them from time to time, but when you do meet them you are extremely cautious, and you definitely don't open up and reveal yourself and set yourself at ease.

So growing up in exile, or developing in exile, is a completely different experience to developing and growing up or training in Iraq, because when you are in Iraq it's a very diverse environment, but in exile it's absolutely not. That's one of the reasons why—you may have noticed this; I don't know if you have—exiled Iraqi communities tend to be very extreme in terms of their ethno-sectarian visions for Iraq. But when you go back to Iraq, you'll find that the same members of those same ethno-sectarian groups tend to be very relaxed.

I'll give you a specific example. Kurdish groups in London tend to be very extreme when you ask them about independence. When you ask them, "What is your vision for independence for Kurdistan?" everyone without exception will say, "Kurdistan should be independent immediately." But when you go back to Iraq, it's very nuanced. Around 50 percent of the Kurdish population, according to 10 years of polling data, say that they want to be independent. The rest of the population says, "Well, we're fine, we're doing okay, there's no real reason for it. And anyway, this is the way everything has always been, and we get along well with our fellow Iraqis, so we don't really need it."

Around half of them would like to, but others would not. One of the reasons why that is is because the exiled Kurdish community in London and elsewhere don't really know any other Iraqis, they don't really mingle with them, whereas in Iraq that would be very difficult.

Now, what it is that I want to conclude on in relation to who is in charge and so on and so forth is just to give you an example of what type of direction this leads in.

I've mentioned that being a former exile means that you are underemployed, don't really have any training, and so on and so forth, you live a very sheltered existence, and you end up having a very sectarian vision of things.

Now, I'll just use one example of how this can materialize in practice in Iraq, and I'll focus on the prime minister—not because I have anything in particular against the prime minister, but because he is the prime minister. He is the person in charge, so he deserves to be held accountable more than anyone else.

Now, what type of person has the prime minister been in power over the past eight years, because he has been in power now for eight years? When he originally arrived in power, he had a very low profile and people didn't really know what to make of him. He was chosen because he was the weak candidate and he didn't really represent a threat to anyone. That was the reason why he was chosen.

Now, since then we have learned a lot more about him and his style of governing. Particularly over the past year, year and a half, it has been very, very surprising. I will give you just a few examples so that you can see exactly what it is I'm talking about.

The first is I mentioned corruption in the security sector. Have any of you heard of an individual called James McCormick? James McCormick was a former British police officer who was very fond of golf. He subscribed to golf magazines. One day he opened his golf magazine and he found that there was an advertisement for a device that said, "Have you lost your golf ball? If so, find it using our device, and have fun doing it." This is one of these water rods, this piece of plastic that has an antenna attached to it. It costs something like \$2 apiece. It said, "Spend \$2 on this device and you'll find your golf ball, and it will be fun in the process."

He thought, "Wow, this is great. I'm going to buy lots of these things. I'll repackage them and turn them into bomb detectors, and I'll sell them to gullible or corrupt countries around the world and make a fortune."

His primary client ended up being the Iraqi government. He sold tens of thousands of these devices to the Iraq government. Now, the device as he repackaged it was called the [ADE 651](#). I open with this issue in my book. The Iraqi government spent something like \$80 million buying these devices.

Now, experts in the United States military, in the FBI, in the United Kingdom, around the world, opened up the device. They tried to look into the electronics of it and tried to understand what was inside it. What they found is that the device was empty, that there was nothing inside it, that the plastic device was completely empty. So the whole thing was a farce, it was all a joke.

And yet, nevertheless, these devices are used all over Iraq. They are used in checkpoints in the Green Zone, outside the Green Zone, in military checkpoints, at the entrances of hotels. They are used by Iraqi security services at the entrances of embassies as well. They are used all over as the principal device to detect bombs.

Now, what happened is that, obviously, these things were being exported from the United Kingdom, because James McCormick was a British citizen and his company was based there. This smacked of fraud, so the Crown Prosecution Service in the United Kingdom decided to investigate it. They did. They carried out a long investigation. They found that this was clearly fraud. They started a prosecution against him in court. The court found that James McCormick was guilty and they gave him the maximum penalty for fraud.

