STATE FORMATION AND CIVIL WAR IN IRAQ 2003-2016: A QUESTION OF SECT OR STRUCTURE?

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Ethno-sectarian diversity is often cited as a strong indicator, if not a cause, for higher likelihood of civil war. Ethno-sectarian dominance is even more so. Iraq is a case not only of ethno-sectarian diversity. It is a case of ethno-sectarian dominance, par excellence. This begs the question: to what extent was communal diversity to blame for Iraq’s descent into civil war after 2003? To what extent were other structural drivers equally or more explanatory? This thesis argues that Iraq’s decent into civil war was primarily caused by a highly-flawed process of structural transition. Some structural flaws that led to a poor transition pre-date 2003. Others were imported after 2003. All of the key drivers toward civil war were distinctly modern. This study examines four elements of transition: socio-cultural factors (communal identity) and changes to security, economic, and political structures. Chapter 3 provides background information about expressions of communal identity in Iraq during the 20th century and after 2003. This background included aggressive, even militant expressions of communal identity. But it shows that communal identities in Iraq have rarely been static. The importance of sectarian identities is highly historically contingent and fluctuates over time. Chapters 4 to 7 describe challenges posed by political, economic, and security transitions in Iraq. First, foreign occupying forces dismantled existent armed forces, but did not meet Geneva Convention obligations to provide security. A security vacuum quickly emerged. The security vacuum facilitated a range of criminal activities as well as violent entrepreneurship in identity politics. In the following months and years, other fighters joined the violence in Iraq. Some arrived as the militias of returning exiled political parties. Others were created locally, such as the various tribal councils. Second, the occupying power’s emphasis on consociational power-sharing solutions entrenched exile opposition parties that often lacked local support bases. Deba’athification was proposed as a mechanism of transitional justice and accountability promotion. In practice, the parties in power used politicized deba’athification to remove independent opponents. Third, the post-2003 government inherited a highly inefficient centralized economy and a national budget almost uniquely run on oil revenues. Attempts to carry out any large-scale economic changes after 2003 would have added immense pressure to an already highly stressed process of transition. Attempting change in the midst of a security vacuum particularly augmented the dislocation and violence of transition. Security improved between 2007 and 2011. However, the administration of Prime Minister Nūrī al-Mālikī invested the lull in violence not to rebuild professional national security forces, the economy, or accountability mechanisms, but to plunder them. The plague of corruption is now, arguably, a greater threat to national security than international terrorism or other elements of the executive’s attempts to consolidate (competitive) authoritarian rule.

Focusing on Iraqi state formation after 2003, this thesis critiques current literature on civil wars and state-formation. The analysis sheds light on non-communal structural factors that pushed Iraq post-2003 into an intractable civil war. More broadly, this case study indicates the key role
of non-identity factors in hindering other state-building projects in ethnically and religiously diverse states.
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Chapter 1: Introduction

Seeing Sectarian: U.S. Policy towards Iraq after 2003

U.S. policy makers often perceived post-2003 political developments in Iraq through a sectarian lens. The Coalition Provisional Authority (CPA) appointed the first Iraqi governing council in 2003, and then an interim government to which it granted sovereignty in 2004. In both cases, policy makers took great care to make councils representative of the ethno-sectarian portions of the population through quotas.¹ From 2006 to 2011, the Iraqi president was Kurdish with two Arab deputies, one Sunni and one Shiite. The Prime Minister was a Shi’ite Arab with a Sunni Arab and a Kurdish deputy. The Speaker was a Sunni Arab with a Shi’ite Arab and a Kurdish deputy. “Virtually every important minister was forced to work with two deputies from different political parties and different ethno-sectarian groups.”² Such systems duplicated themselves in the electoral and political order after the formal hand-over of power to a sovereign Iraqi government.

U.S. authorities prioritized implementing ethno-sectarian quotas over other key aspects of the transition. The CPA’s dissolution of armed forces, failure to provide an alternative, and politicized deba’athification actively impeded accountability as well as reconciliation. These processes created long-lasting exclusions. In the name of communal representation and purity of the new order, the CPA privileged a majority of exiles. The CPA ignored substantial problems resulting from allowing unelected outsiders with little local support bases to run the state.

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The poorly managed transition of Iraq’s security, economic, and political structures was costly. In the first three weeks following the takeover of Baghdad by U.S. forces, looting cost Iraqis $12 billion. Seventeen of the Iraqi government's twenty-three ministry buildings were destroyed, along with much of their institutional records. National unemployment spiked from 16% to 60% by 2005. Over half of the population was on the brink of subsistence within the first two years of transition. As James Dobbins noted with characteristic diplomatic understatement in his 20-country study of nation-building and peace-enforcement operations, “security without economic assistance is much more likely to spur economic growth, than is economic assistance without security.” Indeed, in Iraq, the security void did much more long term harm to the economy than billions of dollars of assistance, loans, and security contractors fixed after the fact. The direct cost of the Iraq war to the U.S. was $823 billion at the end of the 2012 fiscal year. The U.S. and its allies spent approximately $75 million on aid “with little lasting benefit to Iraq” in the words of one initially adamant supporter of the U.S. invasion. The “lions share” of funds for construction contracts were spent on providing security protection rather than development itself. A further $4 billion are estimated to have been lost annually to corruption.

4 James Dobbins et al., The UN's Role in Nation-building: From the Congo to Iraq (Rand Corporation, 2005), xxix.
As the post-2003 Iraqi civilian death toll grew from 75,000 to more than 151,000\(^9\) as a direct result of violence in 2007\(^{10}\) and hundreds of thousands were displaced from their homes,\(^{11}\) the U.S. Congress passed a proposal to pursue the partition of Iraq into three federalized ethno-sectarian units with a rare bipartisan vote.\(^{12}\) The division proposal had no specific plan for the security, economic, or political structures of the individual regions. It did not consider disputed territories that would certainly arise. Simply dividing Iraq into ethno-sectarian units was sufficient, according to law makers in the U.S. This was a result of their belief in the overwhelming role of identity divisions.\(^{13}\)

No society can endure an over-night security vacuum and massive economic dislocation without experiencing major violence and criminality. As Dodge notes, "the political utility of communal identity is defined by and reacts to the changing nature of society and crucially how a state seeks to interact with and control its population"; Iraqis “like people everywhere, have

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\(^13\) There are many examples of other academics and politicians who took an *a priori* view of the deeply divided nature of Iraqi society, mutual hostilities pre-2003, the need for solutions based on deep decentralization, and division into separate states. See then U.S. Senator, Joseph Biden, “Unity Through Autonomy in Iraq,” *New York Times*, 1 May 2006. Former U.S. Senator and advisor to both major parties in the Kurdish Region, Peter Galbraith, stated "in May 2003, I realized that the Kurdish leaders had a conceptual problem in planning for a federal Iraq. They were thinking in terms of devolution of power – meaning that Baghdad grants them rights. I urged that the equation be reversed. In a memo I sent Barham [Salih] and Nechirvan [Barzani] in August, I drew a distinction between the previous autonomy proposals and federalism: …The Constitution should state that the Constitution of Kurdistan, and laws made pursuant to the Constitution, is the supreme law of Kurdistan. Any conflict between laws of Kurdistan and the laws of or Constitution of Iraq shall be decided in favor of the former."
Galbraith wrote that his ideas on federalism "eventually became the basis of Kurdistan's proposals for an Iraq constitution". Peter Galbraith, *The End of Iraq: How American Incompetence Created a War without End* (New York: Simon and Schuster, 2006), 166.
several different aspects to their individual and collective societal identities: familial, professional, [economic] and geographic, as well as ethnic and religious.”14 The strength and order of these identities are fluid, changing over time according to circumstance. Communal identities are not always primary forms of political identification. Presuming a returning exile elite group will represent such communal groups upon return is doubly problematic due to their long disconnect with the reality of life in the region.

By contrast, CPA head Paul Bremer complained repeatedly in his memoirs that the Governing Council’s nominations for other officers of government were un-representative if they lacked a member from one of the micro-minorities (such as the Turkoman or Christians); he chided the Governing Council’s members for their childishness in limiting their ministry selections to members of their own parties.15 Bremer made no link between such behaviour and the CPA’s decision to continue to appoint members of the Governing Council rather than have elections.

The policy proposals of these U.S. authorities in Iraq and U.S. representatives in Washington, D.C. reflected and perpetuated the inherited belief of civil war in literature. They perceived the violence in post-2003 Iraq as largely sectarian in form and in cause. Therefore, it is unsurprising that the solutions proposed by these authorities were sectarian (consociational) as well.16 In reality, the overwhelming challenge to the formation of a stable Iraqi state since 2003 is the violent competition by factions within as much as between sectarian groups.

16 Younis, “Set Up to Fail,” 12.
Alternative Structural Factors Sustaining Conflict in Iraq After 2003

Some of the structural drivers of post-2003 violence were new and foreign-imposed. Others factors were pre-existent. The level of success of the transition in Iraq post-2003 depended to a large degree on advances in three structural spheres: the re-imposition of order, building of accountable institutions, and the promotion of sustainable economic growth. During the decade following 2003, authorities did not solidify any one of these three structural pillars (security, political, or economic). The remaining professional elements of these structures, which had survived the previous three decades of regime terrorization and a near constant state of war, were frequently targeted or uprooted.

Foreign occupying forces did not meet the Geneva Convention obligation to provide security. The Bush Administration committed force levels of less than 20% the size recommended by their own army’s traditional military planners for post-conflict (post-invasion) stabilization. U.S. authorities disbanded the Iraqi Army without notice or pay shortly after entry into Baghdad. This security vacuum provided an ideal context for criminal activities as well as sectarian entrepreneurship. In the following months and years, new militias also arrived with exiled political parties or emerged within the security vacuum and engaged in violence in Iraq.

Occupying authorities played an important role in defining the electoral and broader legal frameworks of post-2003 Iraq. They pushed for consociational representation, which overburdened the political process with exiles and contributed to the design of a highly problematic constitutional framework. One of many issues, the Constitution of 2005 (like the CPA commissioned Transitional Administrative Law upon which it was heavily based) centered

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18 Discussed further in Chapter 5.
power in the hands of a prime minister rather than a president. The consociation model uses a prime ministerial system rather than a presidential one, assuming that direct election of a president favors a tyranny of the majority, whereas selection of a Prime Minister via compromise of parties in parliament facilitates a more stable outcome. In Iraq, the prime minister abused this position. Likewise, Iraqi governments literally broke international records for length of time to form a government at a time when their country was in the depth of crisis. The emphasis placed on winning the post of the prime minister left the country without a government for 289 days in 2010. That was nearly a year of distraction from more pressing issues.

In addition to the new, troubled security and political structures, the post-2003 order inherited a highly inefficient centralized economy driven nearly to the ground by warfare and the most comprehensive sanctions in U.N. history. In 2003, the Iraqi state had effectively “been at war for the last 23 years,” as a result of Saddam Hussein’s generally unsuccessful “repeated and extended episodes of war-making”. Iraq endured 13 of the 23 years under an intense sanctions regime (1991-2003) with sporadic aerial bombing that made life look more like a “continuation of war by other means” than a cessation of hostilities. The sanctions created a system of intense popular dependence upon patronage that complemented other coercive control mechanisms in the pre-2003 authoritarian state. In parallel, Saddām Hussaîn’s historical use and  

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24 Khoury, Iraq in Wartime, 1-3.
abuse of the economy as a tool of authoritarian control added to the inherited economic structural complications of transition. The pre-2003 regime had brutalized the integrity of the state’s political and economic structures as well as the civilian population. On the eve of the 2003 invasion, the state was fiercer (terrorizing its own population) and also structurally weaker (crumbling in days to a foreign invasion).

After the removal of Hussain, leaving the pre-2003 economic system in place risked perpetuating systems of patrimonial control and economic stagnation. Attempts to change the system overnight, especially without a government beholden to checks and balances, risked massive social and economic dislocation. This dislocation represented a sufficient grievance to help fuel insurgency. U.S. authorities’ attempts to carry out large-scale economic changes after 2003 would have added immense pressure to an already highly stressed process of transition in the best of circumstances. Attempting to carry out these changes in the midst of a security vacuum was particularly ill-advised and augmented the dislocation and violence of transition. Post-2003 Iraq balanced in a fragile equilibrium between continuing on the path of authoritarianism and fragmentation into possible civil war purely based on pre-existent structural factors. Avoidable and unavoidable CPA policy tipped the already precarious republic into civil war.

**Implications of Iraq for Regime Change, Civil War, and Consociational Model Literature**

By elucidating the a-sectarian structural causes of the Iraqi civil war and showing the preponderance of intra-sect over inter-sect violence after 2003, this study will correct the over emphasis on sectarian identity politics in the literature on Iraqi state formation. More broadly, this correction will challenge the emphasis on ethno-sectarian power-sharing solutions (the consociational model) in state building literature.
Chapter 2: Theoretical Frameworks for Understanding Civil Wars

Summary

The present literature on state-building and civil war suffers from different, but complementary, failings. The literature on civil wars notes a high correlation between heterogeneous societies and civil war in the last half-century. It neglects to control for GDP disparity, and extrapolates a causal relationship. The literature on state-building makes the same assumption of causality, and offers elite-based power-sharing solutions (consociationalism) to address these conflicts. Identity-based models could not identify these structural failures or portent the deterioration of the Iraqi state, because they focus on monitoring adherence to ethno-sectarian balances in government that were largely maintained. This inconsistency exposes a lacuna in both literatures that a re-assessment of the case of Iraq, a presumed example par excellence of identity politics, can fill.

Identity-Based Conflict in Literature on Civil Wars and Conflict Resolution

For the last half century, civil wars accounted for five times as many deaths as conflicts between states.25 The literature on civil wars and state-building posits that the increase in civil war violence resulted from a shift in the nature of civil wars toward conflicts driven by ethno-national or religious group identities.26 Recent quantitative scholarship found that ethno-sectarian diversity, in general, does not correlate with higher instances of civil war when

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controlling for differences in GDPs. Nonetheless, such scholarship continues to single-out cases of ethnic dominance, societies with one group that is large enough to form a majority of the population but in which other groups are still significant, as more at risk for civil war. They cite Iraq after 2003 as a prime example. Thus, disproving primacy of group identity in sustaining civil war in Iraq provides an ideal vantage point to critique the literature and refocus attention on more important a-sectarian structural issues that perpetuate civil war.

Assumptions of the Consociational Antidote

The tendency to give false priority to ethnic diversity as the cause of intra-state violence and consociational models for the resolution of civil wars has roots in the failure of modernization theory. Modernization theory posits that industrialization and economic development led directly to positive social and political change (defined as secularization, democracy, and industrialization with a free market economy). If industrialization did not lead

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27 Fearon and Laitin (2003) studied 127 civil wars between 1945 and 1999 and found no important correlation between instances of civil war within any income bracket and the strength of ethnic or religious identity-based grievance or ethno-sectarian diversity, excluding ethnic dominance. Rather, the rise of civil wars correlated to the existence of "conditions that favor insurgency" or governments that are weak in terms of political and military capabilities and control over rural areas (especially new post-colonization governments), rough terrain (such as a rural base, distanced from center of power), large population, and access to weapons/foreign support for the insurgency. Fearon and Laitin, “Ethnicity, Insurgency, and Civil War,” 75-77. All of Fearon and Laitin’s key proposed factors contributing to outbreak or sustaining of civil war are thus structural.


30 Throughout the 1960s, '70s, and into the '80s, modernization theory dominated the debate on political change. Modernization theory posits that industrialization is inevitably paralleled by social modernization, leading to political modernization, generally a stable free-market democracy. According to the model, economic advance occurs across societies in the same pattern as in the U.S./U.K. economies evolve from traditional societies characterized by a rigid lack of individual or class economic mobility, with the political center of gravity in the hands of land owners and a negative premium put on change (through industrialization) to economic modernity in the form of the high mass consumption version of free-market capitalism (Rostow, 1960). Economic development sets off a series of profound social changes that together tend to produce democracy, what Lipset called some requisites of democracy. Lipset admitted that changes caused by economic modernization were critical to sustaining democracy, but not necessarily sufficient to create it (Lipset, 1959). Rostow posited an inevitable linear path through industrialization to economic modernization to democracy. In each case, social modernization parallels industri-liberalization in a process of social mobilization in which traditional ancestral bonds are broken and the individual is unfettered to pursue new forms of socialization. Increased communication expunges ethnic cleavages, resulting in social mobility and the fruitful realization of nation-building or the creation of coherent modern civic states and a more peaceful international community (Deutsch, 1953). See Walt Rostow, The Stages of Economic Growth: A Non-Communist Manifesto, (Cambridge: Cambridge University Press, 1960), 4-16; Karl W.
to secularism or democracy, a generation of political scientists imbued with the precepts of modernization theory explained why by turning to concepts of group identities.\textsuperscript{31} Theorists argued that political elites must play a critical role in managing the conflicts associated with modernization in traditional (i.e. developing) societies.\textsuperscript{32} They assumed that (a) elites are more rational than the masses and more adept than a one-man one-vote representative democracy at undertaking the compromises necessary for modernization; (b) the primary and decisive problem in traditional societies is not structural or external but identity-based; (c) people subscribe foremost to their ethno-sectarian group; and (d) that ethno-sectarian groups will agree on one leadership, enabling it to implement compromises on behalf of the group as a whole.

