

U.S. Withdrawal Will Let Iraq Revive Its Own Constitution

by Muriel Mirak-Weissbach

To extricate the United States from the tragic mess it has created with its invasion and occupation of Iraq, and to restore sovereignty to that beleaguered country, Democratic Presidential candidate Lyndon LaRouche proposed in a Nov. 28 statement to “Restore Iraq’s Constitution.” He called for the American President to declare his intention, to “cease the U.S. military occupation of Iraq at the earliest feasible occasion, and to notify the UN Security Council of the U.S. intention to reopen the matter of Iraq’s earliest restoration to sovereignty in its affairs, and of the U.S. government’s solicitation of UN Security Council assistance in bringing about this desired state of affairs.” Furthermore, he said, the “foolish attempts” to write a new constitution for Iraq should be abandoned, and in their stead, the “outstanding, historically rooted Constitution of that nation” should be restored, “foreseeing the establishment of a provisional government under that Constitution as rapidly as feasible.”

Modern Iraq has had a number of constitutions, beginning with a 1925 document which established a constitutional monarchy. In 1958, following a revolution led by the Free Officers Movement under Abdul Karim Qasim, the monarchy was overthrown, and a new constitution introduced for the republic. After Qasim was killed in 1963, and the Ba’ath Party took power in a coup, a new constitution was issued in 1968. Another version of the same appeared in 1990, granting power to the Revolutionary Command Council, whose president automatically became president of the republic. This constitution was never ratified, and a constitutional referendum planned for the early 1990s never took place, due to the war. A referendum was held in 1995, to vote for Saddam Hussein as president.

It is the constitution of 1958, establishing the republic, which corresponds to LaRouche’s characterization of “a Constitution, forged in struggle against oppression, and in the search for unity of common interest among the communities of which that fighting nation was composed.” It was truly the result of Iraq’s “popular struggle against repeated British imperial occupation,” and contained “an affirmation of universal principles of natural law.” As LaRouche correctly pointed out, “The troubles which that Constitution had suffered, up to the outbreak of the recent U.S. war in Iraq, were not only tendencies toward usurpation of the powers of the state from within Iraq, but the meddling of international powers within the affairs of not only Iraq itself, but the larger region.”

Now it is urgent to restore that constitution, as the basis on which legitimately elected representatives of the Iraqi people may reaffirm those universal principles, and, through a sovereign process of deliberation, amend it as required, in order to reflect the needs of a modern, democratic state.

Iraq’s Constitutional Tradition

The first Iraqi constitution, establishing a monarchy, was imposed by the occupying British after they had drowned in blood the heroic 1920 Iraqi revolution against imperial rule (see *EIR*, Nov. 14). In 1921, the British installed their puppet Hashemite Faisal I as King of Iraq.

The Constitution of the Kingdom of Iraq, in its final July 29, 1925 version, declared Iraq a “constitutional hereditary monarchy.” Due to the popular uprisings of the prior years, the British were forced to include in the document certain concessions, such as sovereignty, independence, and freedom



Iraq's Shi'ite religious leader, Ayatollah Ali al-Sistani, has rejected U.S. proconsul Bremer's new proposal to put off constitutional legitimacy for an Iraqi government. In September, UN Secretary General Kofi Annan suggested Iraq's 1958 Constitution is the basis for that legitimacy. LaRouche's policy that the United States withdraw quickly and let Iraqis restore the Constitution, has accelerated the process of ending the Occupation.

for the State, as well as “freedom of expression of opinion, liberty of publication,” freedom of assembly, and so forth, for the citizens. However, although “the sovereignty of the constitutional Kingdom of Iraq resides in the people,” this “is a trust confided by them to King Faisal” and to his heirs. The King is above the law: “safeguarded and not responsible.” In the King reside all powers, including power to name the members of the Senate, the Prime Minister, and so on, who do his bidding.

