The impact of ethnosectarianism on Iraqi power sharing democracy 2003-2014

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Abstract:

Since the regime was brought down by coalition forces in 2003, Iraq has been undergoing the process of democratisation through some significant political changes, namely, relatively free and competitive elections, and the freedom to form political and civil organisations. However, it faced crucial challenges that undermined this process such as ethno-sectarian violence/conflict. This thesis examines the impact of ethnic and sectarian conflict on the failure of the power sharing democracy. The thesis covers the period from 2003 until April 2014. The main themes that the thesis analyses are societal security/ethnic and sectarian violence, ethnic and sectarian inclusion, proportionality, and power devolution/federalism. For the purposes of the thesis, the societal security dilemma (SSD) theory, which focuses mainly on the roles of elites and external actors in societies that experience a power vacuum or institutional collapse in divided societies, is adopted. This theory is used for two purposes: firstly, to examine why and how the ethno-sectarian behaviour of elites affects societal security and the failure to establish a stable democracy; and secondly, to examine the viability of consociational design for the Iraqi case with the existence of distrust, fear and uncertainty among identity groups. The thesis argues that, due to fear, distrust and grievance among groups, the implementation of ethnic regions that draw lines between groups and localise the armed and security forces under a locally elected government is one of the mechanisms for reducing identity based violence and ensuring an effective power sharing democracy.

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List of abbreviations

AMSI	the Association of Muslim Scholars in Iraq
AV	Alternative Vote
CPA	Coalition Provisional Administration
CSP	Council of Strategic Policies
DDR	Disarmament, Demobilisation and Reintegration
FNC	First National Government
INA	Iraqi national Alliance
IHEC	Independent High Electoral Commission
ICP	Iraqi Communist Party
ISC	Islamic Supreme Court
IG	Interim Government
ITG	Iraqi Transitional Government
INA	the Interim National Assembly
IAO	Islamic Action Organisation
IGC	Iraqi Governing Council
ISP	Iraqi Islamic Party
IRG	Iranian Revolutionary Guard
KRG	Kurdistan Regional Government
KR	Kurdistan Region
KDP	Kurdistan Democratic Party
NSC	National Security Council

ORHA Office of Reconstruction and Humanitarian Assistance

PUK Patriotic Union of Kurdistan

PL Party List

PMF Popular Mobilisation Forces

RCC Revolutionary Command Council

RG Republican Guard

SCIR Supreme Court of Islamic Revolution

SSD Societal Security Dilemma

STV Single Transferrable Vote

UIA United Iraqi Alliance

SoL State of Law

SNC Second National Government

TAL Transitional Administration Law

WMD Weapons of Mass Destruction

1 Introduction

1.1 The impact of ethno-sectarianism on Iraqi democratic transition

The borders of modern Iraq were defined after the First World War by Great Britain. From its establishment, until 2003, Iraq was ruled by elites from the Sunni minority. Ethnic, sectarian and religious divisions have always challenged the ruling elites in Iraq. Given the authoritarian control, political exclusion, and lack of political and civil liberties under the Baath regime from 1968-2003, Kurds and Shias have increasingly felt oppressed. Baath's violent national integration policies increased the sectarian and ethnic identities of both Kurds and Shias. After Saddam Hussain's defeat in Kuwait in 1991, both Kurdish and Shia communities began an uprising against his regime.

The destruction of the Baath regime by coalition forces in 2003 led to a process of democratisation. This gave an opportunity for ethnic and sectarian groups to politically express their identity. Iraq has undergone significant political changes, namely relatively free and competitive elections; the creation of a relatively free press, and the freedom to form political and civil organisations. Furthermore, since 2005, three Prime Ministers have been democratically elected.

On the other hand, ethnic and sectarian polarisation has increased. Political parties and organisations, and paramilitary groups have been divided mostly along identity lines. To accommodate this division, Iraq adopted a power sharing democracy in 2003 in order to guarantee the inclusion of all the main groups. Since 2003, the transitional and national governments have been based on power sharing, and cabinet posts have been allocated between the three main groups. For further accommodation, the Iraqi constitution allows provinces, alone or together, to form a region (federal sub-unit) with significant authority, namely a locally elected government and parliament (Articles 116-121). Furthermore, the Iraqi electoral system adopts the party list which promotes proportionality and fair representation of identity groups in the legislature. Finally, three main groups possess the mutual veto over the ratification of constitutional amendments. Article 142 states that ''the referendum on the amended Articles shall be successful if approved by the majority of the voters, and if not rejected by two-thirds of the voters in three or more governorates''. As each community -

Sunni, Shia and Kurdish - comprises the majority of at least three provinces, this can be regarded as a mutual veto[1].

Despite the fact that the type of democracy that has been adopted is a power sharing one, the Iraqi democratisation process faces crucial challenges. These challenges are embedded in widespread identity-based violence, marginalisation on the basis of identity within decision-making posts (despite adopting power sharing), lack of the rule of law, the prevalence of undemocratic forces over some crucial state institutions (particularly military and security forces), widespread militia and paramilitary organisations, and human rights violations by both state agencies and militias with impunity. These are indeed crucial obstacles which impede a smooth transition to a fully democratic /stable power-sharing model.

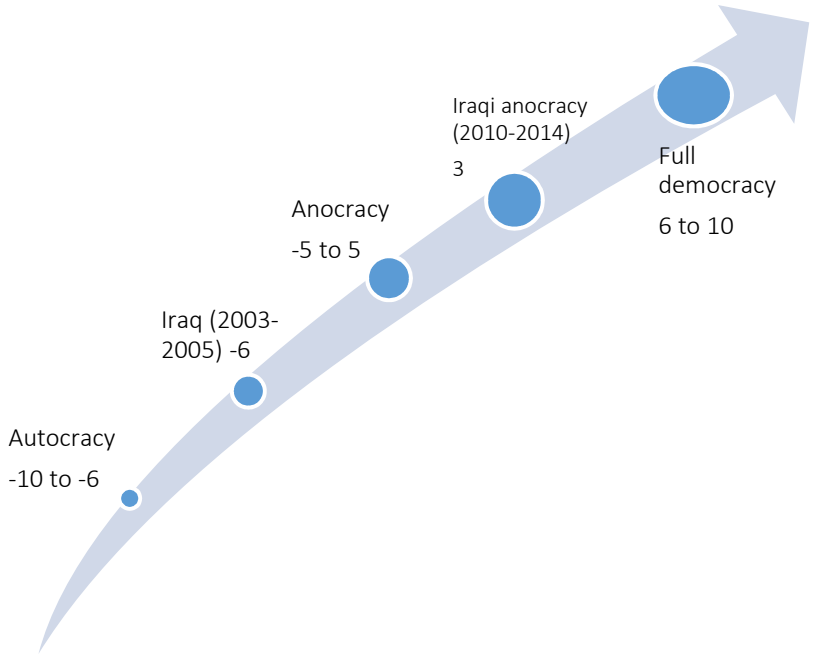
Most of the literature on democracy argues that a regime cannot be regarded as fully democratic when there is the lack of the rule of law, prevailing human rights violations, and the restoration of violence by elites (Linz and Stepan, 1996a, Diamond, 1999), or a high level of civil violence (Lijphart, 1977). It would be better, therefore, to view Iraq as a semi-democracy (Schedler, 1998, p.93), pseudo-democracy or as a hybrid regime (Diamond, 2002)[2]. Indeed, Freedom House, (2003-2014), which measures political and civil freedoms in countries around the world, labelled Iraq as 'not free' between 2003-2014. Despite the fact that it recognised that Iraq has held free and competitive elections, it did not list Iraq as an electoral democracy. It also recognised that although there was relative freedom of expression, forming of organisations, and freedom of belief and movement, at the same time, there was a violation of these rights by government and nongovernment agencies.

Along with this, the Polity IV (2010a) shows that Iraq has moved from autocracy towards anocracy since 2005[3]. For instance, in 2005 the point scale was -6, which refers to autocracy; however, it has risen to +3 since 2010 (PolityIV, 2010a). This is closer to a fully democratic regime (which can be from 6 to 10 on the scale) rather

[1] Iraqi power sharing design is discussed in detail Chapter 4 on the constitution.
[2] This issue is discussed in Chapter 2.
[3] Anocracy refers to a regime that is a mix of democratic and undemocratic traits; hence, it is neither fully democratic nor autocratic. It is rather a hybrid democracy which scales -5 to +5.

than autocracy, which sits on the scale between -10 and -6 (see Graph 1.1). This indicates that Iraq is a hybrid democracy. In this regard, Iraq has not been able to complete its democratic transition to reach the consolidation phase. Likewise, according to Linz and Stepan's description of democracy (1996a), Iraq has not yet finished the democratisation transition, due to wide ranging ethnic and sectarian violence, human rights violations, and the fact that elites at both national and local/regional levels do not feel bound by law and the constitution[1].

Graph 1-1The Iraqi democratisation score according to Polity IV



Source: (PolityIV, 2010a)

The societal security dilemma (SSD) theory is used in this thesis to explain the failure of the Iraqi power sharing model. The power sharing arrangement was designed to increase the accommodation of, and reduce the fear, distrust and conflict between groups; however, the theory explains how and why this has failed in Iraq. Ethnic and sectarian elites are at the heart of the SSD's focus, which has been used to explain ethnic violence and civil wars in divided societies that experience power vacuums or

[1] These issues are discussed in chapter 7.

are in weak states, such as the former Yugoslavia, Balkans and post-Soviet states (Kaufman, 1994, 1996b, Lake and Rothchild, 1998). The core of the theory focuses on how the feeling of insecurity, distrust and fear between communities - which is enhanced by the historical memory of grievance, oppression and, in some cases, hatred between groups - contributes to escalating conflict and violence on the basis of identity.

Hence, the main problem upon which this research focuses is ethnic and sectarian conflict, which is considered the main factor contributing to the failure of a smooth transition to a stable power sharing democracy in Iraq. The contribution of this research to knowledge is the employment of the SSD theory to explain the failure of Iraqi power sharing. It links the situations of fear, distrust, and historical memory of grievance, oppression and hatred as the main factors leading to conditions of insecurity and identity-based violence, as well as the failure of power sharing. Secondly, it develops a model of how to make consociational democracy work in a deeply divided Iraqi society characterised by widespread militias, politicised armed forces, and lack of cooperation between elites, particularly in the case where one ethnic group comprises the majority of the population. However, this model can be extended to other cases that have similar conditions. The power sharing government in Iraq and in similar cases works by implementing asymmetrical federalism which localises not only state institutions but also the security and military institutions to balance mono-ethnic dominated and politicised national forces.

Since military power has a significant role in the relations between groups in Iraq, constitutional design alone cannot bring stability. The design must be backed by balancing the power between groups. This balance can be achieved through two elements. Firstly, by creating asymmetrical regions [1](multi-region) in ethnically dominated areas, one of the most important mechanisms of accommodation for the Iraqi case can be achieved, which is localising security and military forces to balance the national army that is dominated by a majority group, at least for Sunni and Kurdish

[1] The localisation of military and armed forces for multi-region, or at least for two minorities -Kurdish and Sunni- is more likely to be symmetrical federalism. However, this localisation is only one aspect of the proposed solution. For instance, the degree of economic independency and resource management between regions will be different; therefore, it is asymmetrical federalism.

regions. The Shia regions may not necessarily require this since Shias comprise the majority of the national army. Hence, asymmetrical regions enable each community to have local forces (regional guards) consisting of its own members. This achieves three goals. Firstly, it reduces fear and distrust, since the security institutions are run by the ethnically dominant members of the regions (federal sub-units) rather than rival groups and under a locally elected government. Secondly, it creates a balance to the national armed forces that are dominated by the majority group and decreases the possibility of using them in the regions, since regions have their own institutionalised and localised security forces. Finally, it reduces the mobility of identity-based militias of rival groups in regions, as those militias have been the main, if not the only, source for escalating identity-based violence.

It must be acknowledged that this localisation of government and armed forces raises the risk of increasing disintegration or secession. To balance this risk, it is important to implement both a power sharing cabinet and proportionality in the state institutions at the national level, particularly the security and armed forces. This represents the second element for creating a balance between groups. If Lijphart's model focuses on the grand coalition (power sharing cabinet) as the core, then segmental autonomy, the model described in this thesis focuses on the asymmetrical regions as the core and other elements as a complement.

1.1.1 Conceptual frameworks

State building, in general, refers to the creation of new governmental institutions and the strengthening of existing ones (Fukuyama, 2004, p.18). This process is mostly discussed in post-conflict societies, particularly in reference to reconstructing state institutions through external actors. Often, the term 'state building' is used interchangeably with 'nation-building', particularly in American literature. Nation-building is defined by the Rand Corporation as "the use of armed force in the aftermath of a crisis to promote a transition to democracy" (Dobbins et al., 2001, 2003a). This includes a wide range of operations such as peacekeeping, peace

enforcement, stabilisation, and reconstruction (Dobbins et al., 2003a). Despite the fact that both concepts overlap in American parlance (Linz, 1993, p356), it is important to conceptually separate state building from nation building. For many authors, (Linz, 1993, Deutsch and Foltz, 2010, Lemay-Hebert, 2013, p.11), nation building refers to a process through which national identity is constructed by the state. This process is achieved by and through the state institutions. In this respect, both state building that refers to constructing state institutions and nation building that refers to national identity through the state and its institutions overlap. For this research, the state building concept is used to refer to building and reconstructing the state institutions, particularly the military, police and security forces, and the public institutions that deliver public services to citizens.

Concerning the concept of ethnic groups, this research adopts the definition of Schermerhorn (1996, p17, 1970, p12) who defines an ethnic group as a ''collectivity within a larger society, having real or putative common ancestry, a shared historical past and a cultural focus on one or more symbolic elements defined as the epitome of their peoplehood… [Namely] kinship patterns, physical contiguity, tribal or religious affiliation, language or dialect forms, nationality, features, or any combination of these elements''.

This definition includes two key elements. The first element or character of the ethnic group is boundaries that differentiate one ethnic group from another (Barth, 1969, p9-15, Horowitz, 1993, p18). In other words, boundaries answer our question about *who we are and who the others are*. These boundaries might be based on elements that are socially constructed (Bulmer and Solomos, 1998, p822-825) such as culture, a shared historical past or religion, or may be based on assumed descent attributes (kinship or primordial). The second element is the self-perception of members of a certain ethnic group. As Connor (1993, p377) argues, 'the essence of nation and ethnicity are a psychological bond that joins the people and differentiates it, in the subconscious conviction of its members, from non-members''. Following that, ''identity does not draw its sustenance from facts but from perceptions, perceptions

[that] are as important [as] reality when it comes to ethnic issues'' (Conversi, 2002, p562).

It can be seen that both elements are correlated. Perception cannot be separated from the shared characteristics among its groups, such as religion, language, culture or even putative race or ancestors.

Based on the aforementioned, an ethnic group is a collective entity, regardless of its size, that has boundaries to separate itself from other groups within/outside of its society. These boundaries are based on one or more of the following key characteristics: language, putative descent, religious affiliation, shared past, tribal affiliation and/or homeland. This understanding of identity groups corresponds to the ethno-sectarian breakdown in Iraq. For instance, sectarian groups, namely the Shias and Sunnis, differentiate themselves from each other mainly by their religious affiliation, while the Kurds, as an ethnic group, are different from Arabs in terms of language, culture, putative descent and their memories of a shared past.

Generally, the term 'ethnic group' has been used as a form of categorisation for almost all types of identity groups, such as racial, tribal, national and religious, including sectarian groups in divided societies (Vanhanen, 1999, Varshney, 2003p, 86, Guibernau i Berdún and Rex, 1997, p93-94, Smith, 1981, 1987). Nevertheless, for the purpose of this research (the Iraqi case), the concept of the 'sectarian group' corresponds to Sunni and Shia Arabs, while 'ethnic groups' will be used to describe, Arabs in general and Kurds. The terms 'ethno-sectarian groups' and 'identity groups' will be used to refer to Sunnis, Shias, and Kurds in general. However, the use of the term 'ethnic group' is used to refer to identity groups when it is used generally and outside of the Iraqi case.