The judge said to him, in his sentencing remarks in May 2013, that this was the worst case of fraud that he had ever seen, because he cannot prove causality for death, he can't prove that there is a specific case of someone dying as a result of these devices, but he is sure that nevertheless it must have happened, that on many occasions many people died as a result of their reliance on these devices. He said this was the worst case, that the maximum penalty for fraud is 10 years, but if he could can give him more, then by god he would give him more. That happened in May 2013.

Two or three weeks later, a terrible day in Baghdad. Many people were killed, lots of explosions. In fact, it was so bad that the prime minister decided to organize a press conference that evening to reassure the Iraqi population that everything was still under control and that the government was taking the matter in hand. He gave his remarks. They lasted for around 10 minutes, and then questions from the floor.

The first question came from a journalist who said, "Well, you're talking about security and measures and so on and so forth, trying to reassure us. But you're still using these devices. They are being used all over the capital, even though the owner of the company"—because everyone in Iraq knew; news obviously filters in very, very quickly into Iraq nowadays—"the owner of the company is in jail now. How can you justify using these devices?"

The prime minister turned around and said—and this is in the introduction of my book—"Well, you say they don't work but I say they do." [Laughter]

There are two possible explanations for his remarks. Why did he say this? Either because he believes it, and if he does, then that says something really terrible about the type of person he is; or because he doesn't believe it and he decided to lie to us, which says something even worse. The two possibilities aren't very good.

Now, when people say that he does believe it, I say that can't possibly be true, because standing to his right as he was speaking was [Hussain al-Shahristani](#), who some of you may have heard of. Hussain al-Shahristani has a Ph.D. in chemical engineering from the University of Toronto, and he is his deputy prime minister. So the idea that Hussain al-Shahristani would believe that these devices, which are clearly empty and useless, actually worked is on top of the whole thing—I just can't believe it. So that's a very, very bad sign.

Another thing that happened, in the same month actually, was, as you know, in Iraq we still have these terrible problems with electricity, and services altogether—so health care, education, electricity, it's all very, very bad. They're improving, but very, very slowly, not on a reasonable timeline at all. It is taking much longer than it should, especially given how high our annual state budget is now.

Every year what happens is that we have these two periods, one around March-April and one around November, where electricity demand falls because it's not too cold and it's not too hot, so people aren't using air conditioning or heating. Then the government says, "Ah, well, you see, now we're providing electricity to everyone, there's full coverage, and it's going to be this way forever." Then, as soon as demand picks up again, it deteriorates. It happens every year, twice a year. It's really

remarkable.

In April 2013, the same thing happened. They promised 24-hour electricity supply when it was actually happening because demand was very low. Then, suddenly demand increased again as people started using their air-conditioning units, and then supply couldn't keep up and there were power cuts all over the place.

The prime minister organized a televised debate between him and four academics. They asked him about electricity. They said, "You are talking about services and corruption and so on and so forth, but we can see that the electricity supply is terrible. How can you justify this?"

He said, "The reason why electricity supply is still as bad as it is is because there was a mistake that was made in procurement. Our Ministry of Electricity decided to procure gas turbines, turbines that would produce electricity based on a supply of natural gas. But we still don't have any natural gas to feed into those turbines. We only have diesel. There is natural gas, but it is still being flared. There is a contract with Shell now to capture that gas, but it is going to take years actually for that to materialize."

The four academics said, "Well, you are talking about this as if it is an honest mistake. But surely you should have been able to plan this. This is pretty ridiculous that you didn't know at the time when you were procuring that you wouldn't have any gas."

He said, "Well, listen. You can't blame me."

They said, "Well, why can't we blame you?"

He said, "Because I don't specialize in electricity. I don't have an engineering degree or anything like that."

Then one of them said, "In that case, what do you specialize in? What can we hold you accountable for?"—because he doesn't have a university degree—"What can we hold you accountable for?"

Nothing. We can't hold him accountable for anything because he didn't specialize in anything. He's simply guiltless, right?

Now, the last thing to really explain the type of person he is—and you really, really won't believe this—is that there have been rumors about his son now for years. We've been hearing about his son, about him being the new strongman in the Green Zone and bullying people and extracting money and this type of thing. I have been hearing about these rumors for years. I ignored them for a very long time because I just thought, "These are rumors. We'll never know if it's true or not, so it's not really my issue."

And then the most remarkable thing happened last summer, in June last year. It's really remarkable.