It is this constitution which Bernard Lewis and James Woolsey, in an Oct. 29, 2003 *Wall Street Journal* article, endorsed, and which the Iraqi Monarchists would like to revive!

Despite the lip service paid to some elementary liberties, the 1925 constitution was a license for imperial rule, indirect only in form. Iraq was forced to function as a colony of Great Britain, which looted its newly discovered oil. British-controlled Iraq was signator to the Anglo-Iraqi Treaty of 1930, and to the 1948 Mutual Defense Treaty. In 1955, it was made a member of the Middle East Treaty Organization (Baghdad Pact), which Britain had set up among Iran, Turkey, and Pakistan as a counterweight to Arab nationalism and communism.

Internally, the British empowered tribal leaders, or sheikhs, as landowners and overlords, who ruled over the commoners who worked as sharecroppers. An estimated 2% of the landlords owned two-thirds of the arable land.

Political opposition was not allowed. In the late 1940s, as Iraqis clamored for reform, and took to the streets to demon-

strate, the notorious Prime Minister Nuri al Sa'id called out the tanks, and troops fired on the crowds, killing hundreds. Later, as citizens demonstrated in protest against Iraq's pro-British policy during the Suez Canal crisis, again the tanks rolled out and the machine guns riddled the crowds.

Opposition parties grew up in the 1950s, among them the Ba'ath Party, the National Democratic Party, the Independence Party, and the Communists, who came together in a Front of National Unity (Patriotic Union Front), with which the Kurdish Democratic Party also worked informally. Together they drew up a list of Five National demands, in March 1957. These called for the ouster of Nuri al-Sa'id and the dissolution of the illegally elected Parliament; Iraq's abandonment of the Baghdad Pact; a strictly neutral foreign policy; an end to all foreign intervention; lifting of martial law and the liberation of political prisoners; and the allowance of political liberties.

The united front opposition had its counterpart in the military, among lower-level officers, who came from the middle and lower classes. In December 1956, they formed the Free Officers Movement, partly in emulation of the powerful Egyptian movement which had engineered the 1952 revolution. They organized cells and quickly spread their influence.

The 1958 Revolution and Constitution

The leading figures of the Free Officers, Abd al-Karim Qasim and Abd al-Salam Arif, who both came from poor families, organized for a revolution, informing the political

parties in the united front just days before the action. On July 14, 1958, the troops had been ordered to march to Jordan, to secure its borders against possible violence stemming from the civil war that had broken out in Lebanon. Instead of marching to Jordan, they gave the order to march on Baghdad, where they rapidly occupied the royal palace, the defense ministry, the police station, radio station, and a major barracks. Arif announced over radio, that the “old regime” had been ended, and a “new republic” had been established.

He announced that a three-man sovereignty council would rule, assuming the responsibility of the presidency of the republic. Members of the council, which reflected the social composition of the country, included Gen. Najib al-Rubay’i, a Sunni; Mohammed Mahdi Kubbah, a Shi’ite and former chief of the Independence Party; and Khalid al-Naqshbandi, a Kurdish former officer. The two leaders of the revolution opted for a civilian government, in which Qasim (son of a Shi’ite mother and Sunni father) became prime minister and defense minister, while Arif took the posts of deputy prime minister and interior minister. Other posts were taken by members of the political parties in the united front, with the exception of the Communists and the Kurds.

Within less than two weeks, on July 27, the new government drafted an Interim Constitution, to replace the monarchist document of 1925. The new Constitution’s preamble laid out the causes and aims of the revolution: “Whereas the National Move undertaken by the Iraqi Army on the 14th of July, with the cooperation and support of the people, aims at establishing the sovereignty of the people; and endeavoring to guard against its violation and at ensuring and safeguarding the rights of citizens; and whereas the previous regime in the country which has been rejected was supported by political corruption; as power was seized by individuals who ruled the country against the will of the majority and against the interests of the people, since the objective of that rule was the satisfaction of those individuals and to ensure the interests of colonialism and the implementation of its desires as was set down in the first proclamation to the people on the 14th of July 1958 at the inception of the National Move and which incorporated the downfall of the Monarchy and the setting up of the Iraqi Republic.

