

How to stop civil war

Nicaragua and South Africa, not the US, should be the inspiration for the people framing Iraq's constitution

Between the idea and the reality falls the shadow of occupation. Whatever the parliamentarians in Iraq do to try to prevent total meltdown, their efforts are compromised by the fact that their power grows from the barrel of someone else's gun. When George Bush picked up the phone last week to urge the negotiators to sign the constitution, he reminded Iraqis that their representatives – though elected – remain the administrators of his protectorate. While US and British troops stay in Iraq, no government there can make an undisputed claim to legitimacy. Nothing can be resolved in that country until our armies leave.

This is by no means the only problem confronting the people who drafted Iraq's constitution. The refusal by the Shias and the Kurds to make serious compromises on federalism, which threatens to deprive the central, Sunni-dominated areas of oil revenues, leaves the Sunnis with little choice but to reject the agreement in October's referendum. The result could be civil war.

Can anything be done? It might be too late. But it seems to me that the transitional assembly has one last throw of the dice. This is to abandon the constitution it has signed, and Bush's self-serving timetable, and start again with a different democratic design.

The problem with the way the constitution was produced is the problem afflicting almost all the world's democratic processes. The deliberations were back to front. First the members of the constitutional committee, shut inside the green zone, argue over

every dot and comma; then they present the whole thing (25 pages in English translation) to the people for a yes or no answer. The question and the answer are meaningless.

All politically conscious people, having particular interests and knowing that perfection in politics is impossible, will, on reading a complex document like this, see that it is good in some places and bad in others. They might recognise some articles as being bad for them but good for society as a whole; they might recognise others as being good or bad for almost everyone. What then does yes or no mean?

Let me be more precise. How, for example, could anyone agree with both these statements, from articles 2 and 19 respectively? “Islam is the official religion of the state and is a basic source of legislation: no law can be passed that contradicts the undisputed rules of Islam.” (In other words, the supreme authority in law is God.) “The judiciary is independent, with no power above it other than the law.”

Or both these, from articles 14 and 148? “Iraqis are equal before the law without discrimination because of sex, ethnicity, nationality, origin, colour, religion, sect, belief, opinion or social or economic status”; “Members of the presidential council must ... have left the dissolved party [the Ba’ath] at least 10 years before its fall if they were members in it.”

Faced with such contradictions, no thoughtful elector can wholly endorse or reject this document. Of course, this impossible choice is what we would have confronted (but at 10 times the length and a hundred times the complexity) had we been asked to vote on the European constitution. The yes or no question put to us would have been just as stupid, and just as just as stupefying. It treats us like idiots and – because we cannot refine our responses – reduces us to idiots. But while it would have merely enhanced our sense of alienation from the European project, for the Iraqis the meaninglessness of the question could be a matter of life and death. If there is not a widespread sense of public ownership of the country’s political processes, and a widespread sense that political differences can be meaningfully resolved by democratic means, this empowers those who seek to resolve them otherwise.

Last week George Bush, echoed on these pages by Bill Clinton’s former intelligence adviser Philip Bobbitt, compared the drafting process in Baghdad to the construction of the American constitution. If they believe that the comparison commends itself to the people of Iraq, they are plainly even more out of touch than I thought. But it should also be obvious that we now live in more sceptical times. When the US constitution was drafted, representative democracy was a radical and thrilling idea. Now it is an object of suspicion and even contempt, as people all over the world recognise that it allows us to change the management but not the firm. And one of the factors that have done most

to engender public scepticism is the meaninglessness of the only questions we are ever asked. I read Labour's manifesto before the last election and found good and bad in it. But whether I voted for or against, I had no means to explain what I liked and what I didn't.

Does it require much imagination to see the link between our choice of meaningless absolutes and the Manichean worldview our leaders have evolved? We must decide at elections whether they are right or wrong - about everything. Should we then be surprised when they start talking about good and evil, friend and foe, being with them or against them?

Almost two years ago Troy Davis, a democracy-engineering consultant, pointed out that if a constitutional process in Iraq was to engender trust and national commitment, it had to "promote a culture of democratic debate". Like Professor Vivian Hart, of the University of Sussex, he argued that it should draw on the experiences of Nicaragua in 1986, where 100,000 people took part in townhall meetings reviewing the draft constitution, and of South Africa, where the public made 2 million submissions to the drafting process. In both cases, the sense of public ownership this fostered accelerated the process of reconciliation. Not only is your own voice heard in these public discussions, but you must also hear others. Hearing them, you are confronted with the need for compromise.

But when negotiations are confined to the green zone's black box, the Iraqis have no sense that the process belongs to them. Because they are not asked to participate, they are not asked to understand where other people's interests lie and how they might be accommodated. And when the whole thing goes belly up, it will be someone else's responsibility. If Iraq falls apart over the next couple of years, it would not be unfair, among other factors, to blame the fact that Davis and Hart were ignored. For the people who designed Iraq's democratic processes, history stopped in 1787.

Deliberative democracy is not a panacea. You can have fake participatory processes just as you can have fake representative ones. But it is hard to see why representation cannot be tempered by participation. Why should we be forbidden to choose policies, rather than just parties or entire texts? Can we not be trusted? If not, then what is the point of elections? The age of purely representative democracy is surely over. It is time the people had their say.