The prime minister was being interviewed on national television, on *Alsumaria News*. They asked him about his son. They said, "There are all these rumors about your son, about him being the new strongman, so on and so forth. What do you have to say about this?"

Now, if I was the prime minister, what I would have said is, "Listen, this is just baseless rumor. If you have anything specific, please tell me, but otherwise let's just move on to something serious."

But, instead, he started telling this remarkable story about his son. He started telling this story about

how there was this individual who had set up a private army in the Green Zone.

You know that the Green Zone is supposed to be the safest place in the country. The prime minister is in control of all the security forces in Iraq, and the Green Zone is supposed to be the safest place in the country.

He admitted on national television that an individual who wasn't part of the state had set up a private army inside the Green Zone, that this individual was out of control. And then he said, "I sent people from the security sector to go arrest this individual, and then they couldn't manage, they couldn't do it." So he is also admitting on national television that his security sector cannot control the Green Zone, can't control them and can't arrest anyone who is in the Green Zone.

Then he said, "My son came to me and said, 'Give me a unit and I'll take care of this.'" Then he goes with the unit, according to the story, and arrests everyone. They find silencer weapons and they find all sorts of vehicles and devices and so on and so forth.

Then the prime minister ended by saying, "The problem with Ahmed, my son, his problem is that he is just tough, he's too tough when he applies the law, he's a tough person."

It was just remarkable, it was really remarkable, that he's bragging about his son, who is a civilian, taking control over the security sector about military units, going in to arrest people who are supposedly in the safest part of the country, and, to the prime minister's admission, a completely lawless area. It was just remarkable and really telling about the type of person he is and the type of government that he leads.

So we've really turned into this incredible Mafia-like state where things are completely out of control and we really need solutions very, very quickly.

Now I'm going to conclude on this one thought. I've mentioned that we have two problems. The two problems are the absence of rules and the absence of convincing politicians to guide our country. We need to resolve both problems.

But, realistically, over the short term, replacing the politicians will be very difficult, because they have deeply entrenched roots now in the state, they have set up businesses and companies and private armies and so on and so forth. Removing them and them allowing themselves to be removed peacefully was very, very difficult to imagine at this stage.

What's more realistic but still extremely difficult to achieve is to improve the set of rules that we have. I say this and realize that some people would say it's naïve, because the only way that you can change the rules is if the politicians accept them to be changed.

But in Iraq it's more complicated than that because civil society does play an important role. When I say civil society, I don't mean NGOs, the NGO community, and this type of thing. What I mean is important public intellectuals, what I mean is religious institutions, and what I also mean is the international community. These different groups of people have a very important role, and they have played a positive role in relation to specific issues.

The electoral law in 2005—just as one example—was in a very bad state and was improved in 2010, not as a result of the Iraqi government's insistence, but because the *marja'iyah*, meaning the religious institution in Najaf, insisted that it should be improved. They were the source of the improvement. They are the ones who put their foot down and said, "We must move from a closed

electoral system to an open system." It was at their insistence that it changed, not because of anyone else.

So my proposal for Iraq is that we should move from these punctual interventions in relation to specific policy issues to a more comprehensive plan, and to try to enforce as much of that plan as possible on the Iraqi political class. Even if only a small percentage of the ideas that we develop are implemented, that already represents a significant improvement. But we really need to work on it, and we will be working on it for the next few years at least.

The next elections won't provide any relief for Iraq. The same people will be elected, it's the same rules, the same play—everything is the same. But what we are focusing on is not 2014, it is 2018. We'll need a lot of support and, hopefully, some of you will be able to provide that to us.

Thank you.

Questions

QUESTION: Robert James. I'm a businessman here.

The question I'm going to ask is how Iraq got in the situation it's in. Most commentators in the United States and the world who believe that starting the second Iraq war was a bad idea forgot how truly evil the government had been that was destroyed. So my question is, on balance, would the Gulf, the Middle East, and Iraq have been better off had that war not been started?

It's pretty important, because we're supposed to be the world's policeman, and we should do it better, I'm sure. You might comment on how we could have done it better.

ZAID AL-ALI: In relation to whether or not the war was a good idea, whether it should have happened, and so forth, that's a very difficult question to answer because it depends on your perspective.

Obviously, my family suffered very terribly under the previous regime. My father had a very tough time and his relatives back in Iraq had a very tough time. So we are very realistic about the type of regime it was.