Concerning the concept of democracy, and for the purpose of this research, Dahl's concept of Polyarchy (democracy) is followed. Polyarchy includes not only free, fair and competitive elections for public offices, but also other conditions such as the freedom of expression, the ability to form organisations, alternative sources of information, and institutions that make government policies and depend on votes (Dahl, 1971). This definition of democracy includes two main elements: firstly, electoral competition, and secondly, political rights and freedoms which give meaning

to free, fair and competitive elections. As mentioned before, according to Freedom House, Polity IV and other international reports, Iraq meets the first criterion, which is competitive elections. Concerning the second criterion, despite the fact that there exist political and civil freedoms, the government and nongovernment actors have violated them.

Ethnofederalism in this thesis adopts the definition of Henry Hale. Based on his definition, ethnofederalism exists when ''at least one constituent territorial governance unit is intentionally associated with a specific ethnic category'' (Hale, 2004, p.167). However, based on the Kurdistan Region's experience as a model of ethnic federalism, the terms 'region' and 'ethnic region' are used to refer to ethnofederal subunits in this research. Furthermore, when the term 'federalism' is used without adjectives to describe the Iraqi case, this refers to ethnofederalism/ region.

Finally, the concept of consociation/ consociational democracy is used to refer to a democratic system that has at least two main characteristics, which are the inclusion of ethnic groups in the government cabinet (grand coalition) and federalism or segmental autonomy for ethnic groups[1]. In this regard, power-sharing democracy is used as an alternative word for consociation, while the term 'power-sharing cabinet' is used to refer to a proportionality or/and inclusiveness in the government cabinet (allocating cabinet posts between ethnic groups).

1.1.2 Structure of the thesis

Before reviewing the structure of the thesis, the main question that this research attempts to answer is how and why Iraqi power sharing democracy failed to achieve stability and societal security, and diminish the fear, distrust and uncertainty between

[1] Lijphart uses consociation for democratic systems that have four characteristics: grand coalition, segmental autonomy, proportionality and mutual veto. However, in his recent studies, he stated that the power sharing cabinet and segmental autonomy or federalism are the two main elements, while proportionality and mutual veto are complementary elements (LIJPHART, A. 1995. Self-determination Versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems. *In:* KYMLICKA, W. (ed.) *The Rights of Minority Cultures.* Oxford University Press.).

communities. This question arises from the fact that Iraq is deeply divided among different ethnic and sectarian groups. Yet, it would have expected to achieve a relatively stable democracy due to the removal of a dictatorship and the support of the US-led process of democratisation, despite the fact that the latter triggers the problem of militarised democratisation in a divided society like Iraq. To answer this question, this thesis consists of seven main chapters (excluding the introduction and conclusion); each chapter answers an aspect of the above-mentioned question.

Chapter Two explores the approaches and theories to examining ethno-sectarian conflict in the case of democratisation. It consists of two parts: the first is approaches which examine ethnicity and ethnic conflict. In this regard, it is posited that the appropriate theory to examine the Iraqi case is the SSD theory due to the fact that all main elements of the theory exist in the Iraqi case, namely regime collapse (power vacuum), ethnic and sectarian division (prevalence of distrust, fear, long standing grievance and the historical memory of oppression), elite mobilisation, and the role of neighbouring countries in fomenting ethnic and sectarian conflict. The second part reviews the literature on accommodationist institutional designs. This will assist in conceptualising the Iraqi democratisation process within existing theoretical literature on democratisation in order to provide a roadmap for the SSD theory. Furthermore, it proposes approaches that could improve the existing Iraqi design.

Chapter Three examines the extent to which former regimes contributed to deepening and increasing ethno-sectarian division. This is important to understand because it is necessary to appreciate the deep and entrenched legacies of ethnic antagonism within Iraqi society before the fall of the Baath regime. Although this thesis will establish the importance of the role of internal and external elite actors in exacerbating conflict between groups, it contends that this conflict could not have been achieved without the legacies of conflict between the groups.

Chapter Four examines why the US failed to reduce the conflict between groups and promote societal security after the fall of the Baath regime. To do so, it examines the paradoxes of state building and the democratisation processes. It establishes that the US, despite promoting democracy, undermined the conditions for its success by

increasing societal insecurity. The destruction of the former regime created a power vacuum. Although to some extent this was inevitable, as the process of democratisation could not be triggered without the regime falling, the dismantling of the military and security forces, and the destruction of public institutions undermined security and order as the basic condition for establishing a stable democracy. Furthermore, the state building process, particularly in terms of rebuilding security and armed forces created disproportionality and imbalance in favour of one group. This consequently increased insecurity, fear and distrust among groups.

Chapter Five engages with four research questions. The first is how the boycott/ marginalisation of Sunnis affected the constitution-making process, as well as why and how Sunni elites, as a minority group, stood against federalism and multiculturalism, which are mechanisms for promoting minority rights. Thirdly, it outlines the extent to which the constitution contains mechanisms of conflict reduction. Finally, how and why the constitutional design had a limited impact on conflict reduction and on the relations between groups is examined. The main findings of this chapter are that, firstly, inclusion did not lead to the accommodation or satisfaction of the main groups. Secondly, despite the constitution including the main elements of consociational democracy, it has had a limited impact in terms of reducing conflict between groups. In this regard, the failure or limited success is due to the fact that the demands and ambitions of ethno-sectarian groups could not be fulfilled by the constitution; different groups wanted different things in different time periods.

Chapter Six addresses the question of the role of electoral systems in mitigating conflict in Iraqi society where one ethnic group comprises the majority of the population, groups are ethnically concentrated and elites are unwilling or unable to compromise. The main findings of this chapter are that the Party List (PL) does not always lead to polarisation. Secondly, the chapter highlights that a cross-ethnic coalition is possible, even under the PL. Thirdly, it shows that polarisation along ethnic and sectarian lines occurred after all four elections, even with the existence of a cross ethnic coalition during the election. This reflects the limitations of the changes in the PL. Finally, the chapter asserts that, since the instability and lack of accommodation come from sources outside the electoral process, accommodation can be achieved

through other means, particularly the use of ethnofederalism/ regions and power sharing cabinets. In this regard, the PL remains a tool for achieving proportionality, which is necessary for ethno-sectarian representation within a power sharing government.

Chapter Seven addresses the question of why power-sharing cabinets failed in Iraq. Its main conclusion is that the power sharing cabinet neither reduced the fear, distrust and uncertainty between groups, nor reduced the feeling of marginalisation and oppression. Furthermore, power sharing did not prevent the re-emergence of identity-based violence. This is because reducing identity-based violence or civil war depends not on the inclusiveness of the cabinet, but rather on the implementation of asymmetrical ethnofederalism/multi-region that localises executive, legislative and internal security powers to balance the Shia-dominated centre. This scatters the contest over power in the centre and reduces the feeling of exclusion since the main groups have their own region. The implementation of region reduces identity-based violence, even when there is a feeling of underrepresentation in the centre. It does not eradicate the fear and distrust between groups but will prevent identity-based violence and civil war. In brief, the power sharing cabinet is effective only in implementing multi-region that localises power between groups.

Chapter Eight answers the question of the role neighbouring countries play in destabilising societal security, which is a fundamental condition for a stable democracy. It engages with the arguments made by authors such as Lijphart, Lehmbruch and Kaufman on the role of the neighbouring countries, particularly when they have ethnic and sectarian affinity with the rival groups in divided societies. The chapter mainly focuses on the militias and armed groups which have an identity affiliation with the neighbouring countries, and focuses on three issues that neighbouring countries overwhelmingly rely on in order to exercise their influence. The first is their ethnic and sectarian affinity with Iraqi communities. This affinity incites regional forces to intervene, rather than to mediate between groups, in order to further their national interests. The second factor is that regional forces play a greater role when there is distrust, fear and hatred between identity groups. Finally, the main instrument for intensifying violence and conflict in Iraq is armed groups and

militias, most of whom have ties in one way or another to the regional forces. The intervention by neighbouring countries causes increasing fear and distrust among groups that have different identities from the intervening state. For instance, intervention by Iran increases fear and distrust among the Sunni community; in contrast, intervention or even mediating attempts by Saudi Arabia or Turkey increases fear and distrust among the Shia community. Hence, the identity of the intervening state often determines the stand of the Iraqi communities towards that intervention. The main finding is that, to reduce (not eliminate) the negative role of neighbouring countries, the implementation of ethnic-regions for three groups, or at least for the Sunni minority similar to Kurdistan Regional Government KRG - which has its own security, internal guards and effective semi-autonomous government - reduces the hegemony of the central government and the movement of militias within the boundaries of the opposite group. This, consequently, reduces the influence of neighbouring countries which depend mainly on the armed groups.

1.2 Methodology

Ontologically this study centres on the fact that ethnic and sectarian divisions exist in Iraqi society. However, this division has increasingly led to conflict and violence. The study emphasises the role of identity-based conflict between three main groups (Shia, Sunni and Kurd) – mainly at the elite level - in explaining the failure of power sharing democracy in Iraq. This conflict increased with the dominance of fear, distrust, uncertainty and historical memory of hatred and grievance, which has evolved increasingly in the modern history of Iraq.

Yin (1994, p.6) emphasises that the research question determines the research strategy. In this sense, he (2009, p.2) argues that an appropriate research design for answering how and why questions regarding contemporary events, in which the investigator has little or no control over events, is the case study, particularly an explanatory case study. Accordingly, this research is a single explanatory case study, which seeks to answer how and why Iraq failed to build a stable and consolidated

power-sharing democracy, prevent large-scale identity based violence, and create an atmosphere of societal security.

Since it is necessary to adopt a theoretical dimension for case study based research (De Vaus, 2001, p.221), particularly for enhancing the external validity of the study, this study uses the Societal Security Dilemma (SSD) theory as a theoretical framework to generalise empirical findings in order to apply these to other country-based cases with similar conditions to Iraq. The reason for using this theory is that all conditions or elements of the theory are pertinent to Iraq; these are a power vacuum, ethnic and sectarian division with a prevalence of grievance, hatred (in some cases), fear, distrust and uncertainty, and elite-led polarisation. Furthermore, this theory focuses on fear, distrust and grievance to explain ethnic violence and the societal security dilemma, which are regarded as core reasons for the failure of power sharing democracy in Iraq[1].

The study covers the period of Iraqi state building and the democratisation processes from April 2003 (the US-led invasion of Iraq) until the April 2014 elections. This period includes five governments and administrations: The Coalition Provisional Authority (CPA) 2003-2004 (external administration), the Interim Government (IG) 2004, the Transitional Government (TG) 2005 (drafting the constitution and holding the referendum), and two terms of national government 2006-2014. It also covers four national elections (January 2005, December 2005, 2010 and 2014). This period is thematically examined. In other words, the chronological period is taken into account within thematically allocated chapters in order to avoid repetition of the main themes, since, other than the external actors, most of the variables and their impact continued to be present during the period 2003-2014 (see Table 1.1).

[1] Particularly the views of Kaufman, Lake and Rothchild, which are discussed in detail in Chapter two, from constructivist point of view.

Table 1-1 Chapters allocated according to main themes and the period they cover:

Main chapters according to themes (2003-2014)	Period	Discussed variables numbered according to their effect
Chapter 3: Historical context of ethnic and sectarian division	1921-2003	1-Elites 2-Masses
Chapter 4: The role of the US in state building and democratisation processes	2003-2008	1-The US 2-Elites
Chapter 5: Constitutional process	2005	1-Elites 2-Institutional design 3-External actors
Chapter 6: Elections	-Jan2005 -Dec2005 -2010 -2014	1- Electoral design 2- Elites 3-Masses (voters)
Chapter 7: The role of elites	2005 2006-2010 2010-2014	1-Elites 3-Institutional design
Chapter 8: The role of regional forces in societal security and stability of power sharing democracy.	-2003-2008 -2009-2011 -2012-2014	1-External state-actors 2-External non-state actors

In terms of the unit of analysis, organisations, individuals or groups may become units of analysis in case study research. As shown in Table 1.2, Yin (1994) argues that, of the four types of unit analysis, the embedded multiple unit analysis is appropriate for enhancing insight into the case study and for extensive analysis. The multiple units mean that a single case study or multiple case study design use more than one unit for analysing data. For instance, a case study may focus on organisations, individual behaviour and groups at the same time; each is considered as a unit of analysis. The reason is that multiple units of analysis increase the reliability of the research and comprehensibility by looking at more than one aspect of the case. Therefore, this study uses multiple units of analysis for a single case study (Type2).

Table 1-2 Types of case study

	Single-case designs	Multiple-case designs
Holistic (single unit of analysis)	Type 1	Type 3
Embedded (multiple units of analysis)	Type 2	Type 4

Source: (Cited: Yin, 1994, p.39)

On this basis, the main units of analysis for this thesis are individual, organisational and group units. In terms of individual units, the research focuses on the political behaviour of various elites. Three types of elites are discussed: political elites inside state institutions, Sunni and Shia religious elites, and tribal elites. All these elites are linked to the second type of analytical unit, which is the organisational unit. The organisational unit includes governmental institutions, political parties, armed organisations (militias), Shia hieratical Marjah[1], Sunni religious organisations and tribal organisations[2]. The final unit used is identity groups, which includes the three main communities of Shia, Sunni and Kurd.

The unit of analysis for the case study can be different from that for the data collection source; the units of analysis may be individual while the unit for the data source may be organisation records and vice versa (Yin, 1994, p.72). For instance, if a case study focuses on the behaviour of ruling elites (prime minister, president or ministers), it may use presidential decisions or decisions made by a government cabinet as a unit

[1] Though Marjah does not have a politically written organisational structure, as a religious institution it has offices or representatives and agencies in all the Shia dominated provinces and even outside of Iraq. Furthermore, the Marjah has an official spokesperson.

[2] Sunnis do not have hierarchical religious authority like Shias; however, they have two main religious organisations the Association of Muslim Scholars and Sunni Endorsements. Tribes firstly have a traditional organisation which consists of the head of the tribe and the members who have blood ties; this is considered as a group. Secondly, tribes often have some sort of organisations or armed groups such as the Anbar awakening, which was a paramilitary groups supported by the US to fight against Al-Qaeda in Anbar.

for data. On this basis, as shown in Table 1.3, this thesis uses multiple units of analysis for the data collection sources for each of the units of analysis for the case study.