\textsuperscript{31} The wave of nation-state births and conflicts ushered in with the disintegration of the Soviet Union dealt a blow to modernization theory in general. The Iranian Revolution in 1979 did the same to the conventional view that modernization automatically leads to secularism. Walker Connor and Samuel Huntington were among the early voices in academia who challenged the modernization proposition that economic and social progress would necessarily produce stable democracies in recently decolonized countries (Huntington, 1968). Connor put ethnic identity at the center of his theory, and, like Ernest Gellner, correctly tied ethnicity to violence via the concept of nationalism. Nationalism is the demand that the territory of a nation be congruent with the political state, and that the ruler be of the same ethnicity as the ruled (Gellner, 1983), principles that give legitimacy to the violence of ethnic cleansing. Connor also applied two important nuances to his conception of the role of ethnic identity in nationalism and conflict. He viewed all ethno-nationalism as a distinctly modern phenomenon. Until the 1970s, modernization theorists tended to substitute the word nation for the very different concept of state, leading to a confusion between loyalty to ethnicity and civic identity in the context of a state. The concept of nation-building defined an elites-led project of national construction, intrinsically civic in nature. A false distinction was made between this good civic nationalism of the state and that of separatist movements termed ethnic, and hence primordial. Conner noted that nation-building insensitive to local nuance implies a corresponding process of nation-destruction. He corrected the false notion that the nationalism of a state is ipso facto necessarily better, or more civic, than that of a separatist or autonomist group engaged in a nationalist project. Connor conflated all nationalist projects, state or non-state led, as ethnic in origin and therefore beyond national in nature. Others theorists considered ethnicity and ancient hatreds between different ethnic groups as the exclusive basis of conflicts between them (Kaplan, 1993), arguing that ethnic heterogeneity is conflictive (Vanhanen, 1999). During the Cold War, conflict occurred along ideological lines between blocks led by two sovereign states; post-Cold War conflict increasingly occurs between the world's cultures, most notably the Western and Islamic ones. Cultural divisions, along fault-lines pre-dating the modern, rather than states and their structures, are the primary impetuses to conflict (Huntington, 1993; 1996).

Risks of Consociational Solutions

Lijphart’s consociational model assumes that the basic preconditions of democratic governance in diverse (divided) societies are power sharing and group autonomy. Assumptions of superior elite rationality, sufficient security, and the continuous primacy of allegiance to an identity-group with absolute unity underlie the presumed effectiveness of the consociational model. Yet, nearly half of civil wars that reach elite-signed settlements relapse into conflict. Thus, there are clearly factors beyond the lack of resolution of grievances or elite agreement that perpetuate civil wars.

The present literature on civil wars points to pressures from exogenous actors, elite self-interest, and the frequency of group fractiousness, and singles out the security dilemma. The security dilemma is the disincentive to abide by an agreement that involves making concessions that one party is unable to assure its opposition also implements. Theorists acknowledge these pressures to varying degrees in the literature on consociational models, but consider them secondary issues. Civil war and conflict resolution literature does not connect these widely recognized inhibitors to the implementation of agreement with the inhibition of implementation of consociational power-sharing agreements. However, they logically indicate fundamental challenges and major dangers in the structure of consociational agreements and governments.

The present analytical assessment of the structural causes of the Iraqi civil war will concretely prove that dangers of implementing sectarian solutions to violence and political gridlock are only partially sectarian in result or even cause.

34 Barbara Walters’ survey of civil wars from 1940 to 1992 indicated that 62% of civil wars in which negotiations began led to signed bargains; of these, 43% were never implemented. Barbara Walters, Committing to Peace: The Successful Settlement of Civil Wars (Princeton: Princeton University Press, 2002), 6.
35 Ibid.
Consociational governmental systems cannot ensure identity-group unity nor elite pursuit of group interest, and have no ability to resist the security dilemma or exogenous pressure (like that of major shifts in already weak economic systems). Consociational models, particularly foreign-imposed ones, may themselves create vested interests in the system of (communal group) quotas. The present study in no way denies the existence of ethnic or sectarian identities, but echoes the view articulated by Haddad in his eloquent study of sectarian identity in Iraq: “Perceptions of the sectarian self and others as indeed with any form of identity, are constantly being renegotiated”; various layers of identity are constantly “recalibrated… reinvented and re-conceptualized every time [they are] called upon as an answer to ontological insecurity”. By contrast, consociational government institutionalizes group representation and presumes that ethnic or sectarian allegiances remain the primary reference in individuals’ allegiances.

Consociational power-sharing institutionalizes ethno-sectarian quotas in formal political structures. In turn, institutionalization of group representation incentivizes politicians to base their programs and constituencies on communal identities at the expense of more inter-communal ideologies, nationalist or otherwise. Such quotas structurally entrench a sub-section of sectarian elites and impede the access of all others. Ironically, consociational solutions can actively prolong the conflict they are intended to resolve.

Quotas can be detrimental even when imposed after conflict. Younis aptly stated,

Consociational political structures are inherently weak because they are inflexibly bound to group identities and cannot respond to reformulations or even dissolutions of group identities over time. …Most divided societies that turn to consociationalism do so in the aftermath of inter-communal conflict, but Lijphart does not consider the position of post-conflict reconciliation initiatives in his constitutional design. The failure of consociational theory to address post-conflict reconciliation speaks to a fundamental flaw in consociational approaches to divided societies. Consociationalism looks at societies in the aftermath of civil conflict and sees their divisions as permanent, neglecting

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to explore processes that could allow for the de-politicization of ethno-sectarian identities.\textsuperscript{37}

In Iraq, the appointed Iraqi Governing Council (2003) and the Interim Government (2004) implemented consociational political structures before a breakdown into violence.

The majority-exile elite in the seat of governance in December 2005 was brought to power via occupying forces in the name of sectarian balance. This elite was then reaffirmed by popular votes constrained by the structures of (a) the new constitution based on the Transitional Administration Law (TAL) before it and (b) the poor security situation that allowed few independents to run as alternatives. The TAL insisted upon the consociational precept of instilling power in the Prime Minister rather than a president. Violence rose steadily through 2004 and 2005. In 2005, Iraqi violence came to fully meet the qualifications of a civil war, both in terms of death toll and because the main actors moved from foreign fighters to Iraqi security forces fighting against Iraqi insurgents.\textsuperscript{38} Rather than reacting with timeliness and decisiveness, Iraqi parties spent a record 249 days to form a government after the national elections of December 2005 by haggling over the position of the prime minister and a further 40 days to take office once agreed. Such deadly political gridlock became the hallmark of the post-2005 Iraqi governments, as it had been the hallmark of the U.S. appointed ones that preceded them. This was true despite the fact the TAL was designed in a consociational framework \textit{expressly} to force consensus decision-making and diminish conflict. In fact, it did the opposite.

\textbf{Conclusion}

De-emphasizing the sectarian narrative is not to deny that identity politics exist. Indeed, they are outlined formally in this study (see Chapter 3). It is rather to point out that its causes are

\textsuperscript{37} Younis, “Set Up to Fail,” 1-2, 4.
\textsuperscript{38} For a fuller discussion see Dodge, “Iraq: From War,” Kindle location 392.
multi-fold. When political violence is carried out between parties of different sects, but repeated between parties of the same sect, it would be myopic to call it sectarian in cause. Chapters 4 to 6 expound on the role of a-sectarian structural factors that tipped the (heterogeneous) southern provinces of Iraq into civil war after 2003. Redeploying structural theory shows why the (largely homogeneous) northern provinces slid into civil war in the 1990s, but did not after 2003 (see Chapter 7). Chapter 7 reinforces the view that structural factors are more important than sectarian factors in creating or destroying a stable transition from authoritarian rule.
Chapter 3: The Political Role of Ethno-Sectarian Group Identity in Iraq

Summary

Active ethnic and sectarian group identities existed in Iraq before and after 2003. However, their aggressiveness varied dramatically over time. Sectarian identities are rarely the primary, much less only, form of political identification. Rather, they are layered with other identities (nationalist, pan-Arabist, communist, professional, etc.) whose importance is likewise contingent. This chapter demonstrates that while communal identities long existed in Iraq, they were never static. Acknowledging and contextualizing the role of identity politics before 2003 provides a baseline against which to understand the effects of ethno-sectarian identity after 2003.

Ethno-Sectarian Group Identity Before 2003

Contemporary Iraq is a territory with a long history of political challenges, being the frontier between both old empires and modern alliances of conflicting states. A significant portion of Iraq’s recent history can be exploited as diverse, if not divisive, narratives by entrepreneurs in ethno-sectarian politics. Such narratives reflect divisions between groups that are advantaged, disadvantaged, or demonized as a fifth column by the successive rulers of the region. This study echoes the view articulated by Haddad that “each of us are members of multiple groups, [with] multiple myth-symbol complexes animating our definitions of self.”39 In certain circumstances, “a secondary and latent identity acquires the salience necessary to become a primary marker of self-identification juxtaposed against a hitherto tolerated other.”40 Degrees of affiliation vary greatly across short periods of time from extreme passivity (apologetic sectarianism) to political irrelevance, salience, and arousal into “assertive sectarianism that does not shy away from expressing sectarian identity…”[while] ‘the other’ is largely absent,”

39 Haddad, Sectarianism in Iraq, 19.
40 Ibid, 205.
“aggressive sectarianism” that involves denigrating the other symbolically or physically, and then back again.\textsuperscript{41}

**Ottoman Empire and Monarchy**

Arabness or Islamic roots represent the vast majority of the population and are a more accessible heritage than the ancient heritage of Sumer or Nineveh. However, the narrative of the Arab conquests of Iraq and the spread of Islam in Iraq (where the initial split between the Shi’ites and Sunnis occurred) is not necessarily a unifying one. During the period when Iraq was a border region between the Sunni-rulled Ottoman Empire and its Shi’ite-rulled Safavid opponent (under the British-imported monarch and under the Ba’ath), Sunnis were largely over represented in the upper echelons of the administration of the Iraqi territories.\textsuperscript{42} These administrations focused on the Safavid state and its progeny, often, as a competitor, if not enemy. Each administration included negative encounters with the Shi’ite religious establishment, and interpreted protest as form of treasonous relation with Iran. At times, movements that merely demanded access to representation domestically were perceived as overtly anti-Iranian in orientation by the ruling elite. The year 1920 heralded a *jointly coordinated* Sunni-Shi’ite Revolt against the British. In response, the British-supported Iraqi monarchy began massive deportations of the Shi’ite religious hierarchy to Iran, as the Ottoman administration had done before.\textsuperscript{43} In reaction, Shi’ite *mujtahids* enjoined their followers not to participate in politics, a situation that endured another four decades.

At the same time, sectarian affiliation was not necessarily the main lens through which all sectors of future Iraqi society assessed their disenfranchisement from the state. Certainly, the

\textsuperscript{41} Haddad, *Sectarianism in Iraq*, 26.
\textsuperscript{42} Khoury, *Iraq in Wartime*, 124.
monarchy and the bureaucracy installed under the British were glaringly disproportionately Arab and Sunni given the mere 1/5 share of the Sunni Arabs in the population at the time.\footnote{Bromley, Simon. \textit{Rethinking Middle East Politics}. Austin: University of Texas. 1994, 135-136.} However, the demands that brought the 1958 coup leaders to power and popularity were as much aimed at regulating the power of the new (largely Shiite) notables who represented the majority of the landed elite\footnote{Ibid, 136.} as the (largely Sunni) bureaucracy, which both immersed beholden to foreign interests under the British Mandate. Thus the nature of the coup was anti-imperial and anti-nobility rather than simply anti-Sunni, although Shi’ites certainly expressed their frustration at exclusion, in particular from the bureaucracy, as well.

\textbf{1950s and 1960s: Nationalist and Communist Movements}

The nationalist current of the 1950s and 1960s was a “fundamentally non-religious” movement.\footnote{Peter Sluglett and Marion Farouk-Sluglett, “Some Reflections on the Sunni/Shi`i Question in Iraq,” \textit{British Journal of Middle Eastern Studies} 5, no. 2 (1978): 85.} Its leadership was made up of Sunnis and Shiites; both Shiite Arabs and Kurds were prevalent in the Communists ranks. Opposition to the state counted Sunni tribal leaders as well as Shiite mujtahids. Internal divisions within the nationalist movement were generally along class lines, not religious ones: between the effendiyya and workers.\footnote{Younis, “Set up to Fail,” 4.} In the 1950s and 60s, sectarian identities were on the fringes of political competitions.

\textbf{1980s and 1990s: Sanctions and Wars}

By contrast, in the 1980s and 1990s, the Iran-Iraq War, the economic devastation of sanctions and the withdrawal of the welfare state, the events of 1991, and collectivization of punishments intensified communal identities. During the 1980s and 90s, the Iraqi social fabric was “decimated” in response to three wars and a sanctions regime.\footnote{Ibid.} These intense socio-
economic pressures increased traction of localized identities and support networks. The population became obliged to rely on alternative support networks. The regime’s deep cleansing of existent strong political organizations (communists, nationalists, etc.) as it was strengthened by nationalized hydrocarbon sales in the 1970s onwards also ironically funneled into what few corners for political organization were left. Prominent examples were the mosque and the family.

In the 1960s, a new Shi‘ite political force, albeit a fringe one, emerged: the Islamic Da‘awa party. It arose under the guidance of a ranking religious figure, Ayatollah Muhammed Bāqir al-Sadr, and the studied ambiguity of the head of the Shi‘ite religious establishment, Ayatollah Muhsin al-Hakīm. Da‘awa initially aimed to combat the spreading popularity of Communism and other non-religious movements among Shi‘ite youth. With rising concerns about government repression, Iraqi political Shi‘ism shifted its focus and the Da‘awa became an anti-government resistance organization, although not anti-Sunni per se.

The Aftermath of the Uprising of 1991

The uprising of 1991 was not primarily an ideologically Shiite uprising. Some Shiite Islamist parties and Saddam’s government claimed that the intifada was organized nearly exclusively by Iraqi religious parties with foreign, notably Iranian, backers. For the exiled Shiite Islamist parties, this inflated their role in leading the event. For the regime, the claim served to vilify the uprising as a foreign-sponsored act. Most historical accounts agree that the initial spark for the uprising was not foreign parties, but rather returning soldiers. Some reputed scholars of the period point out a largely similar event would likely have occurred in any border area of the country by frustrated soldiers and citizens returning from a catastrophically poorly planned battle.49

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The geographic location and temporal context of the uprising and its repression meant that the overwhelming portion of those affected were Shi’ite; this in turn affected popular memory (both of the victims and those who were against the uprising) for a generation. Participants and those who were oppressed by collective punishments once the uprising was put down were also largely Shi’ite. The largely lower-class Shi’ite marshes were drained. The family members of suspected participants in the uprising were likewise deeply affected even if they had no role in the uprising. As Khoury noted, the “pressure exerted on the family” by party institutions and the state "was inestimable" during the period.50 During the Iran-Iraq war, the policy of punishing relatives of political dissenters was extended to deserters’ families. Parents, wives, and children were held hostage (literally imprisoned) as a means of controlling the movement of soldiers.51 The state ration card became both a ubiquitous need and another form of repression denied to families of deserters or of the participants in the events of 1991 often even after their sons had given themselves in and in theory received amnesties.52 These kinds of punishments had a multiplier effect on the size of the section of society directly punished by the actions of a portion thereof.

Collectivization of punishment through family groupings multiplied the population affected by punishment, and punishment within specific geographic regions dominated by a particular ethno-sectarian group already under extreme scrutiny and pressure to prove their loyalties to the Iraqi state given the Iran-Iraq war of the 1980s.

On an economic level, the two wars and sanctions subjected average citizens across the country to unprecedented hardship. Per capita income declined from $3,500 pre-war to some

50 Khoury, Iraq in Wartime, 178.
51 Ibid., 177
52 Ibid., Kindle location 3571.
$450 in the mid-1990s. Hyperinflation “demolished” the purchasing power of average households and pushed many middle-class families “to the brink of destitution.” The state’s monopoly over public space prohibited the advancement of national cross-communal projects outside the framework of the Ba’ath Party. Concurrently, the Ba’ath Party itself stopped being a “communally neutral political arena” as the regime’s narrowing popular base made it more reliant on the limited support of familial and clan networks from Hussein’s hometown of Tikrit. Economic pressures and the changing nature of the Ba’ath Party itself in this period incentivized the bolstering of sub-national communal ties.

