

Governing Wisely

Has Iraq's interim government got a chance? A Reason interview with veteran activist Chibli Mallat

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Chibli Mallat is a law professor at the University of St. Joseph in Beirut. He is an expert on Islamic law and the author of a book on the slain Iraqi cleric Mohammad Bakr al-Sadr, and he has assisted and advised the opposition to Saddam Hussein since before the first Gulf War. Mallat began working with opposition leaders from Najaf in the late 1980s and in 1991 helped found the International Committee for a Free Iraq (more than half of whose members ended up on the recently disbanded Iraqi Governing Council). In the mid-'90s, when the Iraqi opposition had been enfeebled by infighting, an abortive coup attempt, and the Kurdish civil war, Mallat brought together Ahmed Chalabi and two Iraqi Kurd leaders in Washington so that Iraqi dissidents could begin lobbying for the Iraqi Liberation Act, which was passed in 1998. In 1996, he formed Indict, an organization that has gathered evidence of Saddam's crimes, with an eye toward an eventual trial.

Since the invasion of Iraq (which he says he did not support) Mallat has sharply criticized the American effort while energetically encouraging its goals. He remains supportive of Chalabi, favors the Wolfowitz faction in the Defense Department, and is a respected advocate of liberalization and the rule of law throughout the Middle East.

reason: You argued just before the interim government was named that the Iraqi Governing Council should have been kept in place. What do you think of the interim government as it now stands?

Chibli Mallat: The Iraqi Governing Council (and the government) was a remarkable group, which included practically all the central historic leaders of the opposition. Three of its members have been killed, and everyone was maligning them while preventing them of moving forward. (One doesn't get far with a salary of \$1,500 each and a budget which needed Bremer's signature for each item.) Instead of keeping that delicate balance, the UN Secretariat tried to get back into Iraq (with the US government's war-losing factions backing them—essentially [Secretary of State Colin] Powell and to some extent [National Security Advisor Condoleezza] Rice, through Robert Blackwill) by undermining the IGC with UN preeminence.

One can see it still in the current draft resolution giving "a leading role to the UN envoy." Brahimi tried to send most of the IGC home and get his man (Adnana Pachachi) in as president of Iraq. They resisted, and now we have a second-tier group, with even

less legitimacy than the previous one, and without Pachachi. So everyone got severely mauled, and this is exactly what I wanted to prevent by preserving the IGC—which wasn't perfect, but hard to improve upon.

reason: How stable is the interim government?

Mallat: One has to support it critically, that is make sure that the tendency of some of its members to get brutal is under check. Unfortunately the previous liberal counterweights in the Council (Chalabi, Pachachi, Bahr al-Ulum, and many others) are out, and the two Kurdish leaders are also not on it. Still, one should support it with a view to a change that comes through some political process of representation. But it is certainly going to be less stable than the Governing Council.

reason: You've been making the case for a human rights monitoring system in Iraq, but you've also been very critical of the U.N.'s role in the country. Is there any human rights regime that would have any real power of enforcement in Iraq?

Mallat: Human rights monitors are the only way one can come up with to offer the beginning of a rule of law. The rest, which the UN likes to focus upon, is superfetatory. Today in Iraq, killing takes place without the possibility of the families of the victim getting any justice. One cannot even report a killing. With human rights monitors, at least those killings, including the dozens of former Ba'athists who simply get gunned down in the streets, are not completely ignored. The killer would at least know that there may be retribution eventually. Also, with human rights monitors, you could not have Abu Ghraib going on for months without any international reporting. Human rights monitors are a beginning; the rest will develop through a police force, the courts, etc.

reason: In a recent column, Fareed Zakaria says one hopeful omen in Iraq is that: "radical 'de-Ba'athification,' the pet project of the Pentagon and Ahmed Chalabi, has been overturned. The army that was disbanded is being slowly recreated." Now Prime Minister Iyad Allawi says, "Mistakes, big mistakes, were made, including dissolving the army, police services and internal security forces." Is de-Ba'athification really finished? If so why are so many people clucking that what would seem to be a laudable activity is being abandoned?