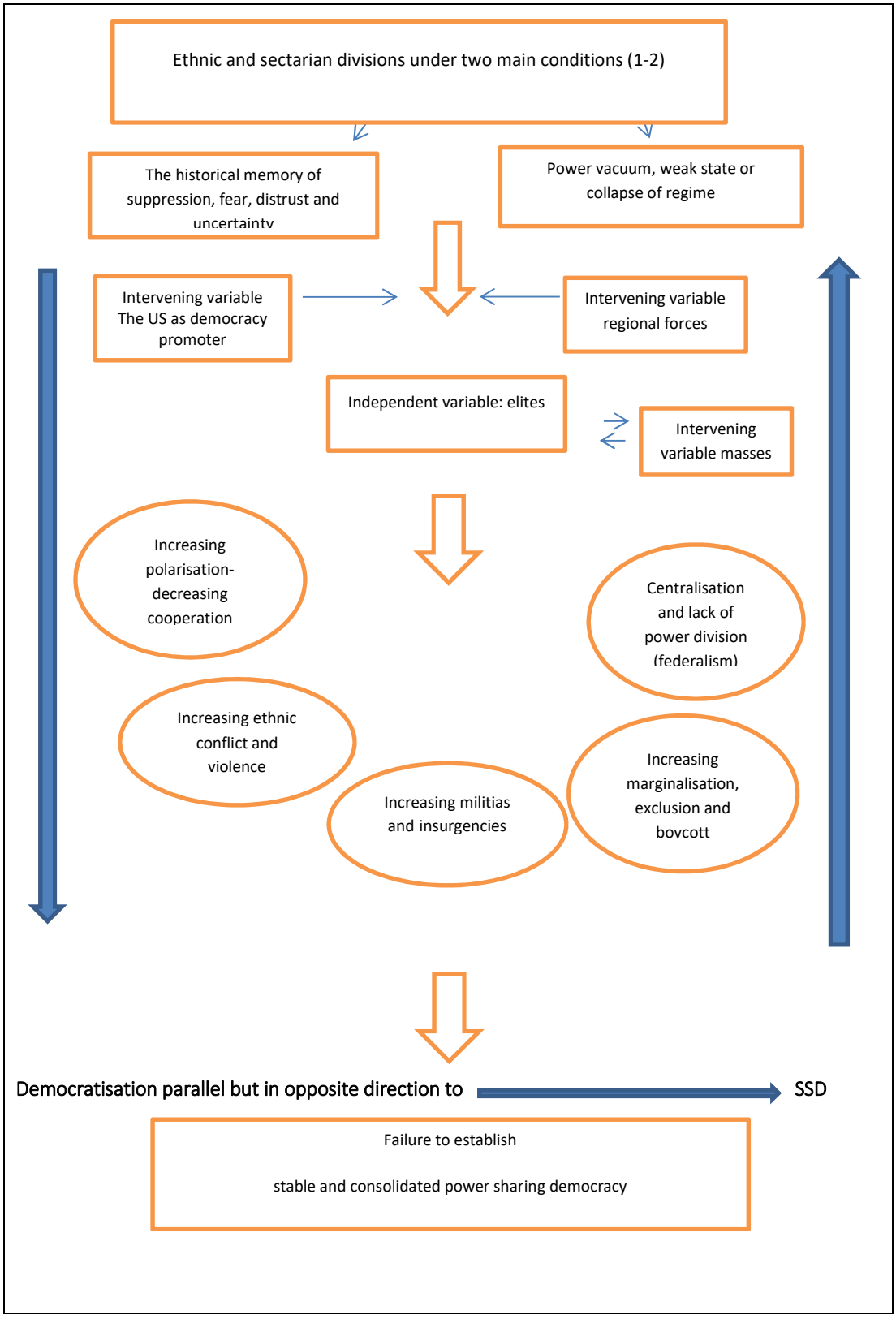
Table 1-3 Data collected for each of the three main units

Units of analysis for case study	Sub-Components of units	Units of analysis for Data collection sources
Individual	Political elites	Individual and organisation units: (interview, archival records, documents, and secondary sources- reports and recorded interviews)
	Religious elites	Organisation and individual units: (documents and archival records)
	Tribal elites	Individual units: (recorded interview and newspapers)
	Militia leaders	Individual and organisation units: (recorded interview and newspapers)
Organisation	State institutions (parliament, ministries, council of ministers, prime minister and KRG)	Organisation and individual units: (mainly documents)
	Religious institutions	Individual and organisation units: (mainly documents)
	Armed organisations	Organisation and individual units: (documents and NGO reports)
Communities (Kurd, Shia and Sunni)	Voters	Group units: Archival records (election results)
	Mass demonstration and protesters	Group and individual units: (newspapers and reports)

The SSD theory can identify and explain the causal process of the societal security dilemma, which is likely to lead to identity-based violence and then to a failure to establish a stable, power-sharing democracy. In this process, the SSD theory from constructivist point of view identifies the independent variables, which in this case are mainly the elites. It also identifies the intervening variables, which here are masses and the external actors. The theory takes into account all the conditions surrounding the above-mentioned variables, which are the weak state or power vacuum and the existence of a historical memory of grievance, hatred, fear and distrust (see Graph

1.2). It also takes into consideration the multiple identities of individuals. Hence, the theory takes into account the main conditions which enhance internal validity so that a rival hypothesis does not threaten internal validity.

Graph 1-2 The process of SSD theory and its explanation of the failure of a stable, power sharing democracy



1.2.1 Reflexivity:

Reflexivity is a key issue in human science research (Bonner, 2001, p.267) as the researcher is present in the qualitative tradition. Some researchers treat reflexivity as a methodological tool to ensure the truth, while others use it as a threat or weapon to undermine truth-claims (Finlay and Gough, 2003, Ashmore, 1989, Berg, 2001). Lynch (2000), for example, argues against reflexivity as an academic virtue and source of knowledge and the way it is used to garner a theoretical and methodological advantage. However, in this thesis, it is seen as a tool for transforming subjectivity from a problem into an opportunity.

Reflexivity here means a self-aware analysis of the intersubjective, socially constructed reality between the researcher and the subject. It involves a critical awareness of the fact that the researcher and the object of study affect each other in the research process (Alvesson and Sköldberg, 2009). Clegg et al. (1996) also consider it as 'ways of seeing which act back on and reflect existing ways of seeing'. In this regard, it requires critical self-reflection of the ways in which the researcher's social background, assumptions, positioning and behaviour impact on the research process. It also demands acknowledgement of how the researcher constructed the research findings (Finlay and Gough, 2003).

Alvesson and Sköldberg (Cited in: Symon and Cassell, 2012, p.73) suggest that there are two key elements embedded within reflexive research – interpretation and reflection. The first means not only analysing the data or facts, but also being aware that interpretation is influenced by the assumptions of the researcher, their values, political position and use of language. They suggest that this calls for the utmost awareness of theoretical assumptions, the importance of language and of pre-understandings brought to the research. The second element is reflection – where the researcher turns their attention onto themselves, their research community and the intellectual and cultural conditions and traditions informing the research. Reflection becomes a form of interpretation of the interpretation, and this is what makes the research reflexive.

Reflexivity is an issue more explicitly in qualitative research that includes experimentation, observation or participants. Despite the fact that this research is a case study where the researcher has no control over the variables, reflexivity still exists regarding the choice of topic, access to data, data analysis and the findings. In other words, there are different types and styles of reflexivity; however, three relevant points are highlighted here, which are choosing the topic, data analysis and the findings.

The motivation for undertaking the topic: one of the main motivations that led the researcher to choose the topic is being Iraqi and the experience of all of the events and political changes that have occurred in Iraq since the 1980s. This made it easier to comprehend the main aspects of Iraqi ethnosectarian issues, particularly with regard to the details of the events, the political process and the nature of the conflict and its dynamics. Furthermore, speaking both Arabic and Kurdish languages was helpful not only for the data collection, but for a deeper understanding of the dynamics of identity politics, through observing and following everyday politics in Iraq via Iraqi governmental and nongovernmental local media.

The researcher is ethnically Kurdish and was religiously Sunni Muslim inborn; this provided a critical insight into how the Kurdish and, to some extent, Sunni communities think. On the other hand, the researcher is funded and sponsored by the Shia prime minister's office in Baghdad. Having connections with all of the main Iraqi groups helped to establish a wider critical understanding of the identity politics. In all stages of the research, the researcher attempted to balance any benefit from this personal background and be aware and critical, particularly when observing and analysing the different political positions of different groups. This can be seen in the main chapters (4, 5, 7 and 8).

Reflexivity and data collection:

This research adopts a qualitative method for collecting empirical data. For this purpose, multiple sources of data are used for triangulation, as this provides more reliable data than one single source. The purpose of data triangulation is to crosscheck the evidence from different sources.

One of the primary data sources are documents. The documents gathered for the study fall into three main categories. The first is governmental documents, which mainly include the CPA's regulations, memoranda and laws (2003-2004); the Prime Minister's memoranda and decisions; the Council of Ministers' decisions; ministerial decisions and parliamentary resolutions. The second group consists of documents from local government and provincial administrations, i.e. the provinces and Kurdistan Region. The third type is non-government documents from militias, political organisations and religious institutions such as Sistani's[1] office, the Association of Muslim Scholars and the Sunni Grand Mufti.

Another primary source is archival records, which provide data on election results, lists of participating parties and the candidates for the four national elections. For this purpose, the archival records of the Independent High Electoral Commission (IHEC) are used, as well as parliamentary records concerning parliament debates. Furthermore, the diaries of political elites who participated in the state building process are used as primary sources.

Finally, both government and nongovernment international reports are used for data collection. In this regard, the main international reports used are from the International Crisis Group (ICG), Human Rights Watch (HRW), Amnesty International, Rand Reviews, and the US Congressional Reports. These reports are primarily used for referencing events, gathering quantitative data, and crosschecking evidence. Statistical data on civilian fatalities and displaced people are gathered from NGOs, think tanks and government institutions, primarily from the Iraqi Body Count (IBC).

Secondary sources, such as books, journal articles are the second form of data collection, and are used to complement the primary sources. These resources are used for both explaining the theoretical and conceptual frames, and for providing the data that cannot be obtained by documents and other primary sources.

[1] Sistani is a high Shia Marjah, Shia religious authority, in Iraq.

Since this thesis deals with contemporary events, newspapers, news agencies, mass media and magazine articles have also been used. However, for reliability, the evidence from those sources is crosschecked.

Elite interviews are another source of empirical, qualitative data. However, due to the fact that the university rejected a request to conduct fieldwork for safety reasons, the researcher could not visit Iraq during the entire PhD period, during which the security situation there dramatically deteriorated. However, the researcher conducted some interviews in order to extract some information that could not be obtained through other primary and secondary sources, or alternatively to crosscheck the data already obtained from secondary sources. In this regard, four types of interview were conducted. The first was interviews by phone and Skype. These were conducted using a semi-structured interview format. The second type was structured interviews conducted by email; the researcher sent and then received the questions and answers by email.

Thirdly, before starting his PhD research, the researcher regularly visited Baghdad (Green Zone) and Kirkuk between 2010 and 2011. During this period, discussions took place with various people, particularly those who worked in the Green Zone, from MPs to ordinary people who witnessed the sectarian war, in addition to displaced people who had settled in the Kurdistan Region (KR) and worked at the same university as the researcher. The information obtained can be considered to constitute informal interviews. However, during the PhD research period the researcher verbally received retrospective consent to use the materials in this thesis, provided they were used anonymously. Fourthly, interviews with elites from three main groups recorded on international TV channels, radios and newspapers are also widely available and are used in this research.

In addition, interviews (general conversation and questions) were also conducted with Iraqi students studying at Nottingham University. This type of interview included Shia and Sunni students, which presented a chance to compensate for the lack of elite interviews with Shias.

Of note in terms of the interviews and data collection are personal networks. The researcher, through personal networks, tried to conduct as many interviews as possible, particularly with elites from Sunni and Kurdish groups who reside in the Erbil -Kurdistan Region, where the researcher lives. This provided an opportunity to exploit personal networks to reach some senior officials such as the Vice President and Iraqi MPs. However, the number of interviews conducted with the elites from the three main groups - Shia, Sunni and Kurd – remained small.

It also is worthy of note that four of the elites (one Shia, one Sunni, and two Kurdish) did not respond to requests for interviews, which further limited the scope of the study. In addition, two senior elites (a Sunni and Turkmen) gave their consent to the interviews via email. However, no responses were received, perhaps as most of the questions were about their views on the behaviours and policies of the rival groups.

This means that there is a potential risk of bias in terms of access to elite interviews. To reduce the potential for bias, the researcher largely depended on recorded interviews with the Shia, Kurdish and Sunni elites on local and international TV channels, radios and newspapers. This sort of interview is widely available for most of the Iraqi elites within and outside of the state institutions. Furthermore, the recorded interviews available cover almost all of the main questions required for the research. The researcher could therefore obtain, crosscheck and triangulate all of the necessary information required from interview.

These TV interviews fall into four main types: official elites (prime ministers, ministers, Iraqi President, governors, KRG's president and local ministers, and other senior elites); tribal elites; Sunni and Shia religious elites, and leaders of Shia militia groups. The accessibility of these resources provides an opportunity to understand the views of all three main groups and reduce any bias in gathering data, particularly when data regarding the views of elites from one group on various issues has not thus far been obtained.

Reflexivity and thesis findings:

Experience of living in the Kurdistan Region contributed to the insight of the researcher, particularly regarding the proposed solutions for Iraqi ethno-sectarian conflict based on the Societal Security Dilemma theory from the constructivist point of view. The proposed solution, which is ethno-sectarian federalism with localised and institutionalised armed forces, is discussed in chapters 7 and 9 in detail. Firstly, the justification of this solution comes from the SSD. Since fear, distrust, and uncertainty among elite-led groups in war torn Iraqi society, which is characterised by tensional interaction with the absence of strong moderation, increases the possibility of elite-led violence, drawing distinctive inner borders between groups within a state or ethnofederalism with localised armed forces decreases the possibility of re-emerging violence. This option is, to some extent, supported by the experience of the KRG, where the researcher lives. Furthermore, it is compared with the overall political and security experiences for the other main groups since 2003. In this regard, the proposed option takes into consideration the dynamics and nature of the conflict. However, the solution has also critically taken into consideration the advantages and disadvantages of this option, as well as the other alternatives, by scrutinising the dynamics and nature of the conflict, identity based demands and discourse of different groups and their elites in different periods of time since 2003.

Lastly, in order to transform the qualitative data into scalable values, Table 2.4 attempts to employ simple values because it is difficult to set non-arbitrary variables for qualitative data. Hence, measurements for variables are set as low and high.

Table 1-4 The measurement of variables

Independent and dependent variables	Measurement of variables	
	Low	High
Ethnic and sectarian violence	• Reducing • Decreasing • Controlling	• Increasing • Intensifying
Distrust, hatred uncertainty historical memory among groups	• De-intensifying/diminishing • Decreasing	Intensification of distrust and hatred
Power sharing cabinet	• Boycott • Exclusion • Marginalisation	• Inclusion • Participation • Cooperation
Masses' role in ethnic and sectarian division	• Increasing support for cross ethnic and sectarian parties • Increasing cross voting • Increasing mixed territories	• Increasing ethnic and sectarian vote in elections (ethnic and sectarian referendum). • Supporting parties on the basis of identity. • Increasing territorially ethnic concentrations
Elites conflict	• Increasing cooperation • Decreasing conflict • De-intensifying hatred fear and distrust	• Lack of cooperation • Increasing conflict • Intensifying distrust fear and hatred
The consolidation of power sharing democracy	• Increasing violence and militias • Lack of power division • Disproportionality in security institutions • Lack of ethnic and sectarian inclusiveness	• Controlling identity based-violence • Reduction of militias and insurgencies • Implementing power division and localisation of military and security forces • Inclusiveness
Regional actors' intervention	• Reduction of regional backed militias • Improvement of security • De-Intensifying hatred and violence	• Increasing militias • Deteriorating societal security • Increasing hatred and violence
The US intervention	• Increasing its influence • Increasing marginalisation • Increasing militias and violence	• Decreasing its influence • Increasing inclusiveness of ethno-sectarian groups • Controlling violence

1.2.2 Reasons for a single case study

Iraq is not a unique case in being a divided society along ethnic and sectarian lines. Neither is it unique in democratising while identity issues are unresolved. The cases of Afghanistan, Lebanon, the former Yugoslavia and Northern Ireland are examples of other countries which have experienced identity conflict, democratisation or both.

Perhaps the closest case to Iraq is Afghanistan, as in both cases the external actor (the US) arguably played the role of a democracy promoter, and both have ethnic and sectarian divisions. However, Iraq is different in terms of its dynamics, nature and the functional processes of conflict and democratisation, meaning it requires more focus through a single case study.