This strengthened the narrative of Shiite culpability or victimization for those who exorted/supported such a view. The dismissal of “to what most Shi’as was a popular Iraqi rebellion approaching mythic proportions in its glorification that has made the memory of 1991 so significant to sectarian relations and sectarian identity.” Interestingly, however, even following 1991 and the decade of war with Shiite-dominated Iran, Iraqi Ba’athist intelligence files did not offer an option to check Shi’ite or Sunni in the list of religious affiliations, even as repression of persons who were Shi’ite “there is no doubt” increased “significantly” after 1991. Likewise, although it is often perceived that Ba’ath Party membership was Sunni, in fact, Ba’ath Party membership was nearly ubiquitous and for many little more that ceremonial during the 1990s. The regime increasingly demanded subservience and shows of loyalty from all citizens. By the end of the 1990s, 90% of school children graduating were members of the Ba’ath party,

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53 Ibid, 44.
54 Younis, “Set Up to Fail,” 4. Regarding the effects of hyperinflation on society and purchasing power see Khoury, Iraq in Wartime, 44, 148.
56 Haddad, Sectarianism in Iraq, 79.
57 Sassoon, Saddam Hussein’s Ba’th Party, Kindle location 7435.
more than doubling between the mid-1980s and 2002.\textsuperscript{58} Even most army officers were Shi’ite in
the Iraqi Army until the time of the invasion.\textsuperscript{59} At that time, approximately 4 million people were
believed to be party affiliates although “probably no more than 3-4 percent were involved in
carrying out the regimes policies”.\textsuperscript{60}

Likewise, there was ample material for the construction of competing narratives of
identity in Iraq from a viewpoint supporting Kurdish particularism or even separatism. The
advent of Kurdish ethno-nationalism at the turn of the century was augmented by a series of
grievances. The 1920 Treaty of Sèvres granted autonomy, if not independence, to the Kurdish-
dominated wilayat of Mosul. The treaty reflected a British survey of popular desires in the
region. Nevertheless, Mosul was granted to the rest of the new Iraqi state in 1926. A long trail of
broken agreements with the central government for increased social and political rights followed,
but armed revolts did not always win broad support among the Kurds. In 1958, the forces of the
coup d’état that overthrew the king promised a bi-national Kurdish-Arab state. The Ba’ath Party,
which took power in 1968, likewise negotiated a settlement with the Kurds. Broken agreements
and intermittent rebellions led the way to collective punishments under Saddām, particularly
while he was occupied the Iranian front during the 1980s. Collective punishments, such as the
Anfāl Campaign during which Saddām killed approximately 20,000 of his own civilians with
poison gas in addition to various traditional execution techniques, led to the depopulation of half
of the landmass of Iraqi Kurdistan, a strong separatist movement, and a lasting distrust of the
central government.\textsuperscript{61}

\textsuperscript{58} Khoury, \textit{Iraq in Wartime}. 157.
\textsuperscript{59} Al-Ali, \textit{The Struggle for Iraq’s Future}. Kindle location 1348.
\textsuperscript{60} Sassoon, \textit{Saddam Hussein’s Ba’th Party}. Kindle location 8470.
Ethno-Sectarian Voting Blocks After 2003

Under the Coalition Provisional Authority (CPA), a number of fairly explicitly ethno-sectarian voting groups emerged in the political space. First, there was conscientious division of the CPA-appointed Governing Council by ethno-sectarian affiliation. The Kurdish parties often internally bitterly opposed the Kurdish Region’s parliament, but firmly united in the pursuit of maximal regional rights at the federal level represented by the Governing Council. The widely variant Shi’ite parties were often at odds over legislation, even in the Governing Council, but formed a consultative “Shi’ite House” to discuss legislation and seek the approval of Ayatollah ‘Alī al-Sīstanī in matters of particular national importance, such as the TAL. The TAL was meant to lay irreversible requirements for the constitution, solutions in the confrontation with Muqtadā al-Sadr, and delay elections. The 2004 Najaf showdown between the Sadr’s Mahdī Army and the occupying Multi-National Forces led all Shi’ite parties, in the words of ‘Alī ‘Allawī, to see that they should “hang together or be hung separately”. The parties sensed that the CPA tolerance of the primary Islamist parties, notably SCIRI and its militia the Badr Brigades, was only a temporary measure against the CPA’s greater fear of the Sadrists. The Najaf crisis of 2004 resulted from U.S. attempts to imprison Muqtadā al-Sadr, close his party’s newspaper62, and then quash the resulting protests, which ended in a compromise proposed by al-Sīstanī.

The compromise allowed Americans to save face by not invading the shrine where the Mahdī Army took refuge. The Mahdī Army saved face by not surrendering to the occupation powers, but rather handing over the keys of the shrine to al-Sīstanī. In the process, the blue-collar nationalist activist Sadrists were forced to submit their activist religious establishment (literally

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the *Talking Hawza*) to the authority of what the Sadrists had long disdainfully termed the quietist (literally *silent*) one. Ayatollah ‘Alī al-Sīstanī most prominently represented the so-called *Silent Hawza*, and was unwilling for Shi’ites to physically rebel against Saddām or against the post-2003 occupation forces. These circumstances permitted the formation of a single Shi’ite electoral list including the warring blue collar, stridently nationalist Sadrists, and the Iranian- and U.S.-backed SCIRI list for the 2005 elections. However, Sadrists hedged their bets, and ran some of their candidates as independents outside of the alliance list. Sadr himself pronounced that his supporters were neither encouraged to nor barred from voting. Thus, he maintained a healthy distance between his movement and cooperation with the government under foreign occupation. The Shi’ite SCIRI and the Shi’ite Sadrists’ respective militias spent far more time fighting each other than fighting any other groups, and their politicians spent little time finding common political ground.

**Views on Federalism**

The Iraqi Kurds have often popularly demanded autonomy, but their leadership has largely suppressed it. The leadership recognizes that it is critical to have a hydrocarbon export route for its substantial future reserves, if not in cooperation with Baghdad. For the last three decades, despite growing friendliness between the Kurdistan Regional Government (KRG) and Turkey, all of the KRG’s neighbors (Syria, Iran, and Turkey) have agreed to “pipe-block” the KRG from exporting without permission from Baghdad. These neighbors fear that economic independence for the KRG would encourage their own “autonomy-leaning” Kurdish populations to demand more rights, autonomy, or separatism.

The occasional demand for federalism among a group of southern provinces never received enough local support to become an issue. None of the southern attempts sought to form
a Shi’ite region, but supported far smaller (Basra-based) schemes and campaigns based on the concentration of oil wealth in Basra (the second largest stores in the country) rather than identity politics. Polling in February 2004 and November 2005, after violence was well under way, found that the sentiment of the population remained overwhelmingly supportive of a centralized state: 70% of respondents agreed with the statement "one unified Iraq with a central government in Baghdad" when asked what structure Iraq should have in the future. In the Kurdish region, only 12% of those surveyed in 2004 (3.8% across the country) called for the division of Iraq into separate states. In both the Kurdish region and the country as a whole, sentiment for division rose, but it remained a clear minority (20% in the Kurdish Region and 9% across the country in November 2005).63

Conclusion

The CPA did not invent ethno-sectarianism group affiliation, and did not intentionally augment divisions in a policy of divide-and-rule like previous colonial powers in the region. Ethno-sectarian group affiliation existed in pre-invasion64 and post-invasion Iraq. However, this does not equate to the substantiation of an identity basis for the Iraqi civil war following the invasion of 2003. Consociation solutions assume that communal identity is paramount, and that communal identity maintains a high level over time. By contrast, communal identity in Iraq varied in response to state oppression and historical circumstances. Communal identity held little relevance in the 1960s, and remained a taboo as a topic of direct discussion throughout much of the rest of the century. The wearing down of the state’s ability to provide services and act without discrimination to its citizenry, as well as the propaganda wars of the Iran/Iraq war,

64 Before 2003, other conflicts included differences between city and countryside, between tribes, between classes of the same ethno-sectarian background, between individuals, and ideological groups (Arab Nationalists, Iraqi Nationalists, Communists, and Islamists etc.).
caused a drift towards the strengthening of identities alongside Iraqi national identity. However, ethno-sectarian conflict was not the only form of group conflict in Iraq before or after 2003. Likewise, some of the bloodiest conflicts of the civil war after 2003 emerged within groups that enjoyed ethnic and sectarian homogeneity (within Sunnis the Awakening Councils vs. the Sunni insurgency and the Shi’a SCIRI vs. the Sadrists). The next chapters will discuss the structural, political, and economic factors that help account for the fluctuation of identities, in particular the move from passive identity expression to increased aggressive expressions and violence in the name of sect in Iraq after 2003.
Chapter 4: Security Transition

Summary

The U.S. initially provided no security guarantee in Iraq, because it was physically unable to do so. The U.S. had not sufficiently prepared for investment in the economy or its own troop levels. This security gap resulted from an attempt to save capital, both financial and political in the sense of loss of soldiers’ lives, during the post-invasion stabilization operation. It did the opposite. The “Surge” of 2007 provided an important reprieve from violence, but the effects of the Surge proved transient because they were not anchored in retraining and reinforcing the national security apparatus. The security deterioration after 2011 revealed how fragile the advances were when not reinforced by lasting security sector or transitional justice reform. Indeed, the executive used the lull in violence to consolidate a new (competitive) authoritarian administration and engage in plundering of the resources of the state to the degree that the executive itself, and corruption more broadly, became more of a threat to national security than many of its outside enemies.

No U.S. Security Guarantee: Penny Wise, Pound Foolish

The Geneva Convention does not define a numerical force-size required of an occupying power to provide security. However, traditional U.S. military experience and policy researchers suggested a foreign force five times larger than the one provided would have been the minimum necessary to stabilize Iraq. Before the invasion, policy makers in the Bush administration, notably Secretary of Defense Donald Rumsfeld, were unwilling to commit standard troop levels for post-conflict scenarios in order to cut the expenditures of the treasury and American lives lost. More traditional members of the U.S. armed forces at the highest levels disagreed. In a pre-

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invasion testimony before Congress on February 25, 2003, Army Chief of Staff General Eric Shinseki warned that the army would be unable to maintain post-invasion order without troop numbers of at least “several hundreds of thousands” given that,

We are talking about a post-hostilities control over a geography which is significant… It takes a significant ground force presence to maintain a safe and secure environment… to make sure that people can have access to water, etc. to make sure that all the responsibilities that go along with administering such a situation [are fulfilled].

Based on a comparative study of two dozen cases of U.N. and U.S. led peace-enforcement nation-building missions, James Dobbins estimated that given the population size of Iraq, a foreign force of well over 400,000 was needed to maintain stability.

Both estimates preceded any calculation of the consequences of dissolving important security forces of the Iraqi state. Shinseki’s comments came months before the decision to dissolve the more than 400,000-strong Iraqi Army. Dobbin’s estimate used a general rule to determine a number of foreign troops to local civilians required across missions. The Iraqi Army might have played an important role in stabilization activities or at least retreated from being an active part of the security problem, if leaders heeded these warnings.

Instead, the Bush administration decreased forces from 173,000 to less than 139,000 immediately following the invasion (May 2003 to 2004). The moment after the invasion was the time when Iraq needed them most to maintain order during post-conflict hostilities. The increase during the Surge of 2007 only amounted to 39,000 troops. Thus, Iraq and then Afghanistan marked a major turning point in the way American forces engage in peace-enforcement


67 James Dobbins et al., Occupying Iraq: A History of the Coalition Provisional Authority (Santa Monica: Rand, 2009), 111.
operations. The Bush administration’s Pentagon staff and vice-president were major proponents of the use of minimal levels of elite forces. As Dobbins noted,

Throughout the 1990s the United States … based its plans on worst-case assumptions and relying on overwhelming forces to quickly establish a stable environment and deter resistance from forming. In Somalia, Haiti, Bosnia, and Kosovo, U.S. –led coalitions intervened in numbers and with capabilities that discouraged significant resistance. In Somalia, this American force was drawn down too quickly. The resultant casualties reinforced the American determination to establish and retain a substantial overmatch in any future nation-building operations. In the aftermath of September 2001 American tolerance of military casualties significantly increased. In sizing its stabilization operations in Afghanistan and Iraq, the new American leadership abandoned the strategy of overwhelming preponderance (sometimes labeled the Powell doctrine after Chairman of the Joint Chiefs of Staff General Colin Powell) in favor of the “small foot-print” or “low profile” force posture that had previously characterized UN operations. In both cases these smaller American-led forces proved unable to establish a secure environment. It would appear that low-profile, small-footprint approach to nation-building is much better suited to UN-style peacekeeping than to U.S. style peace-enforcement. The United Nations has an ability to compensate, to some degree at least for its “hard power” deficit with “soft power” attributes of international legitimacy and local impartiality. The United states does not have such advantages where America itself is a party to the conflict being terminated, or where the United States has acted without an international mandate…Throughout the 1990s, the United States became steadily better at nation-building. The Haitian operation was better managed than Somalia, Bosnia better than Haiti, and Kosovo better than Bosnia. The U.S. learning curve was not sustained in the current decade. The administration that took office in 2001…first in Afghanistan and then in Iraq, …sought to break with the strategies and institutional responses that had been honed through the 1990s.68

Early lack of security resulted from the U.S.’s willingness to turn disproportionately to outsiders to fill the security void. Patchy, imported security meant use of the now infamous privately contracted international security forces for the protection of U.S. diplomatic personnel and commercial interests.69 More importantly, it meant heavy reliance on the militias of previously exiled pre-invasion allies to guard pieces of the new Iraqi state.

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68 Ibid.
The CPA increasingly turned a blind eye to the irregular private armed forces of the newly anointed governing factions as an insurance policy. This so-called insurance policy ensured the security of the new government in lieu of the central state or the Multi-National Forces. The CPA’s first order, the wholesale disbanding of the Iraqi Army, stripped the central state of its security apparatus with no attempt to provide them livelihoods. The Multi-National Forces were simply vastly undermanned. As a result, the various factions of the new U.S.-appointed elite entrenched their respective private armed forces in the state structure. In the north, the Patriotic Union of Kurdistan (PUK) and Kurdish Democratic Party (KDP)’s Pêshmerge continued their pre-2003 dominances of the security apparatuses in Dohuk, Arbil, and Sulaymaniyeh. In the south, ISCI’s Badr Brigades, redubbed Organization, increased their penetration of the local police units and Ministry of the Interior. These ministries became repositories for death squads. Criminality was already rampant, the cost of which is discussed further in the following two chapters. Extremist organizations including al-Qa’ida were given the freedom to slowly but surely advance along the learning curve of terrorist technology towards larger and more coordinated operations. Their steady march was exemplified by the Samarra attack into one of the holiest Shi’ite shrines in Iraq that finally sparked larger scale communal recriminations. Once such violence commenced, recriminations became self-perpetuating.

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71 Allawi, The Occupation of Iraq, 395.


74 Al-Ali, The Struggle for Iraq’s Future, .
The Surge: Too Little, Too Late

In 2007, at the very height of civil war violence, the U.S. finally committed to a rise in troop levels. The U.S. army moved from isolated “forward operating bases” to forts integrated into civilian areas. Far from the 400 to 500,000 foreign boots on the ground proposed for stabilization by traditional American military planners, the U.S. increased troop levels by only 39,000 soldiers. This change, the so-called Surge, was much smaller than the actual forces required to defend the country. It was a useful drop into a very large bucket of security problems.

The internal divisions within the southern and western insurgencies were far more important in reversing the security situation than the foreign troop Surge. Shortly before the initiation of the Surge, substantial internal splits occurred within Sadrist ranks in the south and among Anbārī insurgents and al-Qa‘īda in the west. The insurgent groups reached a point at which their rebel elements or allies of convenience became more problematic than the forces against which they originally set out to fight: namely the U.S. and its appointed Iraqi counterpart. In the case of the Sadrists, the rebel elements were criminals enriching themselves under the Sadrist banner without consultation with Sadrist leadership. For the Anbār-based insurgency, it was an erstwhile ally, al-Qa‘īda, whose ideological baggage materialized into violent attacks on their insurgent allies.

Internal divisions led to the willingness of leadership in each insurgency to take action against the rogue elements, even if it required collaboration with Americans. It is not evident that

75 “Some U.S. brigades abandoned the isolated ‘forward operating bases’ (FOB) for ‘Joint Security Stations’ (JSS) - small forts constructed across Baghdad and nearby cities to enable the persistent provision of population security. This shift became official strategy with the launch of Operation Fārḍ al-Qānūn in February 2007, which also saw the deployment of five additional brigades to Iraq. In 2007, this surge in troops and the new U.S. strategy compelled Muqtada al-Sadr to curb his armed activity.” David Ucko, “Militias, Tribes and Insurgents,” Conflict, Security & Development 8, no. 3 (October 2008): 341-373.
77 Among the many sources that attribute a major role to the Surge in the security situation are Cordesman and Khazai, Iraq in Crisis (Washington, D.C.: Rowman & Littlefield, 2014).
without the fortuitous circumstances of locally-generated splits in the insurgencies themselves, such a modest surge of foreign troops would have done much good in Iraq. Unfortunately, the critical mobilization of local forces from the Anbar against insurgents was implemented outside the institutions of the state. These forces, used for critical intelligence and on the frontlines, were organized as irregular units rather than battalions of army or police. They were paid salaries bilaterally rather than through formal sustainable mechanisms of the Iraqi state. The Iraqi state ignored the informal American promises that the Awakening forces would later be integrated into the economy or military service.