Mallat: De-Ba'athification is absolutely normal. It simply does not make sense to have people from Saddam's regime holding positions of power. (And the measures are modest; the law goes down three rungs.) I was however against sending the army home,

precisely because anyone who knows Iraq realizes that the 400,000 conscripts were not the ones who did the nasty work; only a small group did. In the case of the de-Ba'athification policy, two elements were missing: a chance for individual Ba'athists who suggest they just carried the card to make their case publicly, and a more determined policy—again human rights monitors would have helped—to offer protection to those people who feared for their lives, and some retribution to their assassins. But it is simply not normal to have characters high up in the former system continuing to wield power.

reason: We've heard a lot about how Allawi's willingness to be critical of the U.S. is a good sign, suggesting that the interim government has a degree of independence. Is there anything to that?

Mallat: Allawi was part of the IGC, and everyone there was critical to some extent. This will continue.

reason: How much credence should we put in interim government Kremlinology, where somebody assesses how healthy the government is based on comments like Allawi's above, or on what Ayatollah Sistani is saying about the government on a given day?

Mallat: The government will be unstable for the reasons mentioned above. But they will have a window of opportunity. Hopefully they will manage to use it well.

reason: There have been complaints that Paul Bremer's management of Iraq created a situation that favored extremists over more responsible types. Is that a legitimate criticism, and if so how did Bremer create that situation?

Mallat: Bremer has been a poor choice. He knew nothing about Iraq, he came against the Pentagon (meaning that he could not carry out his orders easily), and he is of the Kissinger school which does not believe in democracy and is burdened the world over with the Chile precedent. Mostly, it was a shame to have a colonial type in power in Baghdad, and one who came to Iraq without having in any way struggled with the Iraqis against Saddam.

reason: American media are running Khrushchev-style denunciations of Ahmed Chalabi, but if Chalabi or his intelligence chief was involved in passing along secrets to Iran, that's not just propaganda: It's a pretty

serious charge. Is there anything to this hubbub, or is it another fight in the familiar struggle between State and Defense?

Mallat: Who knows the murky world of intelligence? But this whole argument seems to me unreal, since Chalabi has been the greatest supporter of the US in Iraq. Still, the case should be investigated, and Chalabi has proposed to put the case before Congress. It seems to me a fair proposition, and I have just encouraged Aras Karim, against whom an arrest warrant was issued, to put his case before Congress too.

reason: What does the resignation of CIA Director George Tenet mean for the investigation of Chalabi?

Mallat: Senator Hillary Clinton says that Tenet's demise was Chalabi's doing. There is some truth to that, but my sense is also that Tenet went too far, with the president's and vice president's having to consult lawyers on intelligence matters sealing his fate.

reason: Michael Ledeen points out that it's hypocritical to be hounding Chalabi for his Iran ties when officials like Aziz al Hakim of SCIRI and Ibrahim Jaffari of the Dawa party are directly funded by Iran. And Andrew Cockburn notes that Iyad Allawi is just as guilty as Chalabi of providing shady WMD arguments—yet Allawi is now the prime minister and Chalabi is persona non grata. Why has Chalabi turned out to be vulnerable in a way these other guys haven't?

Mallat: Iraq is a kaleidoscope, a sort of Rashomon or Copenhagen. All these contradictions are real and bewildering, but my sense is that factionalism in Washington is at the center of the failed part of US policy. This ended up in a struggle to the death between Tenet and Chalabi, and various related internecine fights. Chalabi was supported by the vice president and the Pentagon civilian leaders, Allawi by Tenet, Pachachi by Powell and Annan. Instead of keeping them all together until some stability came to the country, it was war by all against all. This was simply not necessary.

reason: Even before the war, the conventional wisdom was that Chalabi had no popular standing in Iraq, and we continue to hear about opinion polls that show he's less popular than root canal. How accurate is this conventional wisdom?

Mallat: Before the war, one used to hear that no one in Iraq knew about Chalabi. As if Iraqis did not hear the BBC... After the war, it was "Chalabi is a thief," repeated with glee all over Iraq by Tenet and all the others who hated him.

One thing is certain: Ahmad is at the center of a unique controversy in the world; he and Iraq drive passion. Throw out his name in Washington, Paris and Beirut at a dinner table, and you can be certain the table goes up in flames. There should be less passion, regarding Chalabi or anyone else, and a return to two basics: Without Chalabi—and only him amongst Iraqis,—Saddam would still be in power. That much I think is acknowledged, but the consequences are not acted upon in the US government.