With regard to the dynamics and nature of the conflict, Afghanistan is a very tribal society; indeed, even the ethnic groups mentioned in the constitution are categorised from tribal perspectives (Article 4 of the Afghan constitution, 2004), while in Iraq, the conflict between groups is mostly ethno-sectarian, although tribes exist. Afghanistan is an extremely fragmented society along ethnic lines; Pashtuns, Tajiks, Uzbeks and Hazaras are the main ethnic groups[1]. Despite the fact that Iraq is also a multi-ethnic society, the conflict is mostly bi-ethnic at the national level between Kurds and Arabs[2].

Since the Soviet invasion of Afghanistan, armed groups have been consistently organised according to ethnicity, which was particularly true during the civil war from 1992-2001 (Johnson and Leslie, 2004, p.4). However, during this war there were no strong demands for ethnic rights such as self-determination. In the post-Taliban period (2003-2014), the major ethnic groups, namely Pashtuns and Tajiks, did not demand federalism during the drafting of the constitution, although the smaller territorially concentrated Uzbek and Hazara elites did (Adeney, 2008). In contrast, in Iraq, the Kurds have adopted a strong ethnic nationalism and have demanded ethnic and cultural rights since the establishment of Iraq in 1924, including demanding secession after the US-led invasion in 2003 (Barzani, 2014c). These demands have generated armed clashes against the Arab led-centre throughout the modern history of Iraq.

Additionally, the nature and dynamic of the conflict over state power after the invasion are different from Afghanistan. In the post-2003 invasion of Iraq, a civil war occurred (2006-2008) between Shia Arabs, who held the power of the state, and Sunni Arabs, who had lost power. Yet the sectarian violence between these groups, which both

[1] Each of them comprises at least 10 % of the total population, except for Hazara.
[2] If we set a threshold of 10% for ethnic groups similar to Afghanistan, Iraq is a bi-ethnic society; however, Iraq has the ethnic minorities Turkmen and Assyrian, which each represent 1-2% of the total population. Turkmen have become part of the ethnic conflict, mostly at the provincial level in Kirkuk.

belong to the same ethnic group, continues even now. Moreover, the conflict has extended to another arena, namely elections; the Sunnis had hoped to restore their power through the electoral process, particularly in 2010. On the other hand, Kurdish elites are pushing for territorial autonomy (demanding confederation) and power sharing in the centre, due to their ethnic nationalism (Barzani, 2014c). In contrast, in Afghanistan, the contest over power is between ethnic groups rather than sectarian ones, although Hazaras are primarily Shia. Hence, the dynamic of conflict between groups from the sectarian perspective is different.

Since the Shias represent the majority in Iraq, the Shia Marjah was an important actor in the ethno-sectarian conflict and in every sector of Iraqi politics from 2003-2014. In contrast, this actor does not noticeably exist in Afghanistan. This is due to the fact that Afghanistan is overwhelmingly a Sunni country, so the Shia Hazara do not openly engage in fights or contests to rule the state, due to the fact that they represent only around 7-10 percent of the population (Rais, 2008, p32, Cited in: Adeney, 2008). Hence, the size and nature of the conflict in Iraq is determined by the larger percentage of ethno-sectarian groups of Sunnis and Kurds, which each stands at around 20 percent (Bremer and McConnell, 2006, p4, Barker, 2008, p19, Habeeb et al., 2012, p166, UKJIC, 2002)[1].

Another key point is that Afghanistan has been a war-torn society since 1979, prior to the state building and democratisation processes (Ewans, 2004, Bhatia and Sedra, 2008, Johnson and Leslie, 2004); the economic and institutional development, infrastructure, and cultural and tribal differences between both societies are therefore noticeable[2].

The political systems in both countries also differ. In Iraq, the system is parliamentary and the cabinet is allocated on the basis of winning lists of identity groups. Furthermore, federalism is one of the basic principles of the Iraqi political system, at

[1] There is no reliable official data about the percentage of ethnic and sectarian groups in Afghanistan and Iraq; these figures are estimated percentages crosschecked from different sources.
[2] Iraq was also at war in 1980. However, the war did not lead to the collapse of security or a power vacuum; the state and its security and military forces remained strong with the exception of a partial power vacuum after the defeat of Iraqi forces in Kuwait in 1991, which led to the Kurdish and Shia uprisings.

least constitutionally (Articles 1, 4 and the entirety of section 5 of the Iraqi constitution); in practice, Kurds have their ethnically defined territorial federalism. This has created a quasi-state that has its own independent military, executive and legislative institutions, educational system, semi-independent economic system and inner borders. The KR's local political system is different from that of the rest of Iraq; the KR has a president with great authority within the parliamentary system[1].

Ethnic conflict in Iraq has another dimension, which is the disputed areas or conflict over the inner borders between Kurds (KRG) on the one hand, and the central government and the Sunni minority on the other. This type of conflict between ethnic groups in Afghanistan has not yet arisen due to the fact that it is a unitary state. The Afghan political system is presidential (Articles 60-64 of the Afghan Constitution 2004). The electoral system in both countries is also different; Iraq adopts a multi-district party list for the Council of Representatives, while Afghanistan adopts a Single Non-Transferable Vote (SNTV) for a national assembly (House of People and House of Elders) (NDI, 2011).

With regard to the neighbouring countries, both countries have regional forces engaged in their domestic, identity-based conflict. However, in the case of Afghanistan, the intervention exerts an impact mostly on ethnic rather than sectarian politics (Johnson and Leslie, 2004, p.10, Saikal, 1998, p.120, Siddique, 2012), while the reverse is true in Iraq, where the intervention has more impact on sectarian division[2].

All of the aforementioned points require Iraq to be examined as a single case study concerning the ethno-sectarian conflict and its impact on the process of power sharing democracy according to the SSD theory.

Table 1-5 Similarities and differences between Afghanistan and Iraq concerning the dynamics and nature of conflict and the democratisation process

Themes	Afghanistan	Iraq	Similarity /difference
Division	Ethnic and sectarian	Ethnic and sectarian	Similar
Main ethnic division	Multi-ethnic: Pashtun, Tajik, Uzbek and Hazara	Mainly Bi-ethnic Kurd and Arab	Different

[1] See chapters 4 and 7.
[2] For neighbouring countries' role in sectarian division in Iraq; see Chapters 3,7 and 8.

Ethnic majority	Pashtun is a major ethnic group (Sunni) but less than 50 % of the population	Shia Arabs as sectarian group are majority, more than 50 %	Different
Estimated Sectarian percentage	Sunni 84.7-89.9 % Shia 10-15 %	Shia 60-65% Sunni 35-37%	Different
The dynamic of ethnic conflict over the ruling state	Mostly ethnic	Ethnic and sectarian	Different
Civil War	Before the state building process	During and after the state building process	Different
Cross ethnic cooperation in civil war	Existed in two ways: -Cross ethnic cooperation between minority ethnic groups (Northern Alliance) against the Taliban (Pashtun) -a small group of Pashtuns aligned with other ethnic groups against their own	Distinct ethnic division during the sectarian war in Baghdad Despite tribal forces cooperating with the US against Al-Qaeda during the sectarian war; firstly it was not aligned with Shia led centre; secondly it occurred in the Sunni city Anbar not in Baghdad where sectarian war peaked in 2006-2008	Different
The development of ethnic nationalism regarding secession or self-determination	Relatively low	High	Relatively different at least for Kurds
Shia Marjah as a main actor	Lacking	Strongly exists in political and societal life	Different
Electoral system	SNTV	Party list	Different
Political system	Presidential	Parliamentary	Different
Tribalism	Strongly exists	Ethnic and sectarian priorities	Relatively different
Power division	Lack of federalism	Two forms of power division: federalism and decentralised provinces	Different
External actor as democracy promoter	The US	The US	Similar
Regional forces	Mainly has impact through ethnic division	Mainly through sectarian division	Relatively different

1.2.3 Limitations of the study

As argued above, the process of democratisation and identity-based conflict in Iraq has important differences to that of Afghanistan, which requires Iraq to be studied as a separate case. Even if Afghanistan was a potential candidate, the researcher would be unable to compare it with Iraq. One of the main reasons for this is the language barrier presented by the main Afghan languages used for data collection, particularly in the documents and recorded interviews. In contrast, the researcher understands both of the main Iraqi languages, Kurdish and Arabic, which is helpful for data collection as recorded interviews and documents are widely available in both languages. Thus, due to the lack of multiple case studies to compare with Iraq, the study is designed to examine and compare three cabinets and four national elections thematically.

A second limitation lies in the fact that a planned visit to Baghdad, Basra and the Sunni provinces of Anbar and Mosul to conduct interviews with tribal and political elites, as well as Kirkuk as a disputed area, did not occur as the university refused to give consent due to security and safety concerns. However, as mentioned before, the researcher depended on interviews recorded with the senior Iraqi officials on TV, radio and in newspapers.

Finally, this research only covers four national elections; thus, the local municipality elections are excluded. It also does not examine the intra-group conflict which occurred, particularly in provincial elections, focusing instead on analysing the intra-group conflict that occurred in national elections and its impact on intergroup conflict. The reason for this is that municipality elections were conducted at the provincial level, which are not related to the executive and legislative authorities at the national level. However, intra-group conflict in the provincial elections (particularly intra-Kurdish and intra-Shia conflict) could be the subject of further research to examine how it affects intergroup cooperation and conflict in a power sharing government and societal security in the long term. This research also does not cover the post-ISIS invasion of Sunni cities in mid-2014, which occurred after the national elections in April

2014. However, the post-ISIS invasion is mentioned on a few occasions in the thesis as an outcome of the pre-ISIS period (though not in order to examine it as an input).

2 Democracy and ethnic conflict in divided societies

After the demise of the Baath regime at the hands of coalition forces in 2003, Iraq underwent a process of democratisation. However, at the same time, Iraq has faced many challenges, such as ethnic and sectarian conflict, insurgencies, widespread militias, sectarian violence and lack of the rule of law, which have undermined the transition from an electoral democracy to a consolidated one. This chapter considers the divisions in Iraq along ethnic and sectarian lines, particularly the ethno-sectarian politics of elites, as a substantial impediment to a fully democratic transition and constructs a theoretical framework to examine its impact on the failure to establish a stable power-sharing democracy.

The chapter consists of three sections. Section one examines the main approaches that explain ethnic and sectarian conflict: primordialism, instrumentalism and constructivism. Section two discusses why the societal security dilemma (SSD) theory is the most appropriate theory to examine the failure of power sharing in Iraq. Section three reviews the different recommendations for institutional designs for divided societies, which are essential to understand the problems of consolidating democracy in Iraq.

2.1 Ethnic conflict approaches

This section examines primordialist, instrumentalist and constructivist approaches to explaining ethnic conflict in divided societies. Discussing these approaches is important to appreciate the complexity of ethnic conflict.

2.1.1 Primordialism and ethnic conflict

Primordialists emphasise natural ties in understanding ethnic identities. Accordingly, putative nepotism and assumed kinships that are inherited from one generation to the next are considered to lie at the core of ethnic identity, whether it is based on language, race, religion, culture, or location (Geertz, 1973, 259, 1994, p32-33, Stack, 1986, 1-2). In other words, this blood relationship could be based on a tradition of belief between members towards biological factors, historical depth, emotional bonds

or homeland (Grosby, 1994, p.20, Stack, 1986, p.1, Hearn, 2006). As discussed by Chandra (2012, p.133) and Smith (1991, 2008, p.10, 2009, 1998, p.145), primordialists believe that ethnicity is ancient, fixed and natural. Hence, identity is a natural bond and lies outside of historical and human processes. Accordingly, the boundaries between intra-member groups - i.e., who belongs to the group and who does not - are also considered ancient and natural. Therefore, for primordialism, the ethnic differences are inherited, inevitable and given rather than chosen (Conversi, 2002, p.72, Wolff, 2006, p.33).

On this basis, it can be said that, in examining ethnic conflict, primordialism stresses hatred between ethnic groups that is rooted at the masses level, particularly in deeply divided societies. For instance, Vanhanen (1999, p57) examines ethnic nepotism from a Darwinian interpretation of politics as the struggle for scarce resources. He argues that ethnic groups perceive themselves differently from each other on the basis of an extended form of nepotism or kin. He also argues that ethnic nepotism is the common factor behind all ethnic conflicts.

Primordialism can be a useful approach for examining some racial and tribal conflicts by focusing on the endogenous attributes endowed to the members of an ethnic group at the mass level, which are based on ancient hatred, such as that in Rwanda (Joireman, 2003, p.19) or those based on skin colour. However, this approach is insufficient in gauging all aspects of ethnic conflict and its conditions, especially when it comes to the role of elites in triggering or causing ethnic conflict for political purposes. Furthermore, ancient hatred between ethnic groups is neither natural nor fixed. Hence, primordialism disregards the fundamental role of human agency, particularly elites, in provoking such conflict.

In the case of Iraqi ethno-sectarian cleavages, primordialism cannot explain all aspects of the conflict. For instance, some tribes which have blood ties in Iraq are divided between Sunnis and Shias. This goes against the primordial argument on kinship and natural ties and affirms that this kind of identity was socially constructed a long time ago. Similarly, the existence of ancient hatred between some ethnic groups in Iraq, like the Sunni-Shia (hatred), is not natural but socially constructed. Accordingly, primordialism falls short in explaining the ethno-sectarian problem in Iraq with regard to democratisation.

2.1.2 Instrumentalism

The opposite approach to primordialism is instrumentalism. By placing emphasis on the role of elites, instrumentalism is based on the belief that ethnicity is not an indispensable historical fact (Wolff, 2006, p.33) but is rather flexible (Brass, 1991, p.20-6). For instrumentalists, ethnic conflict is provoked by elites to mobilise followers for political power, economic gain, social status or physical security (Wolff, 2006, p.33, Brass, 1991, p.25). Fenton (2003, p74) argues that 'if the behaviour in accordance with ethnic attachments could be seen to be serving some individual or collective political or economic end, then the ethnic action could be reinterpreted as instrumental'. Bates (1983) also attributes ethnic conflict to the struggle over scarce resources between rational actors. Hence, for instrumentalism, ethnic conflict is not derived from mass-led ancient hatred; rather, it is elites who often provoke conflict.

However, the instrumentalists do not deny the tangible aspects or characters of ethnicity, which are a common history, language, tradition, customs or religion (Wolff, 2006, p.33-4, Brass, 1991, p.19-23). Nevertheless, they disagree on the cause of ethnic violence or conflicts that are often organised, mobilised and led by the elites for political and economic gains.

Instrumentalism has been used to explain ethnic war in societies that have severe ethnic and sectarian divisions, such as the former Yugoslavia, India and south Asia (Lake and Rothchild, 1998, 1996, Brass, 1991). Similarly, this approach has been used for the Iraqi ethno-sectarian case. In this sense, for some (Haddad, 2011, Al-rubaihi and Kawtharani, 2001), ethno-sectarian divisions became virulent and violent when elites exploited and used religious and ethnic differences as an instrument for political purposes. In this regard, Haddad (2011) believes that sectarian tensions were triggered and then gradually mounted as a result of the Baath policy towards the Shia community after oppressing the Shia Uprising of 1991 and due to the negative role of neighbouring countries after 2003. Likewise, Rubaihi and Kawtharani (2001) explain sectarian violence (civil war) in Iraq from the instrumental point of view when they attribute the source of this violence to manipulation by elites for economic gains.

Both studies focus only on the sectarian version of civil war, in that there is insufficient room for the Kurds as an important part of Iraqi ethno-sectarian divisions. Moreover,

they disregard the circumstances that paved the way for external actors and political elites to provoke identity conflict, which is sectarian division at the societal level. Although there was not a large amount of identity-based violence in Iraq at the societal level before 2003, Haddad overemphasises the religious and social harmony between both groups. Shia and Sunni Arabs had/have distinctive religious and social divisions. Intermarriage between both groups was low and both groups mostly lived in separate districts and cities (Batatu, 1978, p36).