A lull in violence corresponded with and aided the completion of two rounds of elections (the provincial elections of 2009 and the national legislative of 2010) in a more free and inclusive manner than the 2005 elections. The elections made progress in breaking the stranglehold of some of the most entrenched parties. The alternatives were no less corrupt, but this showed that alternation of power was possible. The 2010 elections allowed a limited number of politicians without patronage networks, or without militia backing, to be plausible contenders. However, the Surge and its national, bilaterally financed partners only supported security. It was no substitute for genuine security sector reform.

Authoritarian Consolidation and Corruption as a National Security Threat

Al-Mālikī came to the primeministership with a moderate support base and no important militia to back him up through the unlikely mechanism of being the compromise candidate of more powerful factions after the 2005 elections. They picked him because of, rather than despite, his weakness. These parties thought he would be weak enough to do no harm to their interests. This historic anomaly placed al-Mālikī in the unique position of being in a post of considerable

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78 Cordesman and Khazai, *Iraq in Crisis*.
power in the Iraqi State while being one of the few statesmen in the country affiliated with no important militia force. Al-Mālikī’s unique desire to rebuild the security capacity of the national state was sold as a stepping stone to rebuilding the *rule of law*. It was such a popular concept that he chose it as the name for his coalition (State of Law) in later election cycles when he ran on the basis of a real candidacy, not as simply the least threatening in a coalition. Having no important militia or major voting base of his own, rebuilding the central security apparatus of which one would then be commander-in-chief had clear personal benefits.

The path of Al-Mālikī’s leadership quickly changed once he was in power. Rather than using centralization to build a *state of law*, he enforced a state of competitive authoritarianism\(^\text{79}\) for his own corrupt gain. Capitalizing on continued parliamentary grid-lock, he passed a variety of legislations and executive orders to legally limit freedom of the press.\(^\text{80}\) Parliamentary gridlock made the parliament’s agreement on the key ministerial ports of defense, interior, and national security difficult. Al-Mālikī capitalized on this gridlock to bypass the positions that remained vacant officially and appoint “interim”-ministers answering directly to himself.\(^\text{81}\)

The deep corruption of the state had direct consequence on national security. In May 2013, a British maker of fake car bomb detectors (modeled on failed golf ball detectors), was sentenced in England to 10 years in prison for the false advertisement that put thousands of peoples’ lives in danger in different countries across the globe. Yet years later, the “outrageous” devices remain ubiquitous at Baghdad checkpoints, and continue to be bought by the Iraqi Department of Defense with national funds.\(^\text{82}\) The major military loss of the battle of Mosul to

\(^{81}\) Nikonorow, “The Mechanisms of Deteriorating Civil Liberties in Iraq.”: 33-36
\(^{82}\) Al-Ali, *The Struggle for Iraq's Future*, Kindle location 74, 76, 2217.
the Islamic State in summer 2014 was another blatant example of the depth of the effect of corruption on security.⁸³ A soldier who partook in the battle described, “Da’esh [the Islamic State] did not take Mosul. Our leadership handed it to them on a silver platter.”⁸⁴ As a political analyst elaborated,

…armies have been known to abandon weapons stores in the heat of flight. But they don’t usually abandon armored SUVs for the simple reason that armored SUVs are convenient to flee in, especially when you are fighting a lightly armed opponent with no air power such as the Islamic State was. But we should not be surprised. If the Prime Minister made millions on the sides of international arms deals, a few commanders getting kickbacks to leave behind some weapons and a few other nice new American-sponsored toys like armored SUVs is really only natural.⁸⁵

Transparency International likewise noted, “Corruption and power brokering within the MoD and MoI are common. Promotions and positions are routinely sold.”⁸⁶ Army positions had become posts for “investment”⁸⁷ rather than the protection of the nation. Al-Mālikī was formally removed in 2014, because of the pressure of international backers of his government. He retained an éminence grise presence in Iraqi politics since then. Thus, his removal from the primeministership is hardly a solution for the problem of corruption. His predecessor used “anti-corruption measures” against political opponents much as Mālikī used deba’athification before him. Prosecuted individuals are likely corrupt and the charges often real. However, the selective non-trail of their own party members is indicative of the seriousness of the party’s so-called reforms of government.

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⁸⁴ Author’s interview with former Iraqi soldier, Istanbul, November 2014.
⁸⁵ Author’s interview with UN Iraq analyst, Amman, December 2015.
⁸⁷ Quoted by Sassoon, "Iraq’s Political Economy," 28.
Chapter 5: Political Transition

Summary

Countries moving on from authoritarian governance face a number of challenges regarding constitutional transitions and security forces. They must prevent a return to the old system of governance and address the desires of factions for punitive justice. At the same time, they must ensure social cohesion, which may require prioritizing reconciliation. In Iraq, the system of accountability measures, notably deba’athification, achieved neither accountability nor punitive justice and actively promoted a lack of social cohesion.

Appointment of an Exile Consociation Government

The U.S.-designed system for selecting the first two Iraqi governing bodies (the Iraqi Governing Council (IGC) in July 2003 that formed the basis for the Interim Iraqi Government (IIG) to which sovereignty was handed in May 2004) consisted of U.S. appointments within sectarian quotas. The system ensured an ethno-sectarian makeup that would precisely reflect the ethno-sectarian proportions of the Iraqi population. Accounting for a required slight overrepresentation of the micro-minorities, it did so with 13 Shi’ites, five Sunni Muslims, five Kurds, one Christian, and one Turkmen. Ethno-sectarian proportions of the population led the CPA, hailing it as Iraq’s most representative government yet, although it was entirely unelected.

In practice, the IGC and IIG members appointed by U.S. officials represented much narrower interests of particular parties, often in contradiction to ethno-sectarian peoples. Specifically, they represented the largely exiled parties that collaborated with the U.S. before the invasion. An impressive 9 out of 25 of the IGC’s members were exiles returning for the first time in years from other countries. Fourteen of the 25 were outsiders to Baghdad, including the Kurds.
who spent a decade outside Baghdad-controlled territory as a result of the imposition of a U.N. no-fly zone above the 36th parallel.  

Ideologically, the CPA found it appealing to install a government untainted by association with the former regime, and apparently allied with U.S. forces. Practically, this meant they were unelected and lacked a substantial support base in country. The parties selected for the IGC and then empowered by the consociational framework, captured and factionalized the ministries. The system created by the CPA to select ministers intentionally reproduced the division between the exiles who the CPA felt they could trust and any other aspiring politician (Ba‘athist, independent, or even anti-Ba‘athist). Rather than having ministers chosen by merit, each IGC member was allowed to appoint a minister. Each IGC member selected ministers from his own party on the basis of party loyalty. Ministers sought to entrench bases of power and patronage for their parties within their ministries before elections by requiring all ministry employees to show a letter of recommendation (tazkiya) from the minister’s particular party to continue their employment and firing those who could not. For example, the Sadrists took the Ministries of Health and Transportation in 2006, ISCI took the Ministry of the Interior, etc.

Ministries became largely uni-sectarian in composition as a result of tazkiya politics, because the parties were largely uni-sectarian in composition. However, a job applicant who was independent or of a different party than a minister, but of the same sect, had no better chance at gaining a position in that ministerial fief than a member of a different party and another sect. For

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88 The IGC wrote a constitution, drawing heavy criticism from much of the public because its decisions were subject to CPA veto. Both its exiled majority and the American veto enhanced the IGC’s image as little more than puppets of the invading forces. Phoebe Marr, “Iraq’s New Political Map,” United States Institute of Peace, Special Report No. 179, January 2007, http://www.usip.org/pubs/specialreports/sr179.pdf.

89 Ucko and Berdal, Reintegrating Armed Groups, 89-119.

example, a Shi’ite Sadrist was no more able to acquire a position in the Shi’ite ISCI-ruled Interior Ministry or Shi’ite Da’wa-run education ministry than their Sunni counterparts. In sum, rather than exemplifying sectarianism (tā’ifiya), as it is perpetually proposed, the system of ministry capture was most precisely driven by sub-sectarian party-partisan tazkiya politics. Without support from a party (in the form of a formal missive of tazkiya, a party recommendation letter), merely belonging to a particular sect had little value in politics.

This system of ministry had dire consequences for reconstruction. Tazkiya-based appointments resulted in the purge of the previous government’s technocrats. These professionals ran the country, and rebuilt it just a decade earlier after the destruction from the Iran-Iraq war from 1980-1988, the campaign waged by the Americans in 1991 against the Iraqi infrastructure, and the crushing sanctions and deeply dysfunctional Oil-for-Food Program from 1991-2003. Professionals desperately needed to maintain and build Iraq, from doctors to government bureaucrats, were targeted precisely because they were unaffiliated with the new political elites, whether or not of the same sect as the party. Few of the old technocrats were retained because the parties running the new ministries were either outsiders to Baghdad (exiles and politicians of the pre-2003 autonomously governed Kurdish North) or later underclass insiders like the Sadrist.

Each new government re-allotted ministers. Each re-allotment of ministries to different parties entailed restocking the ministry with a minister’s own party loyalists. This caused a cyclical hemorrhaging of institutional knowledge rather than simply a change of minister. As

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93 Special Inspector General for Iraq Reconstruction, Hard Lessons, 250.
94 Sassoon, The Iraqi Refugees, 142.
95 Marr, “Iraq's New Political Map.”
time went on, fewer professional technocrats returned to the ministries and hospitals from which early ministry capture ejected them. With some prospect of making a living elsewhere, they fled the country itself. So many professionals left that the government resorted to withholding official certifications of medical qualifications to induce medical practitioners to stay. By 2008, the government proposed legislation to offer guaranteed employment to induce professionals to return. Offering doctors the right to carry a weapon at all times was a particularly desperate incentive.96

**Neither Accountability Nor Justice**

The desire to take punitive measures against former perpetrators of corruption and wanton violence is often a natural first inclination after regime change. It may be perceived as a way to seek justice for those wronged by the abuses of the old regime and to deter a return to old ways in the future. However, in most post-authoritarian situations, the depth and breadth of networks of complicity and patronage make blanket programs of punitive justice impractical to implement. Broad punitive justice programs risk major social upheaval or civil war. Conditional or unconditional amnesties are another extreme. In the middle, there are examples of programs that limit punitive measures to the highest-level members of the previous regime. These include the Truth and Reconciliation Commissions of South Africa, which offered amnesties in return for voluntary confessions of previous crimes for the public record. State security archives may be opened or even published97 in attempts to shed light on past crimes and prevent their continuation. Emphasizing reconciliation, but desiring less than blanket amnesties, governments


may enforce punitive measures and removals from office against a limited upper echelon of the professional and political classes, as per post-Communist Poland and post-Nazi Germany.

In Iraq, finding the appropriate means to engage in dismantling the old regime (deba‘athification) was a difficult task. The process of integrating or removing members of the old regime into the new one was complex. First, there were the obvious inefficiencies and corruption of the old regime. Second, under Saddām, many agencies employed intelligence service members. Such members of the old regime assisted with the dismantling, smuggling, or destruction of records. They wanted to burn the paper trail of their previous affiliation to or misdeeds under the old regime, sowing the seeds of administrative chaos to support the insurgency and for monetary gain.98 Former regime members or their middlemen could cause difficulty even after being removed from office. The Saddām-era bureaucracy was designed to siphon off funds for discretionary use, but was never-the-less comparatively free of leaks to middlemen because those intermediaries were diligently monitored by the intelligence services. Under the CPA, many of the middlemen of the old smuggling rings remained without the supervision of the disbanded security apparatuses.99

The strength of the deba‘athification proposed by Iraq’s first U.S. administrator, former General Jay Gardner, was that it was limited in the extent to which it sought to exclude low-ranking members of the former regime from the new economic and political order. Gardner’s limited deba‘athification integrated the lower echelons of the army and the Ba‘athist civil service, paid or retrained those who were in positions too sensitive to retain, and tried only the very highest regime offenders.100

99 Ibid., 352
The policy of selective deba'athification was modeled on successful processes for limiting the extent of exclusions of former regime members from the new order in other transitions from authoritarian regimes. Examples included the transition from Communism in much of Eastern Europe (known as lustration). Lustration recognized that deep blanket removals of university deans and other professionals obliged to register with the Communist Party to take their positions would leave the professional and political classes much poorer, if not debilitated.\textsuperscript{101} Nazism in Germany (known as denazification) and Post-WWII Japan under General McArthur are other examples. Only 3.2\% of prosecutable Nazis\textsuperscript{102} and less than 1\% of wartime Japan’s bureaucracy\textsuperscript{103} were actually removed and prosecuted. In the case of Iraq, the purges of the old regime went far deeper: 8\% of the work force as a whole was disbanded without pay when the army (500,000 persons, at least 400,000 of them under the rank of officer\textsuperscript{104}) was dissolved without pension on 23 May 2003.\textsuperscript{105}

**National De-Ba’athification**

The first major order that Paul Bremer and the CPA issued in 2003 was CPA Order No. 1, “The Deba’athification of Iraqi Society.” Order No. 1 summarily dismissed the top four levels of the Ba’ath party from any civil service within post-Saddām Iraq without compensation. CPA Order No. 2 swept out the bulk of the security forces.\textsuperscript{106} The conservative estimates of the CPA’s


\textsuperscript{102} James Dobbins et al., *America’s Role in Nation-Building: From Germany to Iraq*, (Santa Monica: Rand, 2003), 14.

\textsuperscript{103} Even this one percent regained their political rights and were freed from incarceration by 1952. Approximately 920 Japanese, most military, were executed for war crimes. John Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: W.W. Norton, 1999), 42, 447.

\textsuperscript{104} Cordesman and Khazai, *Iraq in Crisis*, Kindle location 485.


leader, Bremer, put the number of individuals affected at 30,000. Scholars estimated that as many as 100,000 more people, including doctors and school teachers, were subject to deba’athification in the first four years after 2003 alone, bringing the total closer to 10%.\(^{107}\)

Deba’athification procedures, particularly those implemented after the formal transfer of sovereign rule to an appointed (2004) and then elected (2005 onwards) government, are almost always portrayed as a weapon against the Sunnis, their implementation an outcropping of pure sectarian politics. In their first incarnation, under the 2003 CPA, this was true to some extent because deba’athification disproportionately economically and politically disenfranchised Sunnis. However, since then, Shi’ite party-militias used deba’athification against other Shi’ite parties as much, if not more than, against Sunni party militias.

Campaigning for the March 2010 national legislative elections, ISCI and the recently semi-integrated Sadrist leaderships revived the deба’атification commission. Ahmed al-Chalabi and ‘Alī Faīsal al-Lami\(^{108}\), a candidate on ISCI’s coalition list the United Iraqi Alliance in the 2010 legislative elections, headed the council. This newest rendition of the deba’athification process, known as the Committee for Accountability and Justice, removed 511 high- and middle-ranking electoral opponents,\(^{109}\) overwhelmingly secularists,\(^{110}\) from nine different parties.\(^{111}\) They limited legislation to a certain extent from its initial CPA form under a national reconciliation initiated by al-Mālikī in 2008.\(^{112}\) This initiative made deба’athification a

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112 The revised law, known as the Justice and Accountability Law proposed by Prime Minister Nūrī al-Mālikī and passed in February 2008 opened up government jobs to previously banned technocrats. Like Garner’s initial vetoed proposal, it put a
tempting tool for factions in need of assistance before the 2010 elections. Likewise, while al-Mālikī’s campaign rhetoric played to the Iraqi center, the outcomes of the deba’athification process of 2010 were less than pure nationalist altruism. As a small example, many of the ex-Ba’athist military staff surrounding the prime minister “were allowed to continue in their duties without any scrutiny” while other parties were not as lucky.

Sunni Sālih al-Mutlak was one of the people excluded under this latest round of deba’athification measures. Testifying to the arbitrariness and politicization of the process, al-Mutlak had already been vetted twice before he was banned in 2010. An official ISCI mouthpiece made a dramatic call for “the elimination of all Ba’athists [i.e. former members of the old regime of all ranks] from all the departments of the state,” but neither rhetoric nor action was as simple as Shi’ites against Sunnis. The first reaction of al-Mutlak himself was to cry foul play not by one of the Shi’ite majority parties, but by a competing faction in his own Sunni-majority electoral coalition.

Indeed, a majority of the politicians excluded by deba’athification overall, even at the national level, were Shi’ite, as per their share in the population. Pre-election deba’athification commissions pushed for provincial deba’athification committees in February 2010 and enacted them in all ten of Iraq’s provinces with Shi’ite majorities. In those ten provinces...

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113 These included, but were not limited to, the lack of an expiration date on the process of deba’athification, and the ability to wholly eliminate politicians who were active in Iraqi politics for years from electoral politics, even if they left Iraq before the invasion.

114 This is reflected in the works of otherwise leading academics in the field: Al-Ali, The Struggle for Iraq’s Future, Kindle location 2341.; Dodge, “Iraq: From War,” Kindle location 732.