By this I mean that once you take pride in having gotten rid of Saddam and allowed the possibility of freedom in Iraq, you do not fight the person who convinced you (as the US government, collectively) just because you've had setbacks in Iraq. Either you acknowledge openly that the war in Iraq was wrong, or you work for democracy in Iraq, and use everyone bent on it.

This is the second, more important element: Chalabi should not be the focus; a national unity government in Iraq should be, with human rights as a common, central concern of Iraqis and Americans. As for popular standing, in the midst of these shadow games and personal fights to the death, one can only be reserved about anyone boasting popularity or lack thereof.

reason: Another favorite claim of the so-called experts is that Chalabi is stronger now, because he gets to pose as an anti-American activist. What do you think of that?

Mallat: Maybe, but again, the US government is deeply split, and one must always deal with it critically, even with one's own like-minded colleagues on it. This is also true when dealing with Iraqis. I have my own unease with Chalabi's readiness to deal with Muqtada al-Sadr, because of Muqtada's role in the assassination of Khoei, his brutality towards Sistani, and his opposition to all attempts to bring normalcy to the country.

It is also true that the killing of hundreds of those poor kids in the Mehdi army is unwarranted. You want to go against Muqtada, you do not need 1) to wait so long; why was he not arrested on April 10, 2003, when Khoei was so savagely killed? And 2) to massacre all these poor people; you can only awaken the anger of ten, twenty members of each one's family.

There must be another way, including having Sistani (and the IGC) shoulder some responsibility: They leave Muqtada to rule Najaf, too bad for them. The US Army should not be doing their dirty work.

reason: When the WMD story first started to fall apart, Chalabi made a refreshingly direct comment: "As far as we're concerned we've been entirely successful. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important. The Bush administration is looking for a scapegoat. We're ready to fall on our swords if he wants." Since he's made the offer (and since Americans now have more than 800 reasons to be angry about bad pre-war intelligence), why should any American be concerned about his fate?

Mallat: WMD was a wrong reason to go to war in Iraq. Cheney and Wolfowitz were right, and Powell and Tenet who defended this argument to the detriment of Bush's policy (of regime change because of the regime's unique dictatorship) were wrong. The world is still paying the price. WMD was a tangentially good argument only because Saddam had used them against his people (and against Iran), so the argument of WMD should have been retrospective, not prospective.

reason: Thomas Friedman says President Bush is more concerned with getting re-elected than with making sure we "do Iraq right"? Do you agree? And if there isn't a serious enough commitment from the U.S., what are the odds that the transition and elections will work out?

Mallat: Both are tied together. Success in Iraq means better chances for Bush getting reelected. There is no contradiction there. I am skeptical about quick results, because of the undermining of the previous national unity government, and the likelihood of the UN resolution not saying what it needs to say: timetable for withdrawal, and human rights monitors.

reason: Is the Sadrist uprising winding down?

Mallat: Unclear. Sadr will not accept willingly to stand trial for the Khoei assassination. If he doesn't, the central reason for this whole mess is undermined, and he comes out as a winner. The conundrum is real.

reason: We hear that the majority of Iraqis want the violence to end and their country to be free and strong, but you could have said the same thing

about the majority of Lebanese in 1983. If the U.S. can't come up with an iron-fist solution to the "security problem," are there any political prospects for Iraq?

Mallat: There is never a magical solution which is security-based. It can only be based on a sense of right. Again the beginning is human rights monitors. The US failed in Lebanon because Amine Gemayyel turned his presidency into a dictatorship, and Syria and others took advantage of his failure to speak for all Lebanese. I am not sure one can compare Lebanon to Iraq as the talk of a free Lebanon does not square with bringing the head of one extremist faction to power on the back of Sharon's tanks. The US government genuinely wants democracy in Baghdad. But then, human rights monitors are the starting point, not army boots.

reason: How would you assess the roles being played by Syria, Iran, and Jordan in Iraq right now?

Mallat: Each one has its list of hopes and fears. Here are the general poles. Syria: end of its own regime as fear, rout of the US as hope. Iran: end of its regime as fear, Iran-style Shi'is in power in Baghdad as hope. Jordan: Chalabi in government as fear, a more stable status quo as hope.

reason: What's going to happen to Saddam?

Mallat: He will probably be tried and hanged.