In brief, Instrumentalism is a significant approach when it emphasises the disproportionate role of elites in triggering ethnic conflicts. Nonetheless, it does not sufficiently account for the role of the masses in ethnic conflict in some cases. For instance, in the case of Karabakh, Kaufman (1996a) argues that masses led the ethnic violence. Therefore, it may not sufficiently shed light on why people follow or respond to the ethnic elites when they adopt ethnic politics to mobilise their ethnic groups, if ethnicity, hatred, fear and distrust do not exist at the mass level.

In the Iraqi case, instrumentalism is an important approach for analysing the failure of Iraqi power sharing democracy and ethno-sectarian conflict. However, this requires enrichment through focusing sufficiently on the mass level ethno-sectarian division that induces elites to polarise their communities. In other words, the ethno-sectarian division in Iraq cannot be solely attributed to elite manipulation. This division is rooted in the structure of identity groups (Sunni-Shia, Kurd-Arab division; Kurdish-Sunni Arab and Kurdish-Shia Arab divisions), which creates fertile ground for elite manipulation. Thus, the cleavages at the mass level cannot be neglected. For instance, as mentioned above, the rate of intermarriage between Sunni and Shia Arabs was and has been very low before and since the creation of Iraq in 1921, moreover, they mostly live in different districts and areas even within the same city (Batatu, 1978, p36). Furthermore, religious rituals, beliefs, and icons for one group are sacred while for the other they are condemned or doomed[1]. In addition, other actors have a role in ethnic divisions, such as religious authorities or religious elites, as well as external actors such as the US or neighbouring countries that often undermine the process of democracy.

[1] This is discussed in chapter 3.

2.1.3 Constructivist approach

The constructivist approach is to some extent the antithesis of instrumentalism and primordial views. Constructivists argue that ethnic identity can change in the long term due to historical and human processes (Chandra, 2012, Smith, 2009). Hence, ethnic identity is socially constructed, whether it comes from language, race, location or religion, through a process of historical adaptation. Constructivists therefore do not deny the presumed decedents of ethnicity but emphasise the broader usage of ethnicity, which is based on the shared cultural elements historically adapted, such as language, religion and customs (Smith, 2008, p.30, Chandra, 2012). At the same time, it rejects the traditional propositions of primordialism that consider ethnicity as fixed, singular and exogenous from human beings. The proponents of constructivism have varied views concerning the process of change, the agents of change and their motivation, and the speed and frequency of identity change (Chandra, 2012, p133). However, there are three common points which are the minimum standards of ethnic identity; these are fluidity, multiplicity and endogeneity (Chandra, 2012, p133). Concerning the first point, constructivists argue that ethnic identity can be changed in the long term, although it can be seen as fixed in the short term. This view is seen as reconciling instrumentalism and primordialism. There are some factors that affect identity change in the long term, such as the modernisation process, violence, colonial policies and institutions, and patronage-driven economies (Chandra, 2012, p142-148). Constructivists also argue that identity can be multiple; individuals can have repertoires of available identities. For instance, an Iraqi can be a member of a specific tribe, ethnically Arab and religiously Muslim or Christian, and from a sectarian perspective can be Shia or Sunni. Finally, identity is endogenous. This means that it can be socially constructed. Constructivism is not that different from instrumentalism, particularly when constructivism's central focus is on ethnic identity changes that depend on instrumental calculation.

Constructivism is thus the most comprehensive approach to explaining ethnic identity changes in Iraq but in addition to deploying this theoretical lens, an additional theoretical framework is still required to examine ongoing ethnic conflicts such as those in Iraq. This is the societal security dilemma.

2.2 Societal security dilemma (SSD)

The security dilemma is a notion close to the Hobbesian approach, which states that distrust and fear dominate all when there is an anarchical condition or in the absence of central power (Glenn, 1997, p47). This theory was originally used by Herbert Butterfield and John Herz to understand international politics (Cited in: Roe, 2005, p1-2, 153, 1999, p186). One state, by trying to increase its security, causes a negative reaction in the second state, which ultimately decreases the security of the state. As a result, the serial process of actions and reactions are explained by each actor as threatening (Roe, 2005, p1).

This theory has been widely utilised at the intrastate level to address the question of ethnic conflict, for example after the end of the Cold War and the collapse of the communist bloc in many countries of central and Eastern Europe that underwent ethnic violence and war (2005, Roe, 1999, Jervis, 1978, Kaufman, 1996a, 1996b). Hence, at the intra-state level, the security dilemma is likely to emerge when the action of one group, in trying to strengthen its own identity, causes the second group to react by increasing its own societal security-strengthening identity; in the end, this decreases the first group's societal security (Roe, 1999, p194-195).

The proponents of SSD disagree on the cause of ethnic conflict, the relations between ethnic groups - whether they are based on fear, hostility or hatred - and the mechanisms of ethnic conflict (Glenn, 1997, Kaufman, 1996b, Lake and Rothchild, 1996). Nevertheless, most of them agree on (1) the existence of deep ethnic divisions in a society (mass level), (2) the power vacuum (3) the determining role of elites in ethnic equations (elite-level), and (4) the role of external actors (neighbouring actors) in ethnic conflict.

1. Identity-based division

An ethnic conflict may create a vacuum in societies that are divided along ethnic, religious and sectarian lines (Brown, 1993, Kaufman, 1996b, p109-114). For the proponents of the SSD, the nature of the relations between identity groups in deeply divided societies often takes two forms: hostility and fear of the future (Lake and Rothchild, 1996, Kaufman, 1996b).

Kaufman (1996a, 1996b) emphasises the historically and culturally rooted hostility among identity groups as one of the main factors for ethnic conflict. He (1996a, p150) argues that hostility leads to an escalation that may lead to one of two outcomes. The first is mass violence; hostile masses drive elites to generate ethnic manipulation. The consequent behaviour paves the way for a security dilemma which leads to ethnic violence such as in the case of mass-led violence between Azerbaijanis and Armenians in Karabakh (Kaufman, 1996b, p.109). The second outcome is elite-led violence. In this case, leaders generate ethnic tensions for their political purposes (for example by using their control over the media) to stir up latent ethnic hostility (Kaufman, 1996b), such as in the ethnic conflict in the former Yugoslavia. This understanding of ethnic violence through emphasis on the roles of both elites and the masses creates a link to the constructivist approach to ethnic conflict rather than instrumentalism (Cordell and Wolff, 2009, p.31).

Though sectarian hatred can explain some identity-based violence in Iraq, particularly between Shias and Sunnis, it cannot contain or explain all aspects of identity conflict. For instance, ancient hatreds cannot explain the conflict between Shia and Kurdish elites. Both Kurds and Shias experienced long-standing grievances at the hands of the Sunni ruling elites, leading them to cooperate in the Iraqi political process, particularly in 2003. However, the relationship between both groups is characterised by fear, distrust and uncertainty, which has consequently changed from cooperation to conflict since 2010 (Barzani, 2011).

In contrast, Lake and Rothchild (1996, p41-42, 1998) consider ethnic conflict to be caused by fears of the future, not ancient hatreds or old feuds. When identity groups fear for their future safety, a difficult-to-resolve dilemma arises. In this situation, conflict is likely where there is information failure, problems of credible commitment and weakness of the state. In this sense, political elites and ethnic activists operating within their ethnic groups build up these fears of insecurity and polarise society, which may consequently lead to violence. When a fear of physical insecurity emerges, violence can and often does erupt. This kind of fear arises when the state loses its ability to provide security and protection for ethnic groups or becomes biased and adopts ethnic agendas against other identity groups. Hence, Lake and Rothchild focus on the rational-choice calculation by elites, who are driven by a fear of the future to

polarise their groups, while Kaufman focuses on the myth-symbolic hatred for ethnic conflict between groups[1].

In practice however, it is difficult to separate the two. The fear of the future is often related to the historical memory of grievance, hatred or hostility. Thus, for the purposes of this research, the terminology of fear, distrust, hatred and historical memory of feuds between groups is tackled as one element of the SSD, which is deep ethnic division.

In Iraq, long-standing grievances and hatreds, as well as distrust and fear of the future, explain the ethno-sectarian conflict after the demise of the regime. These fears have affected [2]stability of the political regime in general, including democracy.

2. Power vacuum (weak state/security dilemma)

Ethnic conflict is likely to occur in divided societies in conditions of anarchy or weakness of the centre. In this sense, the collapse of a multi-ethnic state, or the weakness of central government, leads to an increase in number of individuals who see their ethnic group as a form of shelter (Kaufman, 1996b, p.113). This can lead to a security dilemma, particularly when the government is unable to control part of the country (Kaufman, 1996a, p.151). Although, anarchy or the security dilemma does not cause ethnic conflict, it provides the conditions for it to occur. This is because the government provides security and order for citizens and prevents groups from slipping into conflict (Posen, 1993, p27-28).

These conditions existed in Iraq after the regime was destroyed in 2003 by the US-led coalition forces, creating a large power vacuum and security dilemma, and paving the way for ethnic and sectarian-based organisations to increase and challenge the power of the newly established government after the invasion.

[1] It can be said that Lake and Rothchild adopt an Instrumentalist Societal security dilemma, while Kaufman adopts a constructivist one.

[2] The historical memory of distrust, hatred or oppression between Sunni and Shia Arabs is based on their sectarian affiliation, while for the Kurds, it is based on ethnic affiliation in relation to Arabs in general, whether Sunni or Shia. Though Kurds were oppressed by the ruling Sunni Arabs and not the Shia Arabs, the oppression was because of the ethnic identity shared by Shia and Sunni Arabs. Hence, Sunni and Shia relations are based on fear of both the past and the future, while relations between Shias and Kurds are based on fear of the future.

However, Glenn (1997) discusses the power vacuum from a different perspective. For him, ethnic conflict does not necessarily occur under the condition of a power vacuum. In this regard, he links the 'insecurity dilemma' (power vacuum) to the process of nation building in post-colonial states that have deep multi-ethnic cleavages. When states attempt to create a common identity for their population through establishing a dominant centre of power, this process can trigger the ethnic distinctiveness of different groups within the state in response.

This was seen in Iraq, with the British inventing Iraq as a modern state from three main different groups: Kurdish, Shia and Sunni[1], and subsequent regimes trying to impose a unified identity upon them.

3. Elite-led mobilisation

The role of elites is a determining factor in divided societies for triggering ethnic conflict. The two former elements (fear, hatred and hostility at the societal level, together with a power vacuum) often provide a foundation for elites to mobilise and polarise their ethnic groups. Kaufman (1996a, p.150) argues that ethnic war requires mass hostility, ethnic outflanking by political elites and a security dilemma. However, in this intersection of three elements, elites overwhelmingly lead ethnic violence (Kaufman, 1996a, 159, 1996b, p117). For nearly all the advocates of the SSD, ethnic conflict or ethnic war is triggered and led by elites whether the instrument of elite-led mobilisation is based on fear, distrust or hatred (Posen, 1993, Lake and Rothchild, 1996, Roe, 2005). An example of elite-led violence is the case of the former Yugoslavia, which ''began in Serbia and spread to Croatia and Bosnia-Herzegovina'' (Kaufman, 1996a, .p158). The ethnic war in Moldova from 1991-1992 is another example of the role of elites with support from Russia, which contributed to the outbreak of ethnic war in the Dniestr region (Kaufman, 1996b, p.110).

4. Neighbouring actors

Among the proponents of the SSD, Kaufman most explicitly highlights the intervening role of neighbouring countries in fomenting ethnic violence. In this regard, he

[1] This topic is discussed in Chapter 3

highlights the role of foreign patrons in ethnic violence. Foreign patrons can provide the means and resources for belligerent elites from ethnic groups to trigger violence (Kaufman, 1996b, p110). One particular example is Russia, which played a significant role in supporting secessionist Russian-speaking groups in the Moldavian ethnic war from 1991-1992 by helping Dniestrian elites to initiate the war. Similarly, Moscow supported pro-Russian separatists in Crimea and East Ukraine in 2015 after the election results that brought EU supporters to power. Foreign support may also encourage national governments to marginalise minorities further or, alternatively, to help them rise to power, as in the case of Croatia's nationalists in the country's 1990 elections (Kaufman, 1994, p168-169, 1996a).

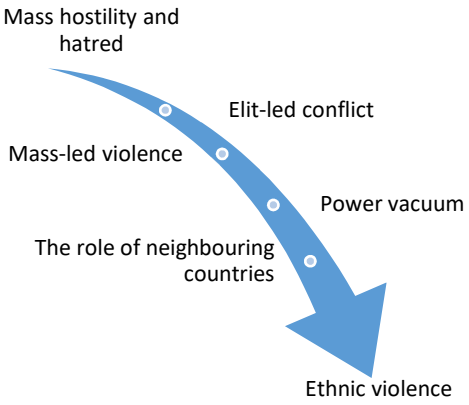
Hence, ethnic affiliation between groups in a country that is divided along ethnic lines, in tandem with the acts of neighbouring countries, can lead to the increase and intensification of ethnic and sectarian violence. This element also exists in the Iraqi case. Neighbouring countries that have ethnic and sectarian affiliations have supported political organisations, armed groups and local elites. For instance, Iran, which has a sectarian affiliation with the majority Shias, has had a significant role in the Iraqi identity-based conflict. Likewise, Saudi Arabia and Turkey have supported Sunnis or Kurds against the Shia majority. These complex ethnic and sectarian affiliations have contributed to intensifying identity-based conflict.

In brief, based on the aforementioned elements and conditions of the SSD, Graphs 2.1 and 2.2 illustrate the difference between Lake's, Rothchild's and Kaufman's understanding of the SSD. As shown in Graph 2.1, Lake and Rothchild focus on the role of elites in triggering ethnic conflict through a sequence of mechanisms driven by the groups' collective fear for the future. Despite the fact that Kaufman focuses mainly on the role of elites, he takes into consideration the role of the masses, which are driven by a myth-symbolic complex of hatred and hostility (see Graph 2.2.).

Graph 2-1 Lake and Rothchild's model of the SSD



Graph 2-2 Kaufman's understanding of the SSD



It can be seen that Kaufman's utilisation of the theory includes four elements: security dilemma (power vacuum/anarchy), ethnic division, prevailing hatred/hostility at the mass level, elite-led polarisation and, finally, the intervening role of neighbouring countries.