117 Al-Ali. The Struggle for Iraq’s Future, Kindle location 2346.
provinces, the Sunni question was practically irrelevant.\textsuperscript{118} The commissioners were largely Shi’ites excluding other Shi’ites from political participation.

**Intra-Sect Provincial Deba’athification**

The provincial deba’athification councils were no less political or politicized than the national ones; however, they almost by definition aimed exclusively at members of the same sect. Though not as widely put into play as the national level deba’athification process, setting up the local level political bodies served the factional aims of parties like ISCI that recognized they would be held accountable in increasingly free and fair elections for years of misrule as appointees (2003-2004) and as persons elected in parliamentary races so fraught with violence that only politicians with militias of their own could run (2005). The more open security and political environment of the 2009 provincial elections showed that their base was slipping below

\textsuperscript{118} "بعد البصرة وكربلاء..واسط تقرر "اجتثاث" بعثييها من وظائفهم." السمریة 02/09/2010. http://alsumarianews.tv/ar/1/2965/news-details-%D8%A8%D8%B9%D8%AF%20%D8%A7%D9%84%D8%A8%D8%B5%B1%D8%A9%20%D9%88%D9%83%D8%B1%D8%A8%D9%84%D8%A7%D8%A1%20%D9%88%D8%A7%D8%B3%20%D8%AA%D9%82%D8%B1%D8%B1%20%D8%A7%D8%AC%D8%AA%D8%AB%D8%A7%D8%AB%22%20%D8%A8%D8%B9%D8%AB%D9%8A%D9%8A%20%D8%87%D8%A7%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%
the 50% mark in Shi’ite dominated areas. The 2010 elections slipped even farther. In the 2010 election, the list that combined ISCI with other lists on a Shi’ite ticket, the National Iraqi Alliance, won only 18.2% of the total vote (58 seats in parliament). The lists of Ayad Allawi’s Iraqi National Movement, al-Iraqiyaa and al-Mālíki’s State of Law, took 24.7% and 24.22% of the vote (91 and 89 seats) respectively with their nationalist, centralist, anti-corruption, anti-violence appeals.119 Local deba‘athification commissions, like the national level, served as a warning to competitors of all sects, but particularly those within their own sectarian group, that Shi’ite politicians should think twice about starting independent parties. In the end, public opinion (Sunni and Shi’ite) expressed in an environment with a modicum of safety, showed that neither the Iraqi masses nor the Shi’ite street was overwhelmingly enchanted or terrified by such extreme factionalism.

The exiled ISCI members and the lower-class Sadrists had constituencies with particularly anti-Ba‘athist views. Within the general population and even the general Shi’ite population of Iraq, such a stance in support of aggressive deba‘athification was not a default position. Polling, though limited, indicated that while a solid majority of the Iraqi Shi’ite population supported standard deb‘athification, as carried out by the Committee for Accountability and Justice in the first week of February 2010, over 40% reasonably stood against even this circumscribed definition.120 Nearly half of the Shi’ite street was against it. It is telling that al-Lami, the individual in charge of the national level deba‘athification commission, was unable to even cross the vote threshold to get one of the 325 seats in parliament, though 70 went

"استبعاد كتل وشخصيات مرشحة للانتخابات التشريعية المقبلة يعد بنظرك: قرارا قانونيا بحثا ، قرارا مسيسا ، لا أدرى؟" أصوات العراق. 02/19/2010. http://ar.aswataliraq.info/
to his coalition nationally in an open list system.\textsuperscript{121} Even voters backing his own coalition found the blatant politicization of the deba'athification process distasteful.

The established, entrenched Shi’ite-majority parties carried out provincial deba’athification to undermine the political strength of Shi’ite independents. Many independents were low ranking Ba’athist party members or had Ba’athists ties during Saddām’s rule. Thus, their situation corresponded to that of a significant portion of the population before 2003, which was loosely affiliated with the Ba’ath party (more out of necessity than ideological affinity) because the government was the main source of employment and many government jobs, not to mention educational opportunities, required Ba’athist credentials. As noted previously, the majority of Ba’athists at any given time were Shi’ites, as per their portion of the population, although they were underrepresented in the higher ranks.\textsuperscript{122}

Vigilante violence from 2003 to 2005 by Shi’ite militias who killed or intimidated secular Shi’ites facilitated the Islamist-dominated elections of 2005.\textsuperscript{123} Likewise, the new provincial commissions of 2010 were designed to allow Shi’ite Islamist politicians falling behind in the polling to achieve the same results through administrative means. Both steps represented politically motivated policies to exclude other parties or militias, executed by militias integrated into the state apparatus. Militia politics were a-sectarian; they were perpetuated against members of the same sect.

\textsuperscript{121} As Joseph Sassoon noted, many of the landmark histories of Iraq produced in the last two decades, “any of those works overstated the Sunni-Shi’i chasm, although the documents clearly indicate that Saddam Hussein was almost ‘egalitarian’ in his treatment of anyone considered or suspected of disloyalty, and many Shi’is were part of the system to the end.” Sassoon, \textit{Saddam Hussein's Ba’th Party}, Kindle location 278.

In October 2007, the Iraqi government passed a number of measures promoting the rights and integration of members of the former regime. It was too little, too late, and Sunnis politicians rightly demanded a concrete end-date to the activities of the deba'athification process. Their worst fears reemerged in a highly-politicized manner before the 2010 legislative elections.\textsuperscript{124} Ironically, the U.S. pushed for the introduction of a Sunni element into the committee in charge of drafting the transitional constitution to ensure Sunni representation. Yet, it failed to support one of the few pieces of legislation (the revised deba’athification law of 2008) that could have genuinely challenged the insurgent/militia status quo and given disenfranchised Sunnis a voice in the political process.

**Conclusion**

Finding the right mechanism to institute accountability in the transition from authoritarian rule is a difficult balancing act. Often accountability mechanisms that have a punitive element (especially exclusion from politics) are easy to politicize, but accountability is fundamental to successful transition. This is especially true in states where the availability of mineral resources means that government budgets are largely independent from approval of the citizenry. With Iraq’s budget 95\% derived from hydrocarbon resources,\textsuperscript{125} it is certainly a case in point.

In addition to finding the appropriate balance between accountability and punitive justice against the old regime, new institutions must be immediately strengthened to ensure checks and balances over the new executive. The proper functioning of courts and integrity commissions


\textsuperscript{125} Sassoon "Iraq’s Political Economy," 28.
provides critical oversight of these economic activities and the running of the state more broadly. Yet in Iraq, these professionals were freely targeted by armed actors.\footnote{Al-Ali, \textit{The Struggle for Iraq’s Future}, Kindle location 1197, 2004.} Assassinations were frequent occurrences and a daily threat to members of the Courts, the Supreme Audit, the Integrity Commission,\footnote{Ibid.} and journalists.\footnote{Ibid.} Between 2003 and 2008, more than thirty judges, and dozens of staff members of the Supreme Audit were assassinated in the line of duty.\footnote{Nikonorow, “The Mechanisms of Deteriorating Civil Liberties in Iraq.” 22–31. /http://www.iraqia.iq/statistics \footnote{جمهورية العراق: السلطة القضائية العالي، احصائات، 2014.} \footnote{Nikonorow, “The Mechanisms of Deteriorating Civil Liberties in Iraq.” ,” 1, 31.} \footnote{Nikonorow, “The Mechanisms of Deteriorating Civil Liberties in Iraq.” ,” 1, 31.} Such assassinations occurred as frequently in areas (the northern three governorates and the southern six) that are generally safer in comparison to the ever roiling center of the country. This fact indicates that these accountability professionals are specifically targeted for their important work, not merely collateral damage of arbitrary violence.\footnote{Nikonorow, “The Mechanisms of Deteriorating Civil Liberties in Iraq.” ,” 1, 31.}
Chapter 6: Economic Transition: Disorientation & Distortions in the Name of the Free Market

Summary

Rapid deregulation and non-competitive privatization are carried out in the name of the free market in developing countries. However, competitive (free) markets do not automatically emerge in the absence of state regulation. Non-competitive privatization schemes are not necessarily less coercive than state-centralized economies. Comparing examples of double-standard liberalization before 2003 in Iraq and under the CPA highlights the dangers of acting on double-standard conceptions of the free market. In particular, the Iraqi examples show the danger of double-standard liberalization as part of a transition attempt without a monopoly on the use of force.

The Free Market and Liberalization: Definitions and Double-standards

A highly-centralized economy poses numerous opportunities for economic or political coercion. Centralization in the hands of a capitalist monopolist easily leads to untenably high prices for consumers. Centralization in the hands of a state monopolist easily leads to a lack of checks against inefficiency, as was the case in the Soviet Union. Vast state bureaucracies and nationalized industries can expressly tie a considerable percentage of the population to the state and render them dependent on and vulnerable to the state monopolist, as occurred in Ba’athist Syria, Ba’athist Iraq, and post-Nasserite Egypt.131 In such examples, the centralization of the economy and apparent inefficient expansion of the bureaucracy allowed the consolidation of power and staved off the threat of rebellion, as an expansive literature on populist authoritarian

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models of government supports.\textsuperscript{132} Thus, there is good reason to desire transition to a more market-oriented economy.

Absolute deregulation does not necessarily create a competitive market. To the contrary, the definition of a free market is enshrined in the policy of first world countries vis-à-vis their own national economies, which indicates that unregulated markets create three fundamental breakdowns in the competitive distribution of goods. Most fundamental among these market failures are “monopolistic practices,”\textsuperscript{133} “externalities,”\textsuperscript{134} and “the problem of the commons”\textsuperscript{135} against which the legal and administrative regulatory institutions maintained by a state are established. Examples include minimum anti-pollution legislation (protection against an externality), fishing limits in territorial waters (protection of the commons), and trust busters (protection against monopolies). Moreover, even among the more free-market oriented countries of the developed world, when massive socio-economic destabilization threatens, such as during the Great Depression, government is obliged to intervene in more than minimal ways to maintain the stability of the state and ensure the security of the rest of the national market, as occurred in the New Deal.

Recognizing the level of regulation widely accepted in the first world helps clarify overlooked points regarding transitions to a free-market economy in the developing world. First, to focus on pure deregulation to maintain or facilitate transition to a free market is to engage in a

\textsuperscript{132} For a discussion of popular authoritarianism in the context of other authoritarian models see Hinnebusch, “Authoritarian Persistence, Democratization Theory and the Middle East: An Overview and Critique,”\textit{Democratization} 13, no. 3 (June 2006): 373–395.
\textsuperscript{133} Whereby becoming the sole producer in a market, the producer has no market reason to prevent him from increasing the price \textit{ad infinitum}.
\textsuperscript{134} Externalities are the cost of a production or use decision on others who are not compensated in the price of production to the producer. Thus, the real price of damage a factory creates by polluting is not paid by the producer unless the government fines him.
\textsuperscript{135} The problem of the commons encompasses instances such as over-fishing faster than replacement or massive pollution, where the pursuit of individual interests creates impetus to quickly consume limited resources, especially natural ones, in a way that does not maximize the value of the resource. Hunting all the remaining fish today will provide the best result for the individual in an insecure world. However, keeping a minimum of three living fish at any given time in a regulated \textit{common} pool will allow people to hunt in the pond for generations.
double-standard. Second, the sale or license of state assets on a non-competitive basis to private individuals, often carried out in the name of liberalization, is in fact a variety of monopoly creation (crony-capitalism), inconsistent with free-market norms implemented in developed states’ national markets. Third, even in a regulated transition involving competitive privatization, the rapidity of transition may create substantial economic dislocation among the former beneficiaries and dependents of the old economy; the more rapid, the more destabilizing. Advocates of rapid liberalization point to the Eastern Bloc for examples of successful shock liberalization\textsuperscript{136} to counter supporters of sequential liberalization on the model of China.\textsuperscript{137} However, every Eastern European government with an electoral system in place for such a transition was voted out of power as a result and the following administrations changed course to gradualist reforms.\textsuperscript{138} Economic dislocation resulting from the transition in non-democratic Latvia was managed by particularly substantial international assistance and a strongly entrenched domestic security force.\textsuperscript{139} By contrast, in Iraq after 2003, the CPA failed to engage these best practices for more successful transition, and employed a double-standard understanding of free market echoing the problematic liberalization of at least two previous Iraqi regimes: the British and Saddām.

\textbf{Historical Market Distortions in the Name of Liberalization}

Under the British military presence in Iraq and particularly during the British Mandate (1920-1932), foreign imposed quasi-liberal economic and political structures fostered an increasingly inefficient and non-competitive allocation of national assets. Of particular

\textsuperscript{138} Marangos, \textit{Alternative Economic Models of Transition}, 106.
\textsuperscript{139} Ibid., 106.
prominence were British-induced market failures in the form of state granted-monopolies in land ownership, oil concessions, and monetary policy. The negative legacy of this process stretched beyond the period of the mandate. Yet, it was not always in the national interest of the occupying power itself.

During the World Wars, British and local merchants with monopolies in trade and agricultural engaged in highly profitable hoarding and speculation.\(^\text{140}\) Such monopolistic practice combined with a mandate-imposed monetary policy that artificially overvalued the Iraqi dinar by tying it to the pound sterling. This created mass food shortages and inflation rates of 200-300% in the late 1930s that continued into the early 1960s.\(^\text{141}\) The British manipulated parliamentary elections to bring their own allies to power. By banning non-notables from participating, the British created a micro-community of the citizenry who acquired full control of the legal system and state coercive mechanisms without the checks or balances required for a genuine functional liberal constitutional system. For example, by mid-mandate, over one third of representatives in parliament consisted of landed tribal sheikhs chosen by the British because they had not engaged in revolt against the mandatory power. Unsurprisingly, with few checks or balances to make the parliamentarians accountable to the general citizenry, the parliament legislated for itself ten-fold and hundred-fold land holding increases within two decades by eroding the rights of the peasant tribesmen they supposedly represented. Thus, under a code legislated in 1919, sheikhs gained the right to settle land disputes between land-owners and peasants even though they themselves were the major land owners and their tribesmen the disputing peasants.\(^\text{142}\)

\(^\text{142}\) Expanded sheikh juridical powers were further enforced by appointing 34% of the seats in the fledgling Iraqi parliament to paramount sheikhs who had supported the British during the revolt of 1920 and by the Tribal Criminal and Civil Disputes Act in
Likewise, during the 1950s, the parliament voted to use public funds to reclaim massive new tracts of land from the desert, overstretching irrigation systems rather than reinvesting their private wealth in capital like pumps to increase the productivity of the fields they already owned. This led to ever decreasing returns per dönüm and per farmer, but higher profits for themselves. Indeed, 30% of Iraqi farmland became so adversely affected by salinity that it was abandoned by 1952 with the remaining land experiencing a 20-50% decline in yields.\(^{143}\)

The deep economic dislocation that resulted from such occupation-induced market failures led to particular security problems. In sectors that were expressly foreign controlled monopolies, for example, there were protests and riots. Such disturbances were particularly directed against the transportation and oil authorities. Likewise, increasing peasant flight and armed violence\(^ {144}\) attested to the bubbling tensions between the British-appointed sheikh representatives and the non-noble tribesmen they were supposed to represent. In both cases, the security threats created by economic disenfranchisement were dealt with by military coercion.\(^ {145}\)

Thus, for multiple decades Iraq experienced the negative effects of partnerships between the national elite and international powers that overwhelmed the minimum regulatory abilities of the Iraqi state. In light of this experience, it is unsurprising that Iraqi popular opinion in general, and the Iraqi administration that immediately followed the overthrow of the British-backed monarchy in 1958 in particular, focused increasingly on direct state intervention in the market to


\(^{144}\) For example, in the 1950s, peasant tribesman of al-Fartūs killed their guards in an attempt to forcibly seize their lands from their landlord-cum-sheikhs. Removed by national troops, 250 armed peasants returned fighting killing six more guards. Under the Tribal Dispute Law the peasants of al-Fartūs were forced to pay a substantial sum and to migrate from their land. This was soon followed by another uprising, by the Zuraį, against the usurpation of lands by their sheikhs. Haj, *The Making of Iraq*, 106.

take control over the mini-monopolies on law, land, and monetary policy that were the legacy of British tutelage.