It really depends on what type of issue you are focusing on. If you focus on economics, then in Iraq today you are much more likely to have a decent living or a decent wage than you were before. So from the economic perspective things are better.

If you look at things from an issue of rights and basic freedoms, then things are also better. Under Saddam Hussein—I don't know if you know how bad it was, but it was really terrible—you really could not say anything, you couldn't say a single word that wasn't approved, not even in the comfort of your own home. I don't know—this is really serious.

In my family, for example, my relatives didn't know that I existed and didn't know that my father existed, my relatives back in Iraq, cousins basically from my generation. The reason why is because my father was considered to be an opponent of Saddam Hussein, and it was so dangerous to talk about him that my father's brothers and sisters couldn't even tell their children back in Iraq that they had an uncle outside the country whose name was Salah, so on and so forth, because they were concerned that someone might say something to someone outside, or they were even concerned, some of them, that maybe their children were involved in the secret services and they may not know.

It was that bad.

Up until when the invasion took place in 2003, people couldn't even discuss whether or not they thought it was a good idea or a bad idea that Saddam Hussein should be removed from power. It was really that bad.

So basic freedoms are certainly a lot better. You can say whatever you want now. There is no limitation on what it is that you can say. You can go about your business and so on and so forth.

So from economics and basic rights, things are definitely far improved.

But in terms of security, there's no question that things are much worse. It's much, much worse, there's no question. Before the war in 2003, if you were involved in politics, then obviously you were not safe, but if you were not involved in politics, then essentially you could go about your business with almost no problems. You could leave your home at 3:00 in the morning, go for a walk, come back, and you would have no problems whatsoever.

In summer in Iraq previously, when it got very hot, people would sleep on the rooftops because there was a breeze and they would get this nice breeze on the rooftop. Nowadays no one does that because they are afraid that they could get bombed by accident. They are afraid of getting kidnapped. They are afraid of getting blown up by accident. It's extremely dangerous now for just about anyone.

The last time I was in Iraq was just a few months ago. I was there with my son, who is two. It was very dangerous. We were very concerned about his safety when we were there. There were at least two or three bombs very close to us, not at a distance, every day while we were there, even in a small town that is not divided along ethno-sectarian lines.

So from a security perspective it's much worse. So to answer your question, what I would just say is that it depends on what is most important to you. If security is what's most important, then things are worse. If basic freedoms and so on and so forth are what's most important, then things are better.

The other thing I would say is that if you look at the refugee population in Iraq, over 10 percent of our population has now become refugees. Up until Syria, it was the worst refugee crisis in the world. The Christian population of Iraq is far overrepresented in the refugee population, mainly as a result of the fact that no one protects them. If you are from a Muslim background, then traditionally in Iraq you have a tribe to fall back on, whereas Christians don't have that type of background. There is no tribal structure amongst the Christian population in Iraq. So, therefore, they had nowhere else to go.

If you are from Baghdad and you are attacked, then you might go back to your tribal area to seek protection. But if you are a Christian, there's nowhere to go except out. So they really suffered very terribly. Everyone has had it very, very tough, but them particularly.

That's the way I would answer that question. I don't know if that's satisfactory for you.

And also, in terms of what could have been done better, everything could have been done better, everything. There's nothing that could have been done worse. It's really remarkable.

A lot of planning took place before the war, but for some reason that planning wasn't followed. It was all thrown away as soon as they arrived in Baghdad. That has been very well documented now. Everyone talks about it—[Colin Powell](#) in his [book](#) and many other people talk about it—how the

planning that was done before the war wasn't followed afterwards. It's a mystery. I don't really know why that happened. But in any event, the fact that that did happen was a terrible idea.

The idea of dissolving every single army unit at the time was a terrible idea, particularly because the United States military wasn't willing to police the state, wasn't willing to police the country. So if you're not willing to police and you dissolve all the police and all the army, then of course what do you expect is going to happen? Obviously lawlessness. You don't have to be a rocket scientist to figure this out.

The fact that the interim constitution was drafted behind closed doors by American officials without the involvement of Iraqis was a terrible idea.

The fact of dissolving the constitutional drafting committee and replacing it with an unrepresentative group of people was also terrible.

Everything was done in this very erratic and unreasonable way. I can't see how it could have been done worse.