2.2.1 SSD theory in the Iraqi case

As far as the Iraqi case is concerned, the SSD theory from a constructivist point of view, can provide a plausible framework for examining ethno-sectarian conflict during the time of democratisation, as all the main elements of the theory exist in post-invasion Iraq. Firstly, Iraq is a divided society along ethnic and sectarian lines, mainly Shias, Sunnis and Kurds. Although large-scale identity-based violence did not occur during the former regime, as discussed in Chapter 3, fear of the future, the historical memory of oppression, grievance, and distrust exist among the three main groups. Secondly,

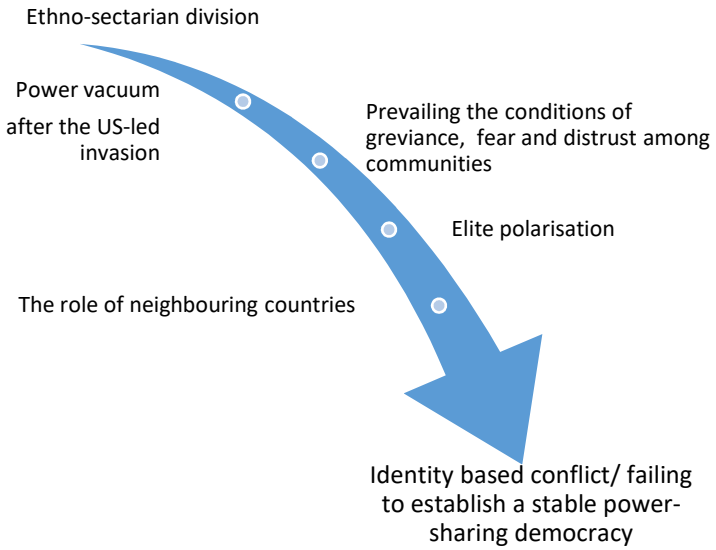
Iraq went through the experience of institutional collapse after the regime change in 2003 instigated by the US-led coalition. In this regard, the main military institutions and security forces that were responsible for providing security collapsed after the invasion. Likewise, the public institutions that provided services for citizens were looted and destroyed. All these created a power vacuum in which the new government was unable to provide security to all parts of the country. In contrast, armed groups, identity-based militias and insurgencies challenged the state over its territory. Thirdly, Iraqi ethno-sectarian elites played a significant role in both the ethnic conflict and democratisation process. In the divided Iraqi society, which has a weak democratic culture and a long legacy of authoritarian experiences, elites have played a top-heavy role in the political and economic life of society. Fourthly, neighbouring countries have played an important role in fomenting identity-based conflict in Iraq. The role of neighbouring countries to some extent depends on their ethnic and sectarian affiliation with the main Iraqi groups, namely Shia, Sunni and Kurd[1]. Finally, another significant reason for using the SSD theory from a constructivist point of view is the multiple identities of the main Iraqi groups. In contrast to instrumentalism, individuals have more than one identity. For instance, an Iraqi can be religiously Muslim and Sunni while ethnically Arab, or religiously Christian, and ethnically Assyrian, or religiously Muslim and Sunni while ethnically Kurdish. Furthermore, this constructivist perspective of the SSD is important for understanding the shift of Sunni discourse from Iraqi pan-Arabism to Iraqi Sunnism since 2011[2].

All of these reasons make the SSD theory the most appropriate theory to examine the extent to which ethno-sectarianism has affected the process of democratisation. Based on the aforementioned literature on the SSD, Graph 2.3 redraws the theory to correspond with the Iraqi case.

[1] Both points will be discussed further in Chapter 8.

[2] This point is discussed in chapters 4,7 and 8.

Graph 2-3 the main elements of SSD theory for the Iraqi case



The SSD theory is deployed to answer why and how the power-sharing democracy in Iraq has failed to reach the consolidation stage, or why the process of democratisation failed to be consolidated. Before turning to that, it is necessary to review the theoretical literature on democracy.

2.3 Democratisation process

This section examines three issues: the democratic transition, the institutional designs for divided societies and finally the conditions for a stable democracy in general and the presumed conditions for a stable power sharing democracy in Iraq in particular.

2.3.1 Democratic transition

It is important to distinguish between a transition to democracy and the consolidation of democracy. Consolidated democracies develop over time. To consolidate, a democracy must undergo a series of processes, developments or requirements. In this regard, there are two main approaches which explain the process of democratisation: elite-orientated theories and structural or modernisation theories.

The elite explanation centres on consensus among the political class concerning the rules of the democratic game (Grugel, 2002,p60). In other words, the proponents of elite-oriented theories consider that the transition to democracy can be attributed to the role of the elites. Rustow (1970, p 356) elucidates by stating that democracy is acquired via a process of conscious decisions, at least on the part of the top political leadership. In this regard, it is possible that a small circle of leaders plays a top-heavy role. Rustow (1970) points out that democratisation is based on four phases. The first is national unity, which means that the vast majority of citizens have no doubt or reservations as to the polity to which they belong, or at least there is no separatist movement. The second is a preparatory phase; the dynamic process of democratisation itself is set off by a prolonged and inconclusive political struggle. In other words, there must be a political struggle in which people split into opposing camps. The third is a decision phase, which refers to the deliberative decisions of the top political leaders to institutionalise democratic procedures. Finally, there is a habituation phase, in which competitive process gives people an edge over time to rationalise their commitment to value democracy itself. The habituation phase can be regarded as a phase leading to a consolidated democracy.

This view on the elites' role in democratisation has also been used to explain the stability of democracy. In this regard, Lijphart (1977)[1] focuses on the role of elites in consociational democracy in divided societies, when elites of the main groups form a grand coalition in the government to avoid exclusion that may lead to ethnic conflict.

In contrast, structural theories emphasise the importance of either socioeconomic factors or a civic culture to establish democracy and its stability. Firstly, the proponents of modernisation theory believe that economic development and industrialisation increase the chance for democratisation (Przeworski, 2000). Lipset (1959, 75-85) believes that socioeconomic conditions such as industrialisation, wealth, urbanisation and education are determining factors for a stable democracy. Lipset further avers that the viability of these factors cannot be generalised over time and for all societies. In this regard, Malta, Uruguay, Mauritius, Costa Rica, India, Argentina, Chile, Brazil and

[1] This is discussed in the next section.

Timor-Leste (E.I.U, 2010, 3-5) are examples of deviant cases that show democratisation does not necessarily occur according to these four elements alone.

Concerning culture and public attitude, Almond and Verba (1963) argue that political culture is a focal point that connects individual attitudes with the overall political system. Based on this, they conclude that political and social attitudes have an effect on the success of modern democracy in Western nations. In this sense, prevailing parochial (tribal) and subject culture among the majority of people, and fragmentation of culture such as the large division between urban and rural culture affect democracy (Almond and Verba, 1963). Along with this, some (Huntington, 1991, p20, Price, 1999, Goddard, 2002, p3-9) argue that the prevailing Islamic culture in majority Muslim countries represents an obstacle towards promoting democracy.

There is an alternative opinion providing a wider framework by combining socio-economic development with the cultural conditions for democracy. Inglehart and Walzel (2005, p299, 2010, 1990, p 20-25, 2003) argue that socioeconomic development has indirect, positive effects on the establishment of democracy. Economic development brings increasingly favourable conditions and decreases external constraints on human choice. Favourable conditions contribute to emerging values of self-expression that give precedence to individual autonomy and prioritise liberty over collective discipline, human diversity over group conformity and civic autonomy over state authority. Consequently, rising values of self-expression provide a social force that favours establishing democracy. This explanation is compatible with democratisation in western democratic countries with a focus on structural and cultural changes. However, it cannot be generalised to explain democratisation in some Latin American and African countries that do not have the same structural and cultural developments compared to western European countries. According to structural explanations, a society like Iraq does not sufficiently fulfil the requirements for establishing a stable democracy because it is a rentier state and has not sufficiently undergone industrialisation and modernisation, in addition to lacking a strong democratic culture at the societal level.

Although elite and structural explanations for transitional democracy are important, they cannot be generalised in all cases of democratisation. Democratisation may occur

through external actors, as was the case in Japan and Germany after the Second World War, Afghanistan (2001) and Iraq (2003). This situation is called exogenous democratisation. In other words, democratic transition is not triggered through elite struggle or through economic development and modernisation but through external actors particularly in the case of military invasion.

However, exogenous democratisation faces critical challenges in deeply divided societies that have no or limited democratic experience. In this regard, exogenous democratisation by the USA in Germany and Japan was successful, while the democratisation process in Iraq and Afghanistan did not have the same results. For some, the reason behind the success in Japan and Germany is that both are homogeneous nations; thus, this process did not have the same result in war-torn divided societies such as Bosnia, Afghanistan, and Iraq (Katz, 2006, p187-192). Furthermore, in those societies, the state building process may contradict the promotion of democracy, particularly in rebuilding armed forces and other military institutions that are necessary for maintaining security and order between diverse groups as a prerequisite for democracy (Fukuyama, 2005)[1].

Furthermore, war-torn, divided societies face a related challenge, which is the importance of developing democratic institutions to reduce conflict and accommodate rival groups. Therefore, it is necessary to review the institutional choices for divided societies.

2.3.2 Institutional designs for divided societies

State responses to ethnic differences vary. Some responses attempt to eliminate ethnic differences while others accommodate them. However, this research highlights only the four main accommodationist responses, which are multiculturalism (polyethnic rights), federalism, centripetalism and the power-sharing/consociational model.

Polyethnic rights, for Kymlicka (1995), or multiculturalism, for O'Leary and McGarry (1993) are one of the mechanisms for accommodation, which often refers to policies

[1] Discussed in Chapter 4.

that attempt to accommodate individual and familial migrants, particularly in western countries. These groups mostly demand recognition of their customs, religion and distinct culture. This type of recognition may require anti-racism policies, changing the curriculum to recognise their contribution, public funding for their cultural practices and exempting them from certain regulations and laws because of their religious practices (Kymlicka, 1995, p.31). However, the situation in post-war divided societies that consist of national minorities is quite different from stable societies that seek the accommodation and integration of migrant minorities. The reason is that ''immigrant groups are not 'nations', and do not occupy homelands. Their distinctiveness is manifested primarily in their family lives and in voluntary associations, and is not inconsistent with their institutional integration. They still participate within the public institutions of the dominant culture(s) and speak the dominant language(s)'' (Kymlicka, 1995, p.20). Therefore, multiculturalism is unable to sufficiently fulfil the demands of national minorities which often seek self-governing rights (Kymlicka, 1995)[1].

Thus, federalism, which divides power between a central government and regional sub-units (provinces, cantons/states), is one of the mechanisms for managing ethnic differences (McGarry and O'Leary, 1993). As Horowitz (1985, p.598) argues, federalism (territorial one) reduces conflict over power in the centre by scattering the power between the centre and local units. Furthermore, it reduces the impact of exclusion at the central level, since local power creates another channel for competing forces.

However, federalism takes many forms. For instance, ethnic federalism can be considered a mechanism for ethnic self-government rights only when ethnic minorities are regionally concentrated and the boundaries of federal subunits are drawn so that they form a majority in the subunits (Kymlicka, 1995, p.27-8). O'Leary, Simeon and McGarry (2008, p.63) call this kind of federalism 'territorial plurality', which has internal boundaries that respect nationality, ethnicity or religion. This form of self-government ensures the free development of minorities' cultures and interests. For example, the French in Quebec are regarded as a national minority (Kymlicka,

[1] Kymlicka uses the term national minority for ethnic groups that are territorially concentrated within a bigger society, and who often demand self-governing rights.

1995, p.29). In contrast, in the US, Germany, and Austria, a federation-wide majority is a majority in every federal unit (O'Leary et al., 2008, p.63).

Along with ethnofederalism, territorially concentrated minorities can have their own autonomous ethnic regions in non-federal states. This type of power devolution is called autonomy arrangement or, as Henry Hale (2004, p.168-9) calls it, partial ethno-federation. This kind of autonomy arrangement can be seen in the cases of Italy (South Tyrol), Finland (Alan Island) , Azerbaijan (Karabakh), Georgia (Abkhazia) and Nicaragua's agreement with the Miskito Indians.

However, there is a lot of scepticism around ethnofederalism. Its opponents often depend on non-democratic and socialist federations to draw their conclusions on the failure of ethnofederalism, particularly in the cases of the former Yugoslavia and the former Soviet Union. Roder (2009), for instance, argues that the devil is in the ethnofederalism design itself. For these opponents, ethno-federalism institutionalises and nests proto-nation-states within common states, creating the conditions for a subsequent nation-state crisis. Therefore, ethnofederalism is a recipe for the disintegration of the common state (Lake and Rothchild, 2005, Roeder, 2009, Watts, 1999, Brancati, 2006). In addition, it may contribute to an increase in conflict rather than the managements thereof (Nordlinger, 1972, Roeder, 2009). Instead, Roeder (2009) rather prefers territorial federalism - or as Anderson (2014) calls it, anti-ethnic federalism - which has no relation to ethnic boundaries or which deliberately seeks cut across them. Anti-ethnic federalism can be more vulnerable to exacerbating ethnic conflict than ethnofederalism when minority groups that demand ethnofederalism reject this type of federalism.

In contrast, the proponents of ethnofederalism argue that its failure to prevent ethnic violence or secession in mostly nondemocratic and socialist federal states does not mean that ethnofederalism in itself is to be blamed or generalised as the worst alternative for regulating ethnic conflict (Anderson, 2014, McGarry and O'Leary, 2009). Despite the historical record of the failure of ethnofederalism in aforementioned states, there are ethnofederalism, which have been relatively successful, such as in the cases of Canada, Switzerland, and Spain (Adeney, 2016). Hence, there are many conditions which contributed to the success of ethnofederalism, such as democratic experiences, the extent of ethnic

divisions/conflict and the timing of the implementation of ethnofederalism, whether before or after the conflict (Anderson, 2014, Adeney, 2016, Cederman et al., 2015). Consistent with this, Adeney (2016) argues that ethnofederalism does not necessarily create the sense of separateness. Instead, it can be a guarantor for the identity of the minority groups and their security. She (2007, p.19) opines that if ''the security of the ethnic group (as they define it) is promoted within a multi-nation state, the motivation to secede is diminished''.

Along with this, Kymlicka (1995, p.9) opined that ''self-government rights (ethnofederalism), on the other hand, do pose a serious threat to social unity, since they encourage the national minority to view itself as a separate people with inherent rights to govern themselves. However, denying self-government rights can also threaten social unity, by encouraging secession''. Anderson and Stansfield (2005) also assert that territorial federalism in territorially concentrated communities within deeply divided societies, which draws boundary lines to divide rather than unite communities in order to force communal coexistence, may exacerbate tensions, leading to further violence. The reason for this is that, in war-torn divided societies, tensions between communities are already high, dividing communities into federal subunits and creating communal tensions, not just at the national level but also at local levels in federal subunits. Ethnofederalism could be therefore the least bad option among others.

On this basis, they suggested the implementation of ethnofederalism for Iraqi case. For them, the five regions based on both population size, balance and homogeneity seemed to be the least bad option. The five-region model comprises the Basra Region (to include Basra, Nasiriya and Amara), the Kufa region (to include Karbala, Najaf, Kufa and Hilla), the Mosul Region (to include Mosul, Tikrit, Falluja and Rumadi), and the Greater Baghdad (to include Baquba), combined with the Kurdistan Region in the north (Anderson and Stansfield, 2005). According to this model, Shias would have three regions, with one each for the Sunnis and Kurds. This solution had been proposed before occurring two major sectarian war between Sunni and Shia communities in 2006-2008 and in 2014 (increasing insurgencies and ISIS), and could

have been a plausible solution at that time. Kaufmann (1996, p.137) and Anderson (2013, p.14) agree with the notion that In the aftermath of an ethnic civil war, for example, the creation of defensible "ethnic enclaves" may be the only way bring an end to violence and preclude ethnic cleansing. On this basis, the region of Greater Baghdad will be problematic, particularly because Sunnis, who are overwhelming majority in Baquba city, would become a minority within a Shia dominated region.

Federalism, whether ethnic or territorial federalism, may take different forms or have different levels of jurisdiction within a federal state. Asymmetrical federalism, for instance, for divided societies characterised by various cultural, religious and ethnic cleavages appears to be a mechanism for accommodation. Asymmetrical federalism more commonly refers to different powers in different units. In other words, federal-sub units do not have similar conditions or features (Tarlton, 1965, p.861). In this regard, federal-subunits and other forms of local government have a different degree of autonomy and power. The conditions that lead to asymmetrical federalism is that federal subunits have different socioeconomic and cultural differences (Burgess, 2006, p.215-16) which require having different powers for different units. Hence, asymmetry provides more flexibility in federations in order to increase the accommodation and tolerate differences (Burgess, 2006, p.222).

Both types of federalism - territorial and ethnic – are often suggested in combination with other mechanisms for divided societies. In this regard, Horowitz (1985, 1993, 2002) believes that accommodation and moderation can be achieved through a centripetal model which includes two elements: the electoral system (vote pooling) and administrative (or territorial) federalism. The Alternative Vote (AV) (Horowitz, 2003, p.122-3, 2007, p.1217) as a type of vote pooling formula [1] encourages elites to appeal for cross-ethnic vote pooling or support outside of their own ethnic groups in order to gain office. Furthermore, the AV gives incentives to the political elites to

[1] The AV allows the voters to choose more than one candidate in a single district in case their preferred candidate does not win.

bargain and negotiate in search of a cross-ethnic coalition. This motivates them to adopt a moderate policy.