The trend of centralization of the economy creating a new state monopolization continued until the precipitous drop in the price of oil to $9 and the skyrocketing debt from the Iran-Iraq War made retaining the system of inefficient centralization untenable. In response, while preserving control over the military-industrial complex and oil production, the government of Saddām Hussaīn engaged in dramatic overnight privatization in 1987-88 and international economic opening. Such liberalization indubitably increased the efficiency of the industries, which had been privatized, in some cases as much as 200%. However, individuals and families, to whom state assets were privatized on a non-competitive basis, bought up whole chains of production effectively creating only slightly weaker monopolies than those that preceded them under direct étatisme. Thus, the efficiency of the new management was not passed on to consumers or workers in the form of lower prices or higher wages. Nor were the new efficiency gains passed on to the wider population indirectly in the form of capital reinvestment because the elite who benefited from the privatization lacked clear guarantees about their own rights, leading them to send accumulated capital abroad. The sudden removal of many subsidies, combined with the onset of private monopolies and unrelated but concurrent dramatic inflation, led to price shocks on staple goods causing further dislocation for all but the


149 Parker and Moore, “The War Economy of Iraq.”
upper elite of society that ironically ended in 60% of the population becoming dependent on the state for food, distributed or withheld by the central state.\textsuperscript{150}

\textbf{The Role of Force in Managing Dislocation from Rapid and Double-Standard Liberalization: Under the British, Under Saddām, and Under the CPA}

As was the case under the British mandate and Saddām during the late 1980s, under the guidance of the CPA, the rapid deregulation of some sectors and concurrent double-standard privatization in others led to the creation of monopolies. These monopolies stopped the flow of any benefits that might accrue to the general citizenry from a real liberalization, and ultimately created unrest. However, without the immense intelligence services of the Saddām-era authoritarian state, or the Royal Air Force’s extensive bombing, the U.S. had an insufficient monopoly on force to push through their economic changes via coercion. Thus, CPA reforms not only contributed to economic dislocation for the citizen-consumer like their predecessors, but CPA economic policy also contributed to widespread physical insecurity.

\textbf{Pre-Existent Economic Conditions}

On the eve of the 2003 invasion, the Iraqi economy was in a state of profound disrepair. The Iran-Iraq War from 1980 to 1988 coincided with and contributed to a long deterioration of Iraq’s major industries. Iraq entered the Iran-Iraq War in 1980 as one of the region’s most advanced economies and a net creditor. During the war years, oil revenues dropped by half.\textsuperscript{151} By 1988, foreign debt rose to over $80 billion.\textsuperscript{152} Inflation began to skyrocket.\textsuperscript{153} In 1990, the six-week Allied bombing campaign to elicit Saddām’s retreat from Kuwait destroyed more of Iraq’s remaining economic infrastructure than in the eight years of war with Iran.\textsuperscript{154}

\textsuperscript{150} Chaudhry, “Economic Liberalization,” 10.
\textsuperscript{153} Parker and Moore, “The War Economy of Iraq.”
\textsuperscript{154} Tripp, A History of Iraq, 261.
Thirteen years of United Nations sanctions (beginning in 1991) combined with Ba’athist economic policy deepened the economic disintegration of the 1980s. Following the rapid repulsion of the Iraqi army from Kuwait by international forces, UNSCR 687 and 688 were enacted against Iraq. United Nations sanctions against Iraq represent the most comprehensive United Nations sanctions regime implemented to date against any one nation.\textsuperscript{155} It initially froze all Iraqi trade except “supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs.”\textsuperscript{156} In 1995, a portion of previously banned oil revenue was released to trade for food needs in the form of the Oil for Food (OFF) Program. By 1999, Iraqi oil was permitted to be traded in full under that program. However, the United Nationals Oil for Food Program also led to the deep penetration of corrupt domestic and international procurement networks. Domestically, the Ba’athist government redirected the Iraqi bureaucracy as a whole towards the evasion of sanctions. Such reorientation negatively affected the bureaucracy’s integrity. The need for discretionary funds for regime use outside the supervision of the international community led the government to discard good bureaucratic practice even in the oil sector. Until the 1990s, the Iraqi Ministry of Oil was a stronghold of professionalism. It avoided politicization and cronyism as a result of its critical position as the overwhelming source of government revenue.\textsuperscript{157} By contrast, in the 1990s, the oil field upkeep, apolitical oversights, prudent reservoir management, and precise metering that aimed to maintain the vital national resource for the future were abandoned in the pursuit of immediate maximization of oil production. Oil became one the major products of government-organized underground smuggling rings, often conducted through and overseen by the intelligence agencies.\textsuperscript{158} On an

\textsuperscript{157} The oil ministry attracted the nation’s brightest with their scholarships, foreign travel, and retaining apolitical technocrats.
\textsuperscript{158} Allawi, \textit{The Occupation of Iraq}, 357-9.
international level, corrupt procurement networks working with United Nations insiders at the highest levels of the program and regime cronies operating from Lebanon and Jordan proliferated, and further intensified the adverse side-effects of the sanctions on Iraqi economic structures.

The distortions caused by the substantial reorientation of the Iraqi economy through two major conflicts and sanctions are difficult to underestimate. The U.S. General Accounting Office calculated that Saddām Hussaīn made $21 billion of illicit gains from the Oil for Food Program between 1997 and 2002. By contrast, average Iraqi workers, especially low and mid-level government functionaries, had fixed salaries that were consequently decimated by inflation. Between 1980 and 2003, average income dropped 85%. On the eve of the March 2003 invasion, the average salary of a civil servant was $5 per month. Furthermore, skyrocketing inflation, sanctions, and the degradation of the productive capacity of the private sector since the 1980s created overwhelming dependence on the public sector. The vast majority of the population was entirely dependent upon government rations for their fundamental nutritional needs. Agricultural production, employing a quarter of the work force, became dependent upon government seed distributions. The government also revived and devolved many legal powers to regime-vetted tribal leaders who became responsible for the good behavior of their tribal group in exchange for the privilege of being middlemen in the distribution of government aid. Farms then sold their product back to the state at government-set prices. The distribution of government

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subsidized agricultural products, or lack thereof, became a further means of control of tribe or town via collective punishment and decreased efficiency.

In sum, the Iraqi economy was devastated before it was inherited by the CPA. The economic exigencies and physical damage of three wars and sanctions resulted in intensive dependence on the state, erosion of the quality of the state bureaucracy, and a floundering private sector. The CPA imposed well thought out and plausibly implemented policies, and stabilized the currency. The CPA did not link the dinar to the dollar. They established a central bank, and worked hard to do away with over 80% of Iraq’s debts within the first few years of occupation.

However, others CPA policy choices included the push for shock liberalization of the Iraqi public sector and favoritism in the distribution of reconstruction contracts. The latter were poor decisions, despite the limited options available to planners in the aftermath of the invasion. The danger posed by the occupational authority’s early policy was not the invention of economic deprivation. Rather, it was the unrealistic expectation that any foreign occupation policy could entirely uproot the ailing inherited political, security, and economic structures to cultivate full-grown new ones in a brief interim. The overnight economic destabilization, security vacuum, and lack of competent locally chosen government took a considerable toll. Each structural change added its weight to the tipping of the country into civil war.

**Economic Policy of the CPA**

In 2003, Paul Bremer laid out his vision for the economy of the new Iraq stating, “for a free Iraq to thrive, its economy must be transformed – and this will require the wholesale reallocation of resources and people from state control to private enterprise, and the promotion of free trade.”\(^{163}\) Wholesale reallocation immediately became the guiding policy. By contrast, the

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free-trade aspect of Bremer’s vision was hindered by the CPA’s own double-standard definition of deregulation.

Iraqi state assets and socialist policy that fell outside the purview of international law immediately met with deep deregulation. Article 55 of the 1907 Hague Regulations companion to the 1949 Geneva Convention explicitly banned occupying powers from disposing of assets that they do not already own by limiting the occupier’s rights “only…to usufruct.”\textsuperscript{164} Thus, the CPA could not sell off the 190 state enterprises that CPA officials indicated as their inaugural reform.\textsuperscript{165} Within the letter of the law, the CPA could freeze the bank accounts of the state enterprises that the CPA was prohibited from selling, effectively demobilizing them from the market.\textsuperscript{166} Such demobilization of state assets occurred even when some, like cement factories, were economically viable on the international market\textsuperscript{167} and others, such as factories producing chlorine and agricultural fertilizer, were crucial for other fundamental infrastructure in the industrial and service supply chain (Iraq’s oil, electricity, water, and agricultural sectors) to function.\textsuperscript{168} Freezing the bank accounts of state enterprises was more debilitating than simply

\begin{footnotesize}
\textsuperscript{164} See Article 55 “Art. 55. The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.” It could also be noted that Article No. 43 of The Hague Regulations elaborates that changing the law of the occupied country is not permitted unless “absolutely required to” by the exigencies of providing security for the occupied country. Socialism was of course enshrined in the pre-invasion Iraq constitution. CPA economic changes entailed a clear negative effect on the already poor security situation. In this sense, it would not be implausible to argue that the CPA changes constituted a breach in the spirit of the article, although some verbal gymnastics could reconcile such CPA policy with its letter. Article 43 in full states “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.” United Nations International Conference. “Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land,” Hague Convention (IV), The Hague, 18 October 1907, http://www.unhchr.org/refworld/docid/4374cae64.htm. Obligation to adhere to the Hague Regulations was reiterated in the UN Security Council Resolution authorizing the continued U.S. presence in Iraq. United Nations S/RES/1483, 22 May 2003. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement.

\textsuperscript{165} The following article was published by three former CPA economists who discuss the link: Foote et al., “Economic Policy and Prospects,” 55.

\textsuperscript{166} Ibid, 66.


\textsuperscript{168} SIGIR, 327.
\end{footnotesize}
privatizing them because it denied these enterprises working capital and investment funds. As a result, most of their employees became idle for ideological reasons of the occupier, rather than technical inability.

Suddenly and deeply deregulated markets were laid open by the CPA to reconstruction contracts on a non-competitive basis without any serious oversight. The World Bank estimated that no less than two thirds of the value of contracts given through 2005 were offered on a non-competitive basis.\(^{169}\) U.S. government auditors estimated that fraud accounted for 15% of reconstruction expenditures.\(^{170}\) The entirely inefficient exclusion of Iraqi companies was a result of non-ideological, poorly thought out bureaucratic procedures that could easily have been designed in a way to reduce middle-men and more economically enfranchise Iraqis. For example, local Iraqi family businesses rarely had the capital to work on a build-first, pay-at-completion scheme of contracts. Thus, where Iraqi businesses were employed, their profit margins were severely shorn by being sub-sub-contractors to Gulf or Western firms that could produce the capital upfront.\(^{171}\)

The Coalition occupying powers introduced some positive and needed reforms that should not be underestimated. Notably, the U.S. representatives successfully lobbied their own constituencies in the United States, the Paris Club, and later the Russians to erase the vast majority of the debt of the Iran-Iraq War (excluding the debts to the Gulf States).\(^{172}\) Likewise, the United States invested $2.4 billion dollars of their own funds under the tenure of the CPA. However, these measures pale in comparison to the economic dislocation, waste, and corruption

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\(^{171}\) SIGIR, 234.

that followed the CPA’s economic policy, which employed $20 billion of Iraqi money during the same 14-month period.\textsuperscript{173} Many varieties of double-standard liberalization under the CPA deserve note. However, given the particular sensitivity of food production and security to more vulnerable sectors of society, the issues of security and agriculture make particularly useful case studies in economic transition policy.

**CPA Policy Case No. 1: Double-Standard Deregulation in Agriculture**

Agriculture is a critical sector of the Iraqi economy for social stability as well as traditional economic reasons. Agriculture is the second largest sector of GDP and the largest employer (25% of the workforce in 2008) after the government (roughly 30% in 2008 as in 2002).\textsuperscript{174} Long-standing disputes over riparian water rights with Iraq’s northern neighbors\textsuperscript{175} and the neglect of agricultural infrastructure as a result of sanctions and previous regime policy obliged the former bread-basket of the region, a net grain exporter as late as the 1950s, to import 50% of its own major product, barley and grain crops, even before the U.S. invasion.\textsuperscript{176} However, the notable damage caused by the U.S. military campaign, specifically to agricultural infrastructure as well as the deterioration of security, induced by the invasion created increasingly acute problems for the sector.\textsuperscript{177} The Iraqi government paid a food import bill of

\begin{footnotesize}
\begin{enumerate}
\item[173] Iraqi funds employed encompassed seized funds, frozen funds from U.S. bank accounts, and oil money left over from the Oil-for-Food program as enumerated by the U.S. Government auditor on Iraq reconstruction. See SIGIR, 78–79.
\item[174] Figure for the agricultural employment rate comes from the United States Agency for International Development (USAID) cited with other data in Economist Intelligence Unit.
\item[175] The infrastructure that would allow Iraqi farmers to bring their grain to market has been corroding for decades through neglect. There are also long standing issues with the decreasing water tables of the Tigris and Euphrates whose waters have become increasingly less rich and less plentiful due to greater upstream siphoning by Turkey’s massive multi-thousand dam “Grand Anatolia” project. Part of the problem is the cuts in the upstream waters of the Euphrates and Tigris whose salinity has been rising as its flows of water drop dramatically due to increased siphoning by Syria, and especially Turkey which by 2009 had some 148 dams under construction and planned for 1,400 more are on the books, as a way of tripling the nation’s hydroelectric capacity. Iranian faluvian policy has also been an issue with the diversion of the Karūn river which flows from Iran into Iraq.
\item[177] The war on Iraq came during spring harvest for the two main staples of the country: the southern barley and northern wheat fields of the Tigris River valley. Fuel depots incinerated by U.S. bombing strikes would have been required to harvest the grain before it rots in the fields to run Iraq’s fleet of combines and harvesters. With road travel restricted, what grain was harvested could not be taken to market, and markets were consequently closed. Seed warehouses and grain silos were pillaged due to a total
\end{enumerate}
\end{footnotesize}
more than $5 billion, and a quarter of the workforce continued to live on farming. It seems that attempting to revitalize Iraqi agriculture, at least as a partial substitute for food imports, would be the more sustainable solution.

Yet, the CPA did not look for ways to strengthen or build the agricultural infrastructure that was bombed by the invasion and corroded by years of neglect. It did not invest in canals, roads, and machinery long starved for spare parts. It did not contemplate security costs of major economic dislocations caused by the newly imposed economic structures. Rather, the CPA set about trying to replace local Iraqi agricultural capacity with imports.

The CPA began its tenure in the field of agriculture by appointing Dan Amstutz head of agricultural planning. Amstutz was an agriglomerate lobbyist and recent executive of Cargill, the largest seed export company in the world. Even the U.S.-allied and heavily free-market leaning British House of Lords publicly objected to the appointment, demanding instead a UN agricultural specialist.178 In the blunter words of the policy head of Oxfam, “putting Dan Amstutz in charge of agricultural reconstruction in Iraq is like putting Saddām Hussaīn in the chair of a human rights commission.”179

Under Amstutz’s tenure, the reeling Iraqi agricultural market was further thrown off kilter by the removal of direct and indirect agricultural subsidies: direct subsidization of seeds and indirect subsidization of fertilizer through government manufacture. Under Saddām, farmers received state subsidized inputs and in return were obliged to sell their entire output of grains to

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the state at the state’s chosen price, then given out as rations.\footnote{Yousif, “Coalition Economic Policies,” 493.} By suddenly deregulating the agricultural sector overnight with no contingency planning, farmers had no practical capital with which to buy seeds. It was as if they had given in their half of the deal (the last year’s harvest) without getting the next year’s payment of seeds.

Without investing seriously in infrastructure, Amstutz put major energies into moving Iraqi farmers from local seeds to more expensive American engineered ones. CPA Order No. 81 stipulated that saving the seeds of plant varieties for protection (PVP) would be illegal. PVP seeds were defined as “new, distinct, uniform, and stable” and local Iraqi seeds failed to meet the criteria because they are by definition neither uniform nor stable and, by the very nature of their biodiversity, cross-pollinate and change.\footnote{Coalition Provisional Authority Order 81: Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law. CPA/ORD/26 April 04/81, \url{http://www.cpa-iraq.org/regulations/20040426_CPAORD_81_Patents_Law.pdf}.} Given that 97% of Iraqi farmers saved their seeds or bought them locally in 2002,\footnote{2002 United Nations Food and Agriculture Organization (FAO) estimate cited in Jeremy Smith, “Order 81: Re-engineering Iraqi agriculture…breaking the agricultural cycle,” \textit{The Ecologist} 35, no. 1 (August 2005), \url{http://www.globalresearch.ca/index.php?context=va&aid=870}.} Order No. 81 had immense ramifications because the CPA promptly encouraged privately-sponsored efforts to give out U.S. exported seeds, initially for free or low prices to Iraqi farmers. These PVP-qualified seeds could give the Iraqi farmers a strong initial bumper crop. However, Order No. 81 also put the local farmers on a path to begin paying high licensing fees every year thereafter because they were suddenly barred by the new law from saving key seeds from the last harvest.\footnote{“‘Farmers shall be prohibited from re-using seeds of protected varieties or any variety mentioned in items 1 and 2 of paragraph (C) of Article 14 of this Chapter.’ The other varieties referred to are those that show similar characteristics to the PVP varieties. If a corporation develops a variety resistant to a particular Iraqi pest, and an Iraqi farmer is growing another variety that does the same, it’s now illegal for him/her to save that seed.” Tom Clarke, “Seed Bank Raises Hope of Iraqi Crop Comeback,” \textit{Nature} 424, no. 6946 (July 2003): 242, \url{http://proquest.umi.com/pqdweb?did=389345011&sid=1&Fmt=6&clientId=5604&RQT=309&VName=PQD}.} Americans already owed a debt to the Iraqi market, since the U.S. bombed a critical Iraqi national seed research facility in the course of the
2003 invasion. That research facility was tasked with identifying and preserving seeds of particular utility for planting in Iraq’s climate. Alternatives to CPA legislation were available. The idle labor of other discontinued state employers, like the army, could have been put to work rebuilding canals. The CPA might have facilitated the import and restarted local seed capacity from a sort of black box of particularly adept Iraqi seed strands sent by Iraqi specialists to Syria for safe-keeping before the invasion. These local economically enfranchising solutions were brushed aside. Instead, the CPA chose less sustainable solutions that led to systems of longer-term cost, work-force dislocation, and dependency.