“We therefore in the name of the people hereby declare the annulment of the Iraqi Constitution and all its amendments as from July 14, 1958. And in order to establish the basis for Government and to regulate the rights and duties for all the citizens, we hereby proclaim this provisional Constitution to remain in force during the transitional period until such time as a permanent constitution is adopted.”

In its 29 succinctly stated articles, the document lays the basis for a republic. Among others, it establishes that “The state of Iraq is an independent sovereign Republic” and is “an integral part of the Arab Nation. . . . The structure of Iraq stands on a basis of mutual cooperation among all its citizens

and respect of their rights and protection of their liberty.” Specifically, it states that “Arabs and Kurds are considered partners in this Nation and their national rights within the unity of Iraq are recognized by this constitution.” Furthermore, “Islam is the Religion of the State.”

“The people are the source of all powers,” the 1958 constitution declares. “Citizens are equal before the law in their public rights and obligations, and there shall be no distinction between them by reasons of race, origin, language, religion, or belief.” As for civil liberties, “Freedom of thought and expression are guaranteed and shall be regulated by law. . . . Freedom of the individual and the inviolability of the home are safeguarded, and shall not be violated except according to the requirements of public safety. These principles shall be regulated by law. . . . Freedom of religions are safeguarded and religious rites shall be respected, provided they do not violate public order or are contrary to public morals.”

Regarding economic matters and defense, “Private property is safeguarded. Its social role is to be regulated by law, and it shall not be seized except for the public interest and against fair compensation according to the law. . . . Agricultural ownership shall be limited and regulated by law. . . . National defense is a sacred duty and military service is a source of pride for citizens. This is to be regulated by law. . . . Military forces in the Republic of Iraq are the property of the people, and its function is the safeguard of the sovereignty of the country and the defense of its territory. . . . The State alone may establish Armed Forces and no organization or group may set up military or para-military establishments.”

The form of government is outlined as follows: “Presidency of the Republic is vested in a ‘Presidential Council’ consisting of a President and two Members. . . . Legislative Powers are exercised by the Council of Ministers, subject to the approval of the Presidential Council. . . . Judges are independent. . . . They are subject to no authority save that of the law. No authority or individual shall violate the independence of the judiciary or judicial affairs. . . .”

Economic and Social Justice

The new republican government, which enjoyed the support of the people, succeeded in effecting a true revolution in a short period of time. Among its first acts was to leave the pro-British Arab Federation with Jordan (set up earlier in 1958), and to terminate all relations with the Baghdad Pact. It then annulled its security treaty with Britain and cut bilateral relations. By the end of May 1959, all British military had left the country. Iraq’s new government also abandoned the agreement that had been made by the monarchy with the United States, from 1954-55, for military equipment and cooperation. It pledged its adherence to the principles of the United Nations and to the Bandung Conference of the Non-Aligned Movement.

On the domestic front, the new freedom was soon felt.

Political prisoners were freed, as well as teachers and students who had been fired for their political views. Kurds who had been exiled were welcomed back, including Mustafa al-Barzani, who had lived in exile in the Soviet Union. The article in the Constitution defining Kurds as “partners” became a reality, as the Kurdish language was promoted, in publications, and in the schools.

More broadly, cultural life flourished, with the founding of dozens of new newspapers and magazines, 45 in Baghdad alone. Publishing and book distribution exploded, and it is estimated that there were more books published in one year of the new republic, than in 30 years under the monarchy.

The article in the constitution related to limitations on agricultural ownership, was translated into land reform in 1958. Modelled on the successful agrarian reform in Egypt, it allowed landowners to possess 1,000 dunum (100 hectares) of land, if irrigated, and twice that, if rained. Any land held above that amount was expropriated by the government, and redistributed to landless peasants, who received 7-15 hectares each.