Corruption was also very bad. When I mentioned corruption earlier, I focused on Iraqi corruption because that's what we're dealing with now. But during the occupation it was terrible as well. There was a huge amount of corruption by American officials.

I attribute that to the fact that there was no real ideology for the war in Iraq. I'm sure many people are still scratching their heads in the United States trying to figure out why the war actually took place. It's not like the [Marshall Plan](#), where people had a real idea of what it was that people were struggling against—communism and so on and so forth.

In Iraq [al-Qaeda](#) wasn't an issue. Weapons of mass destruction were clearly not an issue either. So what was the war really about? No one really knew.

There was a lot of money flowing around. All of it was in cash. There was no oversight—no Iraqi oversight, no U.S. oversight, no international oversight. The incentives for stealing money were just extremely, extremely high.

So everything could have been done better. There really is no limitation on it.

QUESTION: Don Simmons.

To what degree did the government of Iran either contribute to or retard the deterioration in Iraq?

ZAID AL-ALI: That's something I haven't touched upon at all because my focus is not on regional issues. But, obviously, Iran didn't really play a very positive role in Iraq either. There is a security dimension and a political dimension.

I'm not a security expert, so I can't really discuss all the details. But some of you have probably heard that Iran was providing lots of funding and lots of material support to lots of armed groups in Iraq for a long time, and apparently that still continues today.

There's a group of people called [Asa'ib Ahl al-Haq](#), which are trained in Iran. They were trained and provided with material support from Iran as well. That still goes on today. That happened for a long time, from 2003 all the way to today. So that's one dimension.

Another dimension is politically as well. Many people have argued—we don't have any evidence to back this up because the Iranians are very, very careful about what type of information leaks out from their holes—but many people speculate, and we've heard it all on fairly good authority but we don't have any direct evidence to back this up, that what Iran prefers to have in Iraq is a weak state that doesn't really function very well, which they can also use in order to finance some of their issues in Iran as well, because obviously the sanctions regime now in Iran is having an impact.

Apparently, as a result of their apparent desire to keep Iraq fairly weak, what they do is that they encourage political parties to remain disparate and they encourage there to be constant crisis in the country. They don't favor political parties that may resolve our situation, for example.

Many people are wondering what type of policy they are going to adopt for the next election—we have elections coming up in two months—and whether or not they are going to lend support to Nouri al-Maliki despite his incredible failures over the past eight years. Apparently, what we've heard through the grapevine, through various channels, is that they will provide support to him, regardless of all his failures, because that suits them. That type of support provides a lot of comfort to someone like al-Maliki.

So from a material perspective and from a political perspective it has all been negative, I'm afraid. But in Iraq it's important to remember that the principal actor for a very long period of time wasn't Iran, it was the United States. There was a lot that could have been done and that wasn't, regrettably.

QUESTION: David Musher.

You talked about corruption in Iraq. We have corruption in this country; we call it "crony capitalism." Nevertheless, there is a basic respect for law in this country. There are many countries throughout the world that have a constitution and there is no respect for law. Israel does not have a constitution and yet it is a democracy and there is a basic respect for law.

My question is: How do we teach people to have a respect for the law and how do you develop a constitutional culture in a country? I don't think the problem has to do with the secrecy of the development of the constitution, because after all in the United States the [Constitution](#) was developed in absolute secrecy. No one was allowed to take notes, even.

ZAID AL-ALI: What I would say in relation to dealing with your two examples of Israel and the United States—and also the United Kingdom, because the United Kingdom also doesn't have a constitution—I would really say that those countries are not comparable to a country like Iraq for different reasons.

The United States Constitution was drafted in secret proceedings, and no notes, so on and so forth, but the Constitution now has been around for a long time. So even though the Constitution may have been drafted in particular circumstances, it has acquired a lot of importance in American culture and in American everyday life. So even if no one really knows how it was drafted, the average American citizen doesn't really know, but the Constitution now is deeply entrenched in the way in which society is organized.

Now, your question is how can we encourage countries like Iraq or peoples like the Iraqi people to develop a type of respect for law. My answer to that is that's not something that you need to teach anyone. What you need to do is you need to change the law.

The reason why I say that is because Iraqi law is not developed along equitable lines. There's no equity in Iraq. Our legal system is inequitable. It doesn't make sense. It's not something that people would be happy to apply. The reason why I say that is because in Iraq people do tend to apply the law. Iraqi officials do tend to apply the rules.