The CPA failed to move toward sustainable reconstruction in the local agricultural sector. The CPA increased the American share of imports of foreign grain heavily subsidized by foreign governments, and paid for the heavily subsidized foreign grain using Iraqi oil money. The U.S. and Australian companies involved were therefore dumping their grain at sub-market prices and precluding the viability of other alternatives. Bringing monopolistic agri-dumping practices to the U.S. administration of Iraq neither benefited the average American nor Iraqi farmer, much less the Iraqi population. It benefitted neither the American purse nor the American image abroad. Economic statistics alone are sufficient to indicate the failure of CPA policy to make any positive effect on the market. Wheat is a good indicator; it was the top agricultural product of Iraq virtually every year for the last two decades. In 2002, domestic Iraqi wheat production had to contend with a decade of major underinvestment by the Saddām administration in infrastructure and two years of major drought. It faced competition from imported foodstuffs distributed at sub-market price as a result of the Oil-For-Food Program. With the exception of 2006, every year after the invasion, both production quantity and sale price per ton were lower

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\textbf{CPA Policy Case No. 2: Transfer of Security Costs}

Double-standard liberalization imposed major hidden costs on society. The CPA’s liberalization meant deregulation leading to substantial economic dislocation on the Iraqi side in the face of subsidized or privileged regulation on the foreign side. The presence of American troops amplified this sensitivity. The dislocation brought about by liberalization in general and the inequality intrinsic to double-standard liberalization, combined with already simmering anger at the non-fulfillment of other basic political demands, contributed to the insurgency.

Youth and the unemployed are particularly susceptible to recruitment into insurgent groups, criminal groups, and death squads. Post-invasion Iraq had an abundance of both. Approximately 60\% of the population was under 25 years old. Overall, the CPA approach to liberalization led to increased unemployment, which spiked from 16\% in 1997 at the deepest point of economic distress under U.N. sanctions to above 26\% in 2004 after a year of reconstruction,\footnote{Central Statistical Organization surveys cited in Yousif, “Coalition Economic Policies,” 249.} and by 2005 rose up to 40\% according to conservative Iraqi government figures and up to 60\% according to independent sources.\footnote{http://almadapaper.net/news.php?action=view&id=17424} Iraq’s western and southern insurgencies emerged from precisely such economically marginalized populations. The western Sunni-dominated areas suffered particularly grievously at the disbanding of public enterprises, specifically the army, \textit{without pay}. Shi‘ite-dominated insurgency and criminal violence emerging in Baghdad, particularly that emanating from Sadr City, were tied to more general economic
disintegration, and particularly recruited from rural-to-urban migrants with few options for long-term employment whose already difficult situation was further complicated by CPA-induced economic dislocation. Ayatollah Mohammed Ishāq al-Fayādh, a religious reference for the Sadrist movement and post-invasion teacher of Muqtadā himself, listed six causes for the rise of Māhdist elements in Iraqi society in 2008. The number one cause was simply unemployment, four concerned poor government (“the action of differing political blocs in their own narrow partisan purposes without taking into consideration the interests of the country as a whole…corruption…random differentiation in the government”), one dealt with cultural/religious fervor, and none addressed sectarian or ethnic reasons. In the blunter words of a youth from the Sadr City,

I haven’t been working for the last two weeks. If I stay like this for another week, my family will starve; and if someone comes with $50 and asks me to toss a grenade at the Americans, I’ll do it with pleasure.

As security worsened, CPA reconstruction focused on capital-intensive methods and tens of thousands of imported foreign workers rather than low-cost local labor fearing what one Coalition procurement officer colloquially dubbed *bad-guy influence* on Iraqi labor. The argument was circular. Adding to the supply of idle local labor cut immediate security costs by importing slightly cheaper foreign labor that foreign contractors felt that they could trust. However, temporarily increasing the marginal profit of reconstruction contractors working from Iraqi and American government dollars created more security costs in the long run by adding the

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fuel of economic disenfranchisement and anger over other political problems. The cost of subcontracting to non-Iraqis did not take into account the cost of hiring private security firms to protect reconstruction teams, which rose from 7% of contract costs in 2003 to 17% in 2005 and 24-53% by 2006, in total $5.3 billion dollars by 2008. More than 300 private security firms were employed for protection of U.S. contracted reconstruction projects. A further 20% of overall funding was removed from reconstruction budgets by 2004 to fund the training of Iraqi security forces to deal with the overall threat.

As Under Secretary of Defense for Economic Planning, Paul Brinkley, frankly acknowledged in 2006, “after three years of unemployment in excess of 50 percent, there are no people in the world that wouldn't be undergoing violence and militias.” Brinkley set out to reopen some of the factories that the CPA so vehemently closed. By then, violence, looting and deterioration made many of Iraq’s state-owned enterprises planned for rehabilitation simply beyond repair; only four were brought back online during his tenure. The Office of the Special Inspector General for Iraq Reconstruction placed securing security as a prerequisite for large-scale reconstruction projects to succeed as the first and most important on his list of “Hard Lessons,” principles for contingency relief and reconstruction operations in his quarterly report and in his historical overview published in 2013 after the closure of the mission.

Although the CPA intended to save money by liberalizing parts of the Iraqi market to make it more efficient, they ended up spending more or an equivalent sum on security, because

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192 SIGIR, 180.
193 Ibid., 233.
194 Ibid., 180.
195 Special Inspector General for Iraq Reconstruction, Hard Lessons, Kindle location 111344.
198 Special Inspector General for Iraq Reconstruction, Hard Lessons, Kindle location 11358.
the lack of reconstruction helped fuel the insurgency. CPA schemes did irreversible damage to the already precariously long-neglected infrastructure of Iraq, which eroded further or was outright pillaged while the occupying government was unable to provide basic security. Reconstruction costs cut in one area in the name of liberalization were merely transferred in the form of security costs from one area of the market to another.

Conclusion

In Iraq after 2003, the CPA made two varieties of double-standard deregulation policies in the name of the free market. Rapid deep changes in the economy were accompanied by a total absence of necessary state regulation (strict deregulation). Non-competitive awards for reconstruction were encouraged (monopolistic practice). Moreover, tensions deriving from the considerable economic dislocation resulting from the economic transition were unmitigated by the sort of democratic regime change that padded the economic dislocation resulting from transition in the Eastern Block democracies, because the CPA was unelected and its formal unilateral dissolution and handover of power to a sovereign Iraqi government occurred with no definite date for the withdrawal of the over 133,000 foreign troops on the ground.199

Transition from a heavily centralized market is difficult by default. Imposed by a foreign occupier, the double-standard in the liberalization of the economy was even more politically repellent than the homegrown variety. The U.S. did not have a sufficient monopoly on force to push through market change unilaterally, as the non-democratic Eastern Block rapid-liberalizer Latvia did. U.S. authorities looked to save U.S. tax payer dollars by using minimal levels of foreign troops to secure the country post-invasion. These costs were never cut; they were merely transferred to the Iraqi economy in the form of non-reconstruction and skyrocketing 60%

unemployment. Thus, CPA reforms contributed to economic dislocation and the grievance that helped fuel civil war in the country.
Chapter 7: Controlling for Ethno-Sectarian Diversity: A Comparison of Three Regime Changes in Iraq

Summary

By following the flawed political, military, and economic transition policies outlined in the previous chapters, the CPA neglected a key factor in successful regime change that is only partially acknowledged in the literature on state building. Regime transitions succeed when a considerable portion the economic and political structures of the previous government are essentially preserved intact. This is witnessed in a comparative analysis of the effects of the 2003 campaign on Iraqi Kurdistan and the rest of Iraq. The relative stability in the north after 2003 was not due to its ethnic Kurdish homogeneity. Rather, the north’s stability was due to the continuation of the local pre-invasion, semi-authoritarian state structures that were dismantled in the rest of Iraq. Conversely, Iraqi Kurdistan’s descent into civil conflict after dismantling the existent authoritarian economic and political structure in 1991 paralleled the civil conflict after 2003 in the southern fifteen provinces, despite the former’s high degree of homogeneity. Ethno-sectarian diversity was not the critical variable. All three were foreign-facilitated changes, holding this variable constant. It was the extent of the change in the structure of government that caused problems, as outlined in Table 1.
Table 1. Transition success in Iraq: Controlling for ethno-sectarian diversity

<table>
<thead>
<tr>
<th>Date</th>
<th>Foreign Facilitated?</th>
<th>Ethno-Sectarian Diversity?</th>
<th>Structural Change</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>Yes</td>
<td>No (Kurdish Region)</td>
<td>Major</td>
<td>Civil war</td>
</tr>
<tr>
<td>2003</td>
<td>Yes</td>
<td>Yes (Sunni and Shiite Arabs)</td>
<td>Major</td>
<td>Civil war</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No (Kurdish Region)</td>
<td>Almost none</td>
<td>Stability</td>
</tr>
</tbody>
</table>

**Successful Regime Changes (Japan, Germany) and Secure Ones (Iraqi Kurdistan): Factors**

A comparatively successful regime change is characterized by the stability of the government resulting from the transition. In its ideal form, the new government is liberal and representative in nature. In the second-best scenario, the new government is stable, but authoritarian. In the worst scenario, the political or economic transition leads to civil conflict, i.e. no effective government at all.

The most stable regime changes are those that change the least. First, successful regime changes scarcely modify the state’s pre-existent internal security mechanism, be it authoritarian, semi-authoritarian, or otherwise. They are therefore able to produce the bare minimum of success, stability, as was the case in Iraqi Kurdistan after 2003. Secondly, successful regime changes occur where the previous regime already possessed functional and efficient economic regulatory and representative political mechanisms before the change of government. These mechanisms and the personnel who operate them are preserved after the change, as happened in Germany and Japan, the only two widely agreed upon examples of successful U.S.-imposed
regime change. In Germany, only 3% of persons considered chargeable were sentenced, and in Japan, less than 1% of the members of the old bureaucracies were removed from their positions.

Conversely, regime changes that failed or led to a period of civil war occurred when the occupying state-builder lacked strong pre-existent institutions of any kind and tried to create such institutions, for example Haiti or Somalia. Foreign-imposed regime changes also failed when the occupying power lacked pre-existent, efficient economic regulatory mechanisms and decided to try to create them through rapid economic transition or uneven political reintegration, as happened in Iraq after 2003. Any attempts, especially by a foreign power, to dramatically alter civilian or security work forces should verify the new government or occupying authority’s capacity to provide a full security guarantee to maintain order before embarking on such a disorienting activity. Clearly, neither the CPA nor the Iraqi State had that capacity.

The literature on regime change correctly recognizes the positive effect of previous experience with a functional parliamentary system in increasing the chances of a successful outcome in a regime change. The negative effect of ethnic or sectarian diversity, however, is overstressed, as is the case in civil war literature. Meanwhile, the negative effects of foreign occupation attempting a dramatic and profound restructuring of the economy is absent in the literature. The United States has a 200-year history of engaging in nation-building and regime change with little more than two generally agreed upon successes. In Japan and Germany, the

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200 Some would additionally argue that Panama and Grenada were also successful U.S.-imposed regime changes.


202 Dower, Embracing Defeat, 11, 27, 212.


now paradigmatic examples of regime change, the economies were not developing. All of their regulatory mechanisms were thus easily available for revival, negating the need for the dislocation of economic liberalization or the occupier’s remaining in country during a long process of sequential economic reform.


The removal of the central authoritarian political power (Saddām Hussaīn’s regime) in the three northern Kurdish-dominated provinces in 1991, and the rest after 2003, had parallel results. Both effected the fractionalization of power into multiple fief-like centers of politico-economic force. In the absence of a state monopoly on force, violent competition over resources between party-militias fueled the descent into civil war. This happened both in the homogenous (largely Sunni-Kurdish) north and in the heterogeneous (roughly 1:2 Sunni:Shi‘ite) southern provinces.

In Iraq’s three Kurdish dominated provinces (Sulaymaniya/Slêmanî, Erbil/Hewlêr, and Dahuk/Duhok), regime change transpired as a result of the northern safe-haven imposed through an American, British, and French enforced no-fly zone. The resultant withdrawal of Iraqi troops from those areas in turn created a genuinely autonomous Kurdish Region. Double United Nations and Iraqi blockades on the autonomous region were also in place, though not wholly enforced. Three factors thereafter caused the descent of the Autonomous Region into intra-Kurdish civil war (1991-1998). First, Baghdad’s destruction of thousands of Kurdish villages created a massive influx of refugees to urban areas where they quickly became entirely dependent on foreign handouts. Second, the Autonomous Region developed a lucrative illicit

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205 The policy was expressly aimed at making villagers completely dependent on handouts of the central state, which would in turn remove the villagers from the sphere of the Kurdish insurgents. Refugees from the Arabization of Kirkuk and persons
transit trade in oil, refugees, cigarettes, and other goods between Baghdad controlled areas, Turkey, and Iran via Kurdistan, which enriched a select few cartels and their patronage networks.\textsuperscript{206} A third key feature of the economy of the new Autonomous Region was the cooperation between international NGOs, with budgets of equal or greater magnitude than the regional government, and local NGOs that were largely party-affiliated. The foreign NGO money went directly to local NGOs and their affiliated parties and militias, instead of through the central government of the Autonomous Region. Imbalances between the central government, on the one hand, and the foreign-financed NGOs combined with the transit-trade earnings on the other, were so strong that a system of party-cum-militia run fiefs developed in parallel to the central government with no single entity holding a monopoly on the use of force.\textsuperscript{207} The result was the increased militarization of competition over resources. In 1992, elections were held in which civilians could challenge the pêshmerge (Kurdish militias),\textsuperscript{208} but by 1994 the region had disintegrated into civil war where pêshmerge orders were the law.\textsuperscript{209} The change of regime delivered the Kurdish-dominated north from the terrifying rule of Saddām Hussaīn into a four-year intra-Kurdish civil war that left over 5,000 dead.\textsuperscript{210}

The decentralized fief-based economy in the southern fifteen provinces, after the toppling of Saddām in 2003, was an outcropping of the general dismantling of the state security and political systems. In the example of the northern civil war of the 1990s, the central government of the territory, the Autonomous Region, did not actually have control over any levers of formal

\textsuperscript{206} This included but not limited to the later heavy weights: the Kurdish Democratic Party (KDP) controlling the exit of goods to Turkey and the Patriotic Union of Kurdistan (PUK), which did the same for goods headed to Iran. Barzani’s nephew Nechirwan, later prime minister of the KRG, largely ran the operation for the KDP. Many other smaller warlord intermediaries were equally important at this time however. Kamil A. Mahdi, \textit{Iraq’s Economic Predicament}, (Ithica: Exeter, 2002), 301-305.
\textsuperscript{207} Mahdi, \textit{Iraq’s Economic Predicament}, 301-305.
\textsuperscript{208} Ibid., 301-305.
\textsuperscript{209} Ibid., 301-305.
\textsuperscript{210} LA Times, 10 February 2010, http://www.Latimes.com/atimes/Middle_East/LB20Ak02.html.
state power directly connected to pumping oil. Those levers remained south of the no-fly zone, though the Kurds could smuggle out the oil smuggled to them from below the 36th parallel. By contrast, in the rest of Iraq after 2003, both the ministerial levers and smuggling routes were in the territory of the recently dismantled regime. Nevertheless, ministerial fiefs in the Iraqi provinces administered directly by Coalition forces after 2003 contributed to the centrifugal dispersion of power, just like the smuggling cartels.211

The apportionment of control over ministries contributed to a dangerous centrifugal dispersion of power into competing fiefdoms. This occurred because ministries, in accordance with CPA policy, were initially divided entirely along party lines.212 These parties, by CPA writ, were unelected and faced no checks and balances. Moreover, positions in Iraqi ministries were paid by oil revenues. They could still be quite profitable even when the central state had little ability to maintain the monopoly on force usually required for collection of state revenue through traditional means like taxation. Thus, rather than guiding a national policy on health, oil, or security, for example, jobs in any ministry became lucrative prizes to dole out to clients.

Apportioning jobs in ministries as prizes for party loyalty solidified ministries as separate party fiefs rather than a single centralizing axis of policy.