The proponents of centripetalism agree on accommodation and moderation through preferential votes; however, they differ in the type of preferential vote designs. For instance, Reilly (2001) prefers the Single Transferable Vote STV to AV[1], taking into consideration the size, number and dispersion of ethnic groups. This form of election depends on multiple districts instead of one single district. The voters can choose as many candidates in the electoral list as they wish, according to their preferences. However, the purpose is the same, which is to encourage elites to adopt a moderate policy.

Centripetalism cannot be generalised as a solution for all divided societies. For instance, when a group consists of the absolute majority of the total population, a candidate who comes from the majority groups, particularly in the presidential elections, is less motivated to appeal for cross voting among other groups. Furthermore, different ethnic groups may not trade moderation for being excluded from the government, as occurred in the Fijian election in 1991. Native Fijians accused the labour party, which won the election as a result of pre-election cross-ethnic coalition, of governing in favour of Indian Fijians. A year later, some indigenous Fijians attacked the parliament and took the government hostage, demanding restoration of the rule of Fijians (Lal, 2002, p290-291, Reilly, 2002, p98, Lijphart, 2004, p98-99).

In contrast to centripetalism, consociational democracy focuses on the fact that living with the division is better than attempting to overcome it in deeply divided societies. Consociational democracy is often proposed for war-torn, divided societies that have undergone ethnic violence and civil war, such as Northern Ireland, Bosnia, Afghanistan, Lebanon and Iraq. Consociationists believe that majoritarian democracy does not suit those societies because the main ethnic groups are not ready to be excluded from the government. Furthermore, moderation through preferential votes is difficult to achieve in the short and mid-term period. Therefore, those societies require a special constitutional design.

[1] More detail in chapter 6.

Consociationists generally focus on four mechanisms: power sharing in governmental posts, power devolution (federalism or group autonomy), mutual veto and proportionality. Lijphart (1977) believes that consociational democracy can manage ethnic conflict in divided societies. Under consociational democracy, ideological, ethnic or religious groups are induced to cooperate rather than compete, particularly when none of the main groups has an absolute majority. His pattern of institutional design, which is inspired by the consociational model in Netherlands, is based on four mechanisms/elements. The first is the grand coalition/ power sharing in cabinet posts. Elites of different groups rule in the interests of society in a grand coalition as they realise the danger of plunging into social conflict. The second main element is segmental autonomy/ group autonomy which focuses on the cultural, religious and ethnic rights of minorities on the basis of personality rather than territory. This form may display a kind of functional autonomy that allows groups to have their own law based on their culture for issues such as separate personal laws on marriage and inheritance, separate school and university systems and separate public funded media (O'Leary et al., 2008). Thirdly, there is proportionality in the public institutions, and in the legislature, particularly through adopting a party-list system for elections. The final element is a mutual veto of proposed legislation; in this case, consensus is required. This protects all groups from the simple majority.

However, Lijphart, in his recent studies, moves from rigid consociation to a more open one, when he argues that consociation can be applied in a different way according to the different conditions of a divided society. In this regard, he (1995, p.277) believes that power sharing and power devolution (ethnically concentrated federalism or cultural autonomy) are two fundamental principles for consociation, while mutual veto and proportional representation are complementary elements.

Despite the fact that most consociationists agree with Lijphart on the two main elements of power sharing and power devolution, they differ concerning the mechanisms for achieving proportionality (electoral system), segmental autonomy and mutual veto. For instance, McGarry and O'Leary (2006) prefer the STV electoral system for achieving proportionality; this is due to the fact that increasing the independence of the candidates from political parties increases the connection between voters and representatives, which promotes cross-ethnic voting. This can

encourage moderate representatives to be elected by the votes of other ethnic groups. Furthermore, they propose territorial federalism in the case of ethnic groups that are geographically concentrated, particularly in the case of Iraq (O'Leary, 2005).

Hence, consociational democracy can be more flexible when it only incudes two main elements proportionality in the cabinet and power devolution (federalism). For instance, Cederman el al. (2015) argue that when ethno-federalism is implemented together with power sharing or the inclusion of ethnic groups in the central government, this contributes to stability and the reduction of ethnic conflict before the violence erupts. Despite not referring to the power sharing model, Katharine Adeney (2016) concludes from the case of India that ethno-federalism is more likely to work when ethnic groups have access to the central government.

The consociation model is not without criticism; indeed, two of the main criticisms involve concerns for stability and of the dangers of institutionalising the divisions in society. The consociational model is regarded as fragile and weak as consensus is difficult to achieve in divided societies. This leads to a rigid and ineffective government (Horowitz, 2007). Furthermore, consociation encourages the institutionalisation of ethnic divisions through a power-sharing cabinet, proportionality and mutual veto for ethnic groups (Horowitz, 1993, 2007, p.1221, Wilson and Wilford, 2003). Despite these criticisms, consociation for divided societies that have recently experienced civil war is more desirable, at least in the short and mid-term. Though it institutionalises the division, it contributes to reducing the possibility of exclusion and the reoccurrence of identity-based violence.

Iraqi consociational/power sharing model

The key elements proposed by Lijphart his recently amended model can be observed to some extent in the Iraqi consociational model. Firstly, the three elected government cabinets in 2005, 2006 and 2010 were based on a power-sharing cabinet which allocated cabinet posts among the main ethnic and sectarian groups (Shia, Kurd and Sunni). The proportion of major ethno-sectarian lists in the cabinet depended on their seat percentage in the parliament. Secondly, the constitution recognises federalism;

one province or more can form a region and has its own local government, constitution and legislative body. Thirdly, the electoral system is a party list, which can achieve proportionality in the legislative body. Furthermore, the constitution emphasises proportionality in the most important institution, which is the military and armed forces. The reason is that military institutions play an important role in Iraqi politics, as Horowitz (1985, p.443) believes that control of the military is a significant symbol of ethnic domination. Finally, the constitution was approved by a majority of the voters in 2005, overcoming the threshold for being rejected in three provinces [1]. Since the three main groups of Sunni, Shia and Kurd have a majority at least in three provinces, this is regarded as mutual veto. Hence, the Iraqi constitution contains the main elements of a consociational democracy.

The aforementioned literature on institutional designs, and particularly the consociational model, is helpful for the aim of this thesis. The SSD theory highlighted in the previous section is used to answer the how and why questions concerning the failure to establish a stable power-sharing democracy and then de-intensify and manage ethnic and sectarian conflict. Before illustrating the use of the theory, the question that arises concerns the main elements or characters of the failure of the Iraqi consociational model highlighted in this research. To answer this question requires identifying the main elements or characters of stability or consociation that Iraq failed to fulfil. The conditions for consolidation or stability can also be a road map for identifying where the Iraqi democratisation process stands.

2.3.3 Stable democracy (consolidation of democracy)

Since this thesis examines the role of ethnic and sectarian conflict and the failure to consolidate democracy, it is necessary to identify the main conditions for stable democracy in general, before identifying the presumed conditions for a stable Iraqi democracy. These conditions are akin to a roadmap, which is vital for us to assess the direction of the process of Iraqi democratisation.

[1] Iraqi institutional design is discussed in detail in chapter 5.

Democratic transition is achieved when it reaches the definition of democracy according to Dahl (1971), as mentioned in the introduction, which is free fair and competitive elections, freedom of expression and forming organisations, the availability of alternative sources of information, and institutions that make government policies depending on votes. Consolidation focuses on the *quality* of democracy, which includes institutional, cultural and social aspects. Linz and Stepan (1996b, p5) argue that consolidation occurs when democracy becomes ''the only game in town''. In general, their criteria for consolidation depend on the rule of law and the habituation to democratic culture by both the elites and masses. In this regard, they highlighted the concept of 'the only game in town' according to three aspects:

-Behaviourally: major elites commit in their political behaviour to the democratic game, do not attempt to create nondemocratic regimes (a breakdown of democracy) and avoid the use of violence to achieve political ends.

- Public opinion or attitude/ democratic culture: public opinion believes in democracy as the most appropriate way to govern collective life. In other words, the support for anti-democratic forces or choices is quite small or isolated. This is regarded as a democratic civic culture, which forms the basis for the consolidation of democracy.

-Constitutionally: when all forces (government and non-government) are subject to the rule of law and ***habituate*** to the resolution of conflict (Linz and Stepan, 1996a, p5)[1].

It can be seen that the above-mentioned view on consolidation links the rule of law and political behaviour of elites to the democratic culture of the masses. In this case, the consolidation of war-torn divided societies requires long-term period of uninterrupted democratic experience to reach a habituation phase. Stansfield and Anderson (2004, p.192) refer to this point that ''the likelihood that democratic norms and values will become embedded in the political culture of Iraq in anything short of decades is remote indeed''.

Diamond illustrates Linz's concept for consolidation by arguing that it is easier to recognise the phenomenon in its absence. In this sense, consolidation can be

[1] Linz and Stepan's concept of consolidation seems to be taken from Rustow's view on democratic transition when he focuses on stateness first, institutionalising conflict, committing to democratic rules and the habituation phase.

recognised through the signs of non-consolidation. It "includes rejection of the legitimacy of the democratic system ... willingness by political competitors to use force, fraud or other illegal means such as knocking on military barracks … to acquire power or influence policies … abuse of constitutional liberties and opposition rights by ruling elites'' (Diamond, 1999, p.67, 1997a, .p.xix).

Lijphart (1977, p.4) points out similar conditions particularly for a stable power-sharing democracy - which are the continuation of a democratic system without breakdown, low levels of civil violence, the degree of legitimacy and decisional effectiveness.

The main condition for the stable democracy mentioned by Lijphart and others, which is related to the Iraqi case directly, is a low level of civil violence. This condition is essential as most, if not all, war-torn divided societies have faced or still face the challenge of controlling identity-based violence, for example in the case of Iraq, Afghanistan and Lebanon.

Applying conditions of stability/ consolidation to the Iraqi power sharing democracy:

Before identifying the ideal conditions for a power sharing democracy based on the previous discussion on consolidation and stability, the question that emerges here is where the Iraqi democratisation process stands. As discussed in Chapter 1, according to most governmental and nongovernmental observers, Iraq's four national elections were relatively free, fair and competitive. However, according to Freedom House (2003-2014), which refers to the conditions of civil and political freedoms, Iraq is not free. The main reasons for this are sectarian and insurgent violence, widespread corruption, and the influence of foreign powers. Despite this, it is recognised that freedom of expression and religion, and the right to join associations and assemblies generally exist; however, these freedoms are violated because of sectarian violence and retribution.

The characteristics of stable democracy and consolidation mentioned by Linz, Stepan, Lijphart and Diamond highlight the main conditions for and characteristics of a stable democracy in Iraq. Since the Iraqi democratic experience follows a consociational model, which is a subsystem of democracy, the failure to establish a stable democracy

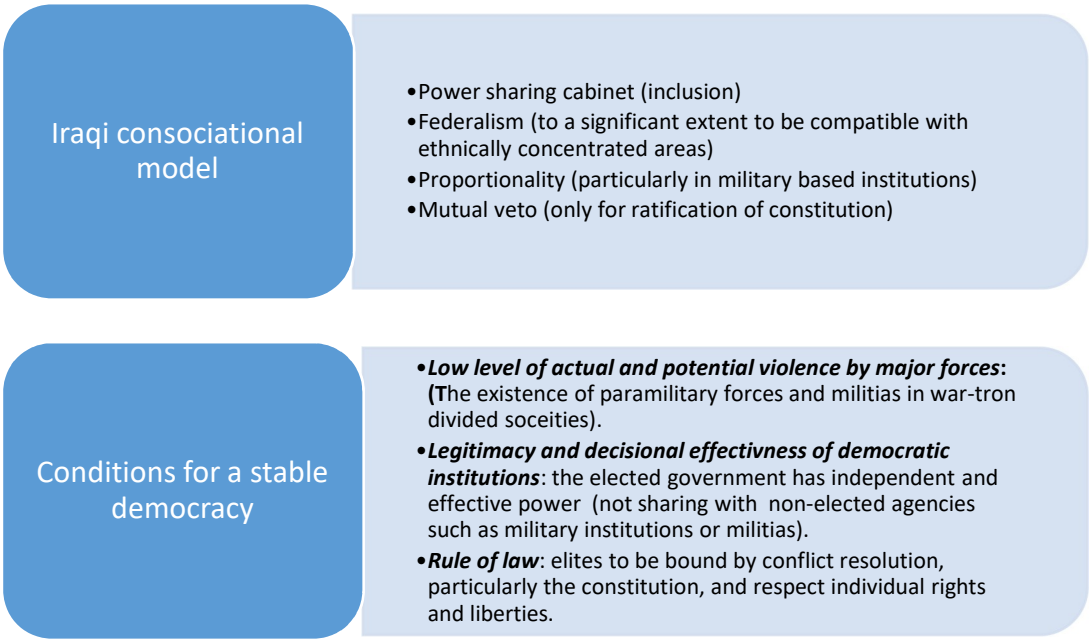
will be examined on the basis of the required conditions for the consociational model. In this regard, it is categorised into three levels. Level one represents free, fair and competitive elections and the freedom to form political organisations. Level two focuses on the main elements of the Iraqi consociational model, which are the power sharing cabinet (inclusion), ethnic federalism, proportionality within the public institutions – particularly the armed forces - and a mutual veto for the ratification of constitutional amendments[1]. Finally, level three focuses on the quality of power sharing, which includes the rule of law, low levels of identity based violence, the commitment of elites to democracy and the continuation of democracy without breakdown. [2]

In order to examine the failure of a stable power-sharing democracy in Iraq, this thesis focuses on the second and the third levels. This is because the second level is related to the Iraqi power sharing model and the third is related to the quality of the power sharing. Discussing these two levels, it will be possible to construct a conceptual model to examine how and why Iraqi democracy has failed to be stable and successful. Table 2.1 shows the main elements of the Iraqi consociational model and its conditions for stability. The fulfilment of the main elements of consociation is regarded as one of the conditions for stability in Iraq. At the same time, both basic democratic principles (free, fair and competitive elections) and elements of consociational democracy are regarded as part of the democratic transition phase for divided Iraqi society.

[1] Iraqi institutional design is examined in detail in Chapter 5.

[2] In this regard, the habituation phase, which requires the cultural transition of both masses and elites as a long-term aim, is separated from the conditions of stable power sharing. This is because this thesis examines only the period of 2003-2014. Hence, habituation, the culture of democratic experience, and the continuity of democracy for both elite and public opinion as a long long-term objective are not covered in the thesis. However, it is necessary to show the roadmap and the final process of democratisation, though the focus is mostly on the failure to reach and accomplish a stable power sharing democracy.

Table 2-1 conditions for the stability of Iraqi democracy



The aforementioned model, elements and conditions in Table 2.1 will be used as a roadmap to answer why and how Iraq has failed to reach these conditions. For further clarification, Table 2.2 highlights the conditions necessary for a stable consociational democracy in Iraq.

Table 2-2 conditions of Iraqi stable consociational democracy

Conditions and characteristics of stable Iraqi power sharing model	Their absence
Inclusion in the cabinet	Marginalisation, boycott and exclusion
Federalism (semi-independent regions with their own security and armed forces under the locally elected civil government) to balance central government	Centralisation and lack of multi-region (federal subunits)
Proportionality in the legislative body	Lack of ethno-sectarian representation
Proportionality in the national armed forces and military institutions	Mono-ethnic control over the military institutions and lack of proportionality

Controlling or tolerating low level of ethnically based violence	Increasing violence, militias and paramilitary groups that trigger the violence
Legitimate and effective independent institutions	Weak institutions that share unelected bodies in their decisions, particularly religious, tribal and militia based entities in the state-institutions and their decisions
The rule of law at both elite and mass levels; elites commit to the constitution and the rule of law in their conflict and do not resort to nondemocratic means. At the mass level, the state-institutions respect individuals without discrimination on the basis of identity.	Violating individual rights and liberties, impeaching the constitution, using nondemocratic means in conflict between elites, such as using military institutions, militias and misusing judiciary systems in political disputes against rivals.