Other measures to establish economic and social justice included the introduction of labor unions, social security, rent control, and price controls on food products. Major social infrastructure projects were carried out to provide low-cost housing, and special institutions were set up to care for the underprivileged and handicapped. Legislation was implemented to protect the rights of women, as equals.

As for the oil, which British rule had monopolized, the new government fought, slowly but steadily, to regain control over the country’s natural resources. Seeking to avoid the kind of violent response that had been dealt out to Iranian Minister Mossadegh after he nationalized oil, the Iraqi government tried to negotiate with the British for a majority control. When the British refused, Iraq passed the Public Law 80, which gave it 99.5% of the not-yet-exploited areas, and prohibited granting concessions to any foreign concern. The Iraqi National Oil Company was established to control all matters pertaining to oil.

Qasim was assassinated in 1963 in a Ba’athist coup, and his government overthrown. In 1968, a new constitution was issued, which gave the Ba’ath Party the prominent political role; and in 1990, another version enhanced that role even further. Despite the violent political upheavals which destroyed the republic, some aspects of its Constitution were retained—at least in form—in the Ba’athist documents.

For example, the 1990 Constitution asserts control over natural resources, and calls for free and mandatory education, as well as free healthcare. It also allows for the use of the Kurdish language in Kurdish regions. Although national control over oil, and over economic policy as a whole, was maintained under the Ba’ath regime, as were provisions for free education and healthcare, the articles related to civil liberties remained a dead letter, and persecution was widespread.

Constitutional Sentiment Grows

On examining the constitutional history of Iraq, there can be no doubt that the 1958 republican constitution expresses most vividly the struggle against imperial oppression, in the common interest of the unified nation. It is known to be the reference point for most Iraqis, in their constitutional heritage. Thus, it comes as no surprise, that some among the members of the Iraqi Governing Council—the group handpicked by U.S. proconsul Paul Bremer to function as a Quisling government—should suggest pulling this document out of the archives, and reviving it for practice now.

It was reported in the *Washington Post* on Sept. 19, that UN General Secretary Kofi Annan, “suggested to representatives of the 10 non-permanent members of the [UN Security] Council Wednesday [Sept. 17], that some Iraqi leaders had suggested that the revival of a 1958 Iraqi constitution could jump-start the constitutional process.” Annan made the proposal while expressing his criticism of Bremer’s plan for a slow process of transfer of sovereignty.

The same paper on Sept. 28 reported that Secretary of State Colin Powell had discussed the matter as well. It reported, “Officials from among the 10 elected members of the UN Security Council took heart from a give-and-take with Powell” about a new resolution on Iraq. “Powell asked his counterparts to react, for example, to the idea of creating a provisional government backed by Iraq’s 1958 Constitution.” Such a body would be “stronger” than the outfit set up under Bremer.

Where Annan’s suggestion ended up is an open question, for the moment. There has been little public notice given to it. In the U.S. Congress, according to a Voice of America news report, Sen. Chuck Hagel (R-Neb.) insisted, on Sept. 21, on the importance of a constitution and elections for Iraq, saying: “That is why we should, for example, look at what the Secretary General of the United Nations is talking about. Maybe, we should go back and look at the 1958 Constitution of Iraq as a starting point. Maybe we could save some time, if we go there.”

The most recent developments indicate that Bremer is pushing ahead with his proposal to elect an assembly, through nation-wide caucuses, of selected individuals who in turn would elect a government and, later, a body to draft a constitution. This is the proposal which Shi’ite leader Ayatollah al-Sistani, the ultimate religious authority, has rejected. And Abdel-Aziz al-Hakim, the leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the largest Shi’ite organization, who has just taken over the rotating chairmanship of the IGC, has also registered his opposition to Bremer’s plan.

LaRouche’s intervention has now put the issue on the agenda for the U.S. government and for the UN, which should be immediately seized with the matter.