In the south after 2003, seeking rent from ministerial patronage and explicitly illegal smuggling rackets were not mutually exclusive for the parties in power. Often the legal and financial assets directly afforded parties by control over a ministry were employed in tandem with what appeared to be purely criminal smuggling rings. For example, the Fadílla party (not unironically named the party of virtue) with control over the national oil ministry

211 Sassoon, The Iraqi Refugees, 136.
212 CPA director Bremer blamed the Governing Council’s childishness for the outcome, concurring with Scott Carpenter that the Governing Council in general “wasted a lot of time” and “were merely replicating themselves” in the options. See Bremer and McConnell, My Year in Iraq, 49, 149.
excellent position to overlook discrepancies between the amount of oil loaded onto tankers in Basra port and the amount that arrived at is official destination. Fadīlla took a share in the profits with one foot inside and one foot outside the formal apparatus of the state, establishing a system of parallel fiefs at the fringes of the state (rather than exclusively outside it as had been the case in the 1990s in the north). Both civil war economies directed profits to individual party-militia fiefs, the centrifugal power structures that pushed each region to civil war.

A number of attacks on oil pipelines, criminal, nationalist, and takfīrī,\textsuperscript{213} converged to decrease capacity to export oil through pipelines or refine locally. With more small oil trucks departing across the border, there was more opportunity for bribery, smuggling cartels, and black market trade in oil. In turn, these activities provided the funds for political and criminal groups with militia protection to function with impunity. The sheer scale of money going into smuggling is indicative of the magnitude of the threat. Anecdotal evidence suggests that in 2007 as much as 30\% of imported gasoline was stolen and resold abroad by smugglers,\textsuperscript{214} and that 60\% of petroleum products used for domestic purposes had to be bought off the black market at prices five times the government subsidized rate.\textsuperscript{215} Government surveys estimated that for diesel, kerosene, and cooking gas in 2005, 80\% of the approximately $1 billion spent on the goods went into illicit profits.\textsuperscript{216} Those are considerable sums of oil profits used to grease the wheels of civil

\textsuperscript{213} Some attacks were carried out by private racketeering companies who made money primarily off the trucking and truck-protection business that booms only when domestic refineries are down, forcing Iraq not only to truck out oil for export but also oil that would be returned to the country after being refined abroad. Other attacks were facilitated by political parties who gained effective fiefdoms over certain state assets via election or appointment. In addition, because oil sales are 65\% of GDP and 93\% of Iraq's federal budget, there were attacks by anti-occupation forces (Ba'athist, takfīrī, or nationalist) who targeted state oil pipelines simply to harm the revenue of the central state. See Ben Lando, “Violence Threatens Oil,” \textit{United Press International}, 13 April 2007, http://www.globalpolicy.org/security/issues/iraq/election/2007/0413violencethreatens.htm;\textsuperscript{214} SIGIR, 139, 197; Sassoon, \textit{The Iraqi Refugees}, 136.\textsuperscript{215} Study carried out by the Central Organization for Statistics and Information Technology at the Ministry of Planning assembled statistics on how much Iraqis spend on the black market for fuel (the organization at the time was headed by Mehdi al-Alak, the brother of the Oil Ministry inspector general). “Attacks on Iraq Oil Industry Aid Vast Smuggling Scheme,” \textit{New York Times}, June 2006, http://www.nytimes.com/2006/06/04/world/middleeast/04smuggle.html?pagewanted=3&_r=1.\textsuperscript{216} Abdul-Ahad Ghaith, “Oiling the Wheels of War: Smuggling Becomes the Real Economy of Iraq” In his second dispatch from Southern Iraq,” \textit{The Guardian}, June 2007, http://www.guardian.co.uk/world/2007/jun/09/iraq.internationalcrime.
war. For reasons of structure, the homogeneous Iraqi Kurdistan of the mid 1990s, like in the rest of Iraq after 2003, faced a spiraling descent into civil war.


By the time of the 2003 U.S. invasion, Iraqi Kurdistan already reverted to a stable semi-authoritarian state. In 1997-1998, a U.S. brokered cease-fire cemented a semi-authoritarian peace by a centralized system for distributing hand-outs: The Oil-for-Food program. Just as the dispersed transit-trade militias and their NGOs enforced decentralized militia fiefdoms from 1991-1998, making the regional government the vessel of distribution for the finances of the Oil-for Food program established the position of the two parties running the central regional government: the KDP and the PUK.

No Structural Change: Why Only the Kurdish Areas Were Secure After 2003

After the U.S.-led invasion of 2003, no deep destabilizing structural changes were forced upon the Kurdish Regional Government by the occupying forces. In contrast to the southern fifteen provinces of Iraq after the 2003 invasion, in Iraqi Kurdistan the regional semi-authoritarian political and economic structures were left intact. Consequently, due to stable structures and not because of the region’s homogeneity, violence remained extremely limited.

In Arbil’s autonomous territory after 2003, there were no major changes in the security apparatus (the pêshmerge for external security and the internal security, asayesh). There were no major changes in the administrative apparatus (coordinated fiefdom rule between the KDP and PUK, respectively). The 2009 Kurdish Regional Government legislative elections ushered in a new party (Gûrrân) that announced the death, or at least enfeebling,217 of the managed democratic system in Iraqi Kurdistan. Yet, a fundamental feature of the elections in the north

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was state security forces beating supporters of the genuine opposition party. Likewise, beatings were accompanied by a string of assassinations of Kurdish journalists working on the issue of nepotism and corruption inside the Kurdish Regional Government. Such coercive intimidation techniques continue to the time of this writing.\(^{218}\)

On an economic level, Iraqi Kurdistan experienced no bombing of infrastructure because the U.S. did not actually invade Iraqi Kurdistan, but rather launched its invasion from there. Nor were there changes in the patronage networks demanded by the Coalition forces (for example, mass dismissals or the cutting of agricultural subsidies as occurred in the south). Kurdistan’s much heralded liberalization program was not a product of broad regional government investment in the ideology of deregulation, like that imposed by the CPA in the south. Rather, the KRG’s economic policy after 2003 aimed to liberalize a limited number of economic sectors while maintaining the overall social safety net by preserving pre-existent employment levels.

Specifically, the objective of the KRG’s privatization and foreign investment scheme that encouraged foreign penetration was to maintain a foreign stake in the continued autonomy of the region. Oil pumped outside of Iraqi Kurdistan from south of the Kurdish areas allowed the PUK-KDP to distribute patronage. However, according to the KDP-PUK government, reliance on oil from the south made the regional Kurdish administration beholden to any new authoritarian center that might arise as well as to the chaotic civil war ridden Baghdad that already arose under

\(^{218}\) "سه رده شت: مردنێکی تراژیدی پێبئەیان." کومانگه. 05/11/2010. http://niqash.org/content.php?contentTypeID=74&id=2674&lang=2

و‌تارمکی روزنامه‌نیا "بی‌بی‌سی" کومانگه. 05/11/2010. http://www.niqash.org/content.php?contentTypeID=74&id=2673&lang=2


Coalition occupation. Hence, the Kurdish Regional Government took a two-pronged approach to remedy their reliance on oil controlled by Baghdad. The first prong consisted of creating “facts on the ground” in the disputed territories that sit on oil fields outside of the current KRG territory.\(^{219}\) The second prong of the KRG strategy was attracting foreign investors to select KRG markets, especially its yet undeveloped oil resources. The KRG did not merely seek to attract Turkish interest in Kurdish-heavy industry or to establish a joint economic zone with Turkey simply to seek capital. Rather, encouraging Turkish investment in the Kurdish economy was critical to buffer against future Turkish military incursions. Far more important to the form of the “insurance by foreign investment” was the attempt to involve foreign capital in the development of the northern oil fields. Developing northern fields would bring these fields online within the territory of a new Kurdish state should fighting break out. It was hoped that flowing Kurdish oil would ensure that the monies of excess oil-wealth would go anywhere but Baghdad to prevent the sort of internal security build-up based on oil-wealth that had previously allowed Saddām’s regime to develop its authoritarian security apparatus.\(^{220}\) Two thirds of the Kurdish work force remained public sector employees,\(^{221}\) and there were no serious attempts to lower that number. Thus, the KRG’s attention to the military-strategic objectives of limited

\(^{219}\) Most notably, the KRG intimidated and/or paid Arabs who came to Kirkuk as part of Saddām’s Arabization campaign to leave while financially and logistically encouraging Kurdish families to stay or settle in those Arabs’ former residences. See International Crisis Group, “Iraq and the Kurds: Trouble along the Trigger Line,” *Middle East Report No. 88*, July 2009.

\(^{220}\) The Product Sharing Agreements (PSAs) offered to foreigners to invest in the fields are so generous, and so clearly aimed at merely securing foreign interest should the opportunity for securing more autonomy arise, that the rest of Iraq and the oil ministry rejected them. The U.S. diplomat, Peter Galbraith, was involved in drafting key federalizing clauses of the Iraqi constitution, buying thus more autonomy for the Kurdish region, academically advocating a three-state solution, and at the same time holding stakes in the first oil-company to be issued PSAs for the development of Kurdish oil unilaterally, from the KRG, not Baghdad. The interventions of persons such as Galbraith, hardly allays the rest of Iraq’s fears about the special relationship of the Kurds with the foreign powers that invaded Iraq – even if his ideological ideas likely preceded his business interest, and not the other way around. See Galbraith, *The End of Iraq*, (London: Simon and Shuster, 2006); Roula Khalaf, “Galbraith Admits to Oil Sector ‘activities,” *The Financial Times*, 16 October 2009, http://www.ft.com/cms/s/0/fcb2d17c-b9ea-11de-a747-00144feab49a.html.

\(^{221}\) Leezenberg, “Iraqi Kurdistan,” 630.
liberalization in the north did not entail any serious additional economic dislocation for the population under their rule.

By contrast, in the other fifteen provinces, Baghdad’s pre-invasion security services and the army were totally decommissioned. Unlike the limited liberalization under the KRG, the CPA pursued dislocating ideologically-guided double-standard rapid liberalization of Baghdad’s centralized economy, and redistribution of the patronage system of Baghdad’s ministries to the new exile elite without broadening political inclusion until well after U.S.-integrated party-militias laid roots that were difficult to dislodge in the new state apparatus.

In addition to these structural differences between the two regions, it is tempting to argue that there was an important distinction in popular opinion between the southern fifteen provinces and the Kurdish-dominated north towards their respective central governments (Baghdad and Arbil) immediately after the invasion. In the north, an important part of the population shared the perception of the elite that Baghdad represented an existential threat, both in the past and in the present. Historically, Saddām’s violence reached its most genocidal levels in the north rather than the south with events such as the Anfāl Campaign accompanied by the use of chemical weapons that left 100,000 dead and one third of the population displaced permanently. From 1998 to 2003, perhaps even including the civil war period which killed 5,000 people, the functionally autonomous Kurdish region looked like a model government next to Saddām’s atrocities. After the Coalition invasion of 2003, the KRG again presented a much more adequate bulwark against the specter of strife plaguing the country than the government south of the borders of the KRG. By contrast in the south, there was largely skepticism towards the CPA

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224 Ibid, 359, 391.
parties whose primary post-2003 legacy was their corrupt and inefficient rule, and who lived safely abroad (in Iran, Syria, and the West) while the rest of the country eked out an existence under sanctions and hemorrhaged their young against Iran during the Iran-Iraq War. The case of the intra-Kurdish civil war during the 1990s illustrates that neither a society with a shared fear of an exterior threat, nor ethno-sectarian homogeneity are any less vulnerable to civil strife in a period of transition when the government has no monopoly on the use of force or is asked to undertake rapid economic changes overnight. Rather, the deciding feature in the different experiences was the level and type of structural change.

Conclusion

Control over oil wealth and transit-trades played a decisive role in Iraqi state building, before and after 2003, in magnifying power distributions. Where a fierce central state emerged, oil acted as a magnifier of authoritarian patronage systems within the state. In a state with little security guarantee, the rents from the transit of oil magnified the power of paramilitary/criminal organizations at its fringes or outside of it. The structures that designate who has the power to distribute rents are thus of critical importance. In post-2003 Iraq, rents came through the ministries. The processes of designating who ran the ministries (the deeply flawed CPA-led process of disarmament demobilization and reintegration) determined the new structures of the state.

No deep structural changes were forced upon the semi-authoritarian statelet of the north or its rent distribution system by the occupying forces after 2003. As a result, there was no immediate impetus to move towards a full-fledged democracy or market economy within the

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225 Mutterings about pêşmerge-government run corruption in the Kurdish North were generally kept to a low murmur by the provision of 17% of the state’s oil budget, steady electricity, development, and relative security in the north compared to the south after 2003. By contrast, the running joke in the south leading up to elections by 2009 was that ISCI, one of the dominant southern parties, would use the candle it had as its party symbol in place of reinstatement of a normal functioning electricity grid, since they were such incompetent administrators.
period of occupation. However, there was stability. Conversely, in the southern fifteen provinces where the bureaucratic, economic, and security structures were radically altered overnight, stability itself was endurably threatened, as happened in the north after during the 1990s despite the latter’s ethno-sectarian homogeneity and a shared desire for an autonomous self-governing region by the perpetrators of the intra-Kurdish civil war. These periods of Iraqi history strongly suggest that it was the degree of shock and change to the state structure, magnified by the generous oil rents of the county, not the degree of ethno-sectarian diversity in the population, that caused a descent into civil conflict.
Chapter 8: Conclusions: Reforming the Ship of State

CPA measures in the sphere of political transition included the initiation of a highly politicized dea’athification structure and government that gave greater importance to sectarian quotas than the representativeness of any of the parties in government. The CPA’s economic policy accelerated political and security fragmentation. The CPA insisted on overnight economic transition combined with double-standard and often inefficient implementation of the liberalization program. Each created a higher level of economic dislocation and increased popular disenfranchisement from the new system. By following these flawed political and economic policies, the CPA pushed the precarious republic to a breaking point. The republic’s fundamental imbalance and eventual tip into civil war did not derive from its lack of homogeneity. It derived from the centrifugal forces intrinsic to its structural institutional transition.

Some variety of privatization would likely have been necessary in the long run, and political liberalization was necessary immediately. A more gradual economic transition and a more even integration of the old and new administrations, in the presence of basic functional law enforcement, could have facilitated a more successful political transition. Pointing out the Coalition’s poor policy planning for regime change in Iraq should not suggest that there was a failsafe way an invading force could have concurrently imposed a full liberal economic and political system within the space of its occupation simply with more will,\textsuperscript{226} troops,\textsuperscript{227} or


\textsuperscript{227} Before the invasion, then Secretary of Defense, Donald Rumsfeld had been unwilling to commit standard troop levels for post-conflict scenarios in order to cut the expenditures of treasure and American lives, though others, like Army Chief of Staff General Eric Shinseki, had warned that the army would be unable to maintain post-invasion order without troop numbers of at least hundreds of thousands in a 2003 before Congress. The looting following the invasion widely spoke to the very early dangers of such corner-cutting, and even elaborated on by CENTCOM Commander Gen. John Abizaid in a 2006 testimony before congress where he praised Shinseki’s early assessment. Shinseki’s comments were then heavily criticized by Rumsfeld and Wolfowitz, but recognized by CENTCOM Commander General John Abizaid as a foresighted assessment. In a testimony before
interagency coordination.\textsuperscript{228} Major economic liberalization in a stable country with a full monopoly on force and legitimate government was more pressure than many Eastern European states could handle. The Coalition could have done \textit{better} in fostering transition by following these prescriptions. It could have done \textit{notably better} by focusing on key political changes with a serious security guarantee, rather than overextending itself and creating additional insecurity by undertaking highly dislocating security, political, and economic changes.

Reform of the structures of the \textit{ship of state} is much like trying to repair the structural hull of a boat on the high seas. It is ideologically appealing to start completely afresh by tearing off all of the rotting and old sideboards at once and rebuilding from scratch. Eventually, most of the sideboards will need to be replaced. However, one cannot replace all the old side boards with new ones if the hole in the side of the ship faces more pressure from the currents surrounding it than one’s interim supports and pumps can hold back. The dislocation of change, even the best implemented transitions, releases pressures. Dislocation of some sideboards causes some pressure. Dislocation of many sideboards at once causes intensive pressure. The intensive security pressures caused by the dislocation of multiple changes, centered at the very area one is trying to engage, requires extremely sound security support. Excessive haste and hubris in transition do not lead to more complete reform, but rather the drowning of the ship as a whole in a flood of insecurity. Embarking on major dislocating changes, having first dismantled most of the security scaffolding, is suicidal.

\textsuperscript{228} SIGIR, 338-343; Phillips, \textit{Losing Iraq}, 236.
The U.S. administration of Iraq took as its goal expansive gutting and reform of the political, economic, and supporting security institutions within the period of occupation. Given the inherited structures present, the occupation was unlikely to have ever resulted in the model of Germany or a Japan. This comparative case study of regime changes (and lack thereof) in Iraq suggests that the only instances in which regime change have worked are states or statelets in which ambitions were limited to preserving the overwhelming portion of the economic, political, and security structures of the old state while engaging in direct immediate change of limited sections of the political and security state institutions. Shoddily crafted transitional justice was worse than none at all. Rather than their nominal aim of encouraging accountability, these mechanisms have done the inverse: entrenching politicization, sectarian entrepreneurship, violent social strife, and previously unheard of levels of corruption within the state.
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