The problem is more, not the fact that they don't apply the rules, that the rules themselves are deeply flawed. So the constitution isn't applied, but if you look at the everyday average official in Iraq who is responsible for basic policing or visa applications or anything like that, the rules are enforced. You wouldn't believe the types of rules that are enforced. If I told you, you wouldn't believe them; you would think I'm joking.

I'll just give you one example. Do you know what you need to do in Iraq to renew a visa? My wife, for example, isn't Iraqi; my wife is Canadian-Lebanese. When she comes to Iraq, she gets a visa for 10 days. In order to renew her visa past 10 days—this is as a visitor and someone who is married to an Iraqi citizen—she needs to have an AIDS test done. This doesn't just apply to my wife. It applies to everyone. It applies to, for example, a journalist for *The New York Times*. It applies to a journalist for AP, Reuters, whatever.

The head of the AFP, the Agence France-Presse, in Iraq, in order to get his permanent residency card in Iraq—he has been there for five years—he had to wait for four years and eight months and he had to do dozens of blood tests in Iraq. They do them because they are testing him for AIDS to make sure that he doesn't have AIDS, in these awful clinics that are really dirty and so on and so forth.

That's just one example. I can give you many, many other examples.

As an Iraqi citizen, in order to get your daily business done, you always have to, in relation to anything it is that you need to do, have your three forms of ID with you. You always have to have three forms of ID and you always have to have them up-to-date. They have to be up-to-date; they can't be expired, obviously.

Iraqis shuffle from office to office on a daily basis for years and years and years just making sure that their IDs are being updated because updating an ID in Iraq is a terrible procedure. You can't just go in and say, "My ID has expired. Can you replace it?" You have to go to the same office dozens of times to get it done—not because the officials aren't applying the rules. They are applying the rules. The rules require these things to happen.

If you look at things like torture—I didn't mention this in the presentation—torture and abuse in detention, there are no rules in Iraq to hold police and security officials accountable for abuse in detention. There are no rules. It doesn't happen because they're not applying the rules. It happens because there are no rules about these things.

If on just one occasion in Iraq a law was passed, an equitable law, in relation to abuse in detention, that provided that there was going to be a very serious oversight mechanism and they applied it on just one occasion, on a security official that had tortured someone in detention, and they made a big public deal about it and did it publicly, you can bet your bottom dollar that at least 90 percent of police officers and security sector officials who regularly torture would stop doing it immediately. You set examples of people.

You talk about, for example, respect for law and so on and so forth. Individuals in the United States, Americans who have always grown up in America, are born in America, respect the rules in the

United States, and so on and so forth, but when they were in Iraq as soldiers, many of them behaved according to a very different standard of behavior. Why? Because there were no rules to guide their behavior. They felt that they could get away with anything.

Many of the individuals in Abu Ghraib—remember in 2004 the [scandal](#) that took place in Abu Ghraib, the torture scandals and so on and so forth—many of those individuals who were there at the time, people who were torturing Iraqis, Americans who were torturing Iraqis, were responsible for prisons here in the United States. They were prison guards here in the United States and moved to Abu Ghraib and then started behaving in this appalling manner.

If you asked many of them "Why did you do this?" they would say, "Because we thought no one was watching." They thought they would get away with it. They thought this was normal in a country like Iraq, it's okay.

So my answer is yes, you do need to teach people to behave according to a certain standard, whatever. But even before you do that, you really need to make sure that the rules that they are going to be applying are equitable. You need to really make sure that that happens.

That's a very difficult process in a country like Iraq because the people who are in charge, the elites, who we really have no control over, aren't interested. So we really need to find this balance of bad people and bad law.

JOANNE MYERS: I thank you very much for refocusing our attention on Iraq. It really was an eye-opener. Thank you.

Audio

In this bleak and revealing talk, Iraqi lawyer Zaid al-Ali provides an insider's analysis of Iraq's many failures of governance, from creating a constitution to providing Iraqis with jobs, electricity, and most of all safety.

Video Clip

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TV Show

In this bleak and revealing talk, Iraqi lawyer Zaid al-Ali provides an insider's analysis of Iraq's many failures of governance, from creating a constitution to providing Iraqis with an equitable society and, most of all, safety.

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