Conclusion

The societal security dilemma from constructivist point of view is an appropriate theory to analyse the failure to establish a stable consociational democracy, taking into consideration three aspects. Firstly, it emphasises that ethnic division is likely when a feeling of grievance, fear and distrust prevails. Secondly, it focuses on the role of elites in explaining identity-based conflict. Finally, the power vacuum or the weakness of institutions provides an explanation for ethnic conflict. Under such circumstances, communities fear for their security; where any step by a certain community to increase its security is interpreted by the rival community/communities as a threat.

Based on these elements, this theory is ideal for examining Iraqi democratisation in the case of ethno-sectarianism for three reasons. Firstly, Iraq is a divided society along ethnic and sectarian lines (Kurdish, Sunni and Shia). Secondly, Iraqi elites play a significant role in both ethnic conflict and democratisation. Thirdly, Iraq has been through the experience of institutional collapse since the regime's demise in 2003 at the hands of coalition forces. Above all, fear, distrust, and long-standing grievance exist between communities. All these provide plausible causes to use the theory to examine Iraqi power sharing democracy.

3 Identity conflict in Iraqi modern history 1921-2003

This chapter discusses the historical background of the former Iraqi regimes' responses to ethnic and sectarian differences and how these responses increased fear and distrust between groups, which consequently led to the failure to integrate or accommodate them. It also serves a broader function in analysing modern ethno-sectarianism in Iraq, particularly post-2003 ethnic and sectarian tension.

In this regard, section one briefly looks back upon the nature of the identity division in Iraq, which is the Sunni-Shia division (sectarian division), and the Kurdish-Arab division (ethnic division). Section two discusses the formation of Iraq as a modern state under the British Empire between 1919 and 1921, and during the monarchical regime of 1921-1958. Sections three analyse the failure of national integration and the intensification of ethno-sectarian conflict during the Republican regimes, particularly the Baath regime. The main question in this chapter is why and how Iraq has failed to promote the feeling of collective national identity and to accommodate different groups. The main argument is that the former regimes failed to adopt accommodationist policies that could meet the ethnic and sectarian demands of identity groups. In this regard, the efforts by previous regimes to create a collective/national identity not only failed but also exacerbated the situation and led to the conditions for revitalising identity politics.

3.1 The nature of Iraqi identity-based differences

It is essential to briefly highlight the nature of ethno-sectarian differences in Iraq in order to understand the ongoing conflict between and insecurity among communities. These differences can be divided into two main groups: the Shia-Sunni division (sectarianism) and the Kurdish-Arab division (ethnic-nationalism).

1. Shia-Sunni divisions

Shi'ism, as the second largest sect in Islam, started politically (resulting from a dispute concerning who has the right to be the Prophet's successor) before becoming a religious sect of its own with a set of beliefs that differed from the mainstream Sunni Islam. When the third leader of the Islamic Caliphate, Othman, was murdered, people chose Ali to be his successor (Al-Shak'ha, 1991, p171). However, Muawia the ruler (Wali) of Levant rejected him as a legitimate caliph and demanded revenge for Othman, which resulted in civil war between both sides.

After the assassination of Ali, his rival Muawia became caliph. To face the threat of Ali's followers, Muawia appointed his son Yazid to be the caliph after his death. Ali's son Hussein refused the legitimacy of Yazid. The proponents of his father Ali in Kufa supported Hussein to be their caliph. On his way to Kufa, Hussein was killed in a battle near Karbala. From this point, Shi'ism shifted from a political rebellion to a sect with its own religious and ritual practices.

As far as ethnic and sectarian divisions are concerned in this thesis, it is necessary to emphasise the main features of Shi'ism. The martyrdom of Hussein became one of the main symbols framing the process of formulation of their beliefs and rituals. In reaction to this event, the main Shia beliefs involve two elements - grievance and revenge. Grievance and mourning over Hussein and his descendants, as well as the oppression their followers had to face, was a strong impulse for mobilisation and solidarity within the Shia community. Consequently, this shared feeling of injustice contributed to the growth of their community. The rituals based on this event,

particularly Ashura[1], are some of the most significant symbolisms keeping the inner cohesion of the Shia community alive.

However, the second aspect ensuing from Hussein's murder which should be emphasised is revenge. More specifically, revenge for murdering their sacred Imam constitutes another side of all permeating grievances. This can be noticed in the example of Shia's religious rituals and mottos, such as ''revengers of Hussein'' (Al-Majlisi, 1430b, p 44/286, 1430a, 52/308). Sunnis, who are called Nasibi (false caliphate makers that supported Abu-Bakr, the first caliph) by Shia radicals (Hurr, 1692, p219-220, Al-Zahrani, 2009, p73-85), are often the target of this revenge. Shia extremists view the Sunnis as followers of Muawia and Yazid. This religious hatred, as mentioned, was further enhanced by the political oppression of Shias at various stages of history particularly by the Umayyad caliphate 661-750 and Ottoman Empire 1299-1922.

2. Kurds

Having discussed the origins and key aspects of the sectarian divide between Sunnis and Shias, presenting essential information about Kurds is important to understand the ethnic division in Iraq between Kurds and Arabs.

It needs to be emphasised that Kurds are ethnically and culturally different from Arabs in many aspects. Firstly, they speak Kurdish, one of the Indo-European languages (Marr, 2012, p16) as opposed to Arabic which is a Semitic language. Secondly, lands traditionally inhabited by Kurds were historically a part of the Persian Empire prior to the arrival of Islam. With the rise of Islam during the caliphate of Umar (634-644), Kurds and their homeland became a part of a state ruled by Muslim Arabs. This rule over Kurds continued during the Umayyad and Abbasid caliphates. At the beginning of the sixteenth century (after the battle of Chalderan in 1514), Kurdish areas were divided between two empires - Ottoman (Turkish) and Safavid (Persian). In both empires, Kurds had their own semi-independent emirates with a certain degree of autonomy in return for paying taxes (Kirmanc, 2013). However, the centralisation

[1] Ashura is the remembrance day of murdering Hussein and other members of his family in a battle near Karbala. Millions of Shia participate in this event and make a pilgrimage to their shrines in Karbala and Najaf.

policies dictated by the Ottoman Empire in the first part of the nineteenth century ended the self-governance of these emirates (Kirmaj, 2010). Under the Ottoman Empire, Iraqi Kurds resided in Vilayet Mosul (which included Mosul, Erbil, Duhok, Sulaimaniya and Kirkuk cities). After the British invasion, Vilayet Mosul was de facto integrated into the newly born state of Iraq in 1921.

3.2 The creation of Iraq and the monarchy of 1921-1958

This section discusses the ethno-sectarian division during and after the creation of Iraq. It also discusses the monarchy's response to this division and its attempt to integrate various groups into Iraqi national identity. This legacy is important for understanding ethno-sectarian divides today, particularly since Iraq - as a newborn, modern state created in the aftermath of the collapsing Ottoman Empire in the First World War - faced ethnic and sectarian challenges.

3.2.1 The creation of Iraq 1918-1921

Some authors (Al-Yasiri, 1966, p11-12, Al-Muthafar, 1972, .p1-3, Haddad, 2011, Cited in: Kirmaj, 2010) believe that the notion of Iraq as a collective identity among the Iraqi people existed even before the formation of an independent state in 1921. This view mainly is dependent on the fact that the name of Iraq, which refers to larger geographical areas including modern Iraq, was circulated tens of centuries before the formation of the Iraqi state. However, in this geographical area, different ethnic groups and nations settled, namely Arab, Kurd, Persian, Assyrian and Turk. It also depended on raising nationalist discourse among some Shias and Sunnis before and after The First World War, when they shared the discourse of national identity and demanded a homeland for Arabs in Iraq. In this regard, some Shia elites, for instance, wrote to the British that they wanted one of the sons of the sheriff of Mecca to be the head of the Iraqi state, despite the fact that he was a Sunni (Cited in: Al-wardi, 1977).

In spite of the notion of brotherhood and the discourse of civic and national identity among some Sunni and Shia elites, ethnic, sectarian and tribal identities were strong. For instance, Anderson, Stansfield (2004), Terrill (2003), Jabar (2003) and Awardi

(1969) argue that Iraq was a fragile, artificial nation formed (involuntarily) from different ethnic, sectarian, religious and tribal communities. Prior to the British invasion of Iraq in 1914-1918, no modern form of collective national identity had existed in Iraq. The structure of society was based on the agricultural (Bedouin) society, with weak semi-autonomous cities lacking civil society or national cultural homogeneity. Various social, cultural and political loyalties existed, focusing either on fractional and segmented lines of the city, tribe, clan or ethnic and sectarian communities, or being informed by ideologies going beyond the national community (such as pan-Arabism or pan-Islamism) (Abd Al-Jabbār, 2003, Al-wardi, 1977, p18, Dodge, 2003, p63-66). These divisions have always presented serious challenges to the succeeded regimes to manage, as Stansfield and Anderson (2004, p.188) opined that Iraq has always been a difficult country to govern.

Even Islam, as a shared religion of the majority of Iraqis, was a divisive force rather than one supporting the integration of different groups within Iraq, insofar as Shia and Sunni Arabs rarely mixed together socially (Batatu, 1978, p.36, O'Leary et al., 2005, p62). For instance, the number of intermarriages between the two groups was very low. Furthermore, both groups tended to live in different districts, even within the same cities (Batatu, 1978, p36). Tripp (2007) agrees with the above-mentioned view; however, he argues that the tribal identity was stronger than the sectarian and ethnic identity during the creation of Iraq. In this regard, he opined that ''It [the tribal identity] has not only been used for political purposes and by various regimes but it has been transformed differently in different regimes''.

In this regard, a significant incident occurred in 1920 under the British occupation: mainly Shia tribes rebelled against the British army from areas of the central Euphrates; this is called the 20th Revolution. At the beginning of 1920, a series of mass meetings took place to denounce the mandate, gathering by turn in Shia and Sunni mosques where increasing numbers of Baghdadis attended, providing a symbol of co-cooperation between members of both sects in the cause of Iraqi independence. In these meetings, numbers came to listen to nationalist poems (Tripp, 2007, p.41). However, the effect of this Sunni-Shia cooperation was that Baghdad was less harmonious, particularly after the 20th Revolution. Despite the fact that nationalists

had a role during the revolution in driving the British to sign a treaty with Iraq instead of attempting to administer the country under the terms of the Mandate (Dodge, 2003, p.22), the tribal and sectarian identity remained strong; none of the Kurdish, Shia and Sunni was a single political community. The division existed not only between communities but within the same ethnic and sectarian groups (Tripp, 2007).

Despite some rhetoric of patriotism and brotherhood between Shias and Sunnis during the revolution, which led some researchers to label it as a patriotic revolution (Al-Hussini, 1972, p87, Al-Yasiri, 1966, p11-12), one of the main stimuli for the 20th Revolution was tribalism (Al-Wardii, 1969, p42, Tripp, 2007). For the first time, the tribes saw that the new order and the newly imposed tax system were different from the old ones and threatened their tribal traditions. In addition, for the first time, urban people (mainly Shias) united themselves with the tribal forces. At the same time, the religious authorities in Najaf and Karbala framed the uprising as a Jihad against non-Muslim governors (British) (Al-wardi, 1977, p14-36, 103-104, Al-Hussini, 1972, p87, Dodge, 2003, p68).

In contrast, the prominent Sunnis, particularly nationalists and the heads of tribes did not noticeably participate in the revolt against the British administration. To some extent, this can be explained by the notion that they feared handing power to Shias (Haidar, 1997, p175, Al-wardi, 1992, p22-23). Sunnis saw the presence of the British as a platform from which they could rise to power in the newly-born state (Al-Nifesee, 1973, p198); this was particularly true of the Sunni middle classes and nationalists, who were already in the Ottoman institutions and were thus more qualified for the British to depend on in terms of their skills in the process of nation building. Despite the lack of politicisation of sectarian differences during the uprising, the division between both groups was clear regarding participation in the revolution.

The Kurds in the north also revolted against the British. However, unlike the Shias, the aim of the revolt was different. From the time of the British arrival, the Kurds demanded self-governing rights and their own independent state. Sheikh Mahmood rebelled in Sulaimaniya city against the British army before the 20th Revolution and later demanded that he be installed as the king of Kurdistan (Mustafa, 2013). These

examples show that Iraq was a divided society along tribal, ethnic and religious lines and there was no unity of political purposes. Different groups had different agendas.

Since this thesis depends on the SSD theory from a constructivist point of view, in which individuals can have multiple identities, a point can be highlighted regarding the collective identity (national or civic identity). Firstly, the existence of deep ethnic and tribal divisions does not mean that there was no sense of collective identity at all among Iraqis, particularly Shia and Sunni Arabs during and after the formation of Iraq. Indeed, strong sectarian, tribal and ethnic identities existed besides some sense of national identity. In this regard, Dodge (2005, p.2) argues that Iraqi political discourse has been strongly shaped by the twin ideological influences of Islam and nationalism: first Arab nationalism, but increasingly Iraqi nationalism since independence. The sense of Arab nationalism over the Shiism within some Shias also existed with the hope of bridging the gap with the Sunni Arabs (Tripp, 2007, p.3).

Furthermore, as argued before, during the 20th Revolution, the discourse of Iraqiness and patriotism (Wataniya) increased, not only among the rebels but also within the communities. However, the revolution remained highly supported by the Shia communities. Despite the Sunni elites, some of whom were former Ottoman officers, nationalists did not participate in the 20th Revolution. Hence, strong tribal and sectarian identities existed along with some sense of national identity, which affected the outcome of the revolution.

Secondly, this identity division does not mean primordialising violence or ethnic conflict. Despite this deep division, the main groups did not experience mass identity violence at the societal level before and after the creation of Iraq; as mentioned previously, the main groups kept their distinctive identity borders in relation to other groups. The identity conflict increased in relation to power after the creation of Iraq and its emerging political parties.

3.2.2 The monarchical regime and the process of national integration 1921-1958

After the Cairo conference in 1920, the British promised to pass their governance to one of the sons of the sheriff of Mecca (Hunt, 2005, p64). Faisal Hussein, a Sunni Arab and a noble descendant of Hejaz (Saudi Arabia) was named King in 1921. As mentioned previously, the nucleus of this new-born state ruler was governed mostly by the ex-Ottoman officers and middle class Sunnis.

However, questions arise here concerning the response of the government towards recognising sectarian differences in religious practice and concerning the response of the state to accommodating the Shia community in government posts.

Regarding freedom of religious practice, there is no official record indicating that the monarchical regime prevented or banned Shia religious practices. On the contrary, the constitution of 1925 recognised the free religious practice of all sectarian and religious groups (Article 13). Moreover, the constitution allowed the sectarian and religious courts and councils to regulate their personal status (marriage, divorce, separation, marital, alimony, endorsement, heritage and wills) (Articles 75-80 and 112). Furthermore, the government facilitated religious practice; for instance, the King himself and his representatives participated in Ashura to improve relations between sects and with the government (Al-wardi, 1992, pp.90,93,128). In brief, it can be said that the state adopted a policy of accommodation, particularly multiculturalism (a Polyethnic policy), towards religious and sectarian differences.

On the other hand, the representation of Shias in the government was low. In the early stages of the monarchy, the social conditions for the Shia community, to some extent, played a role in their underrepresentation during the creation of Iraq. The Shia Marjahs, who represented the top authority within their community, were not interested in participating or encouraging their community to join the new government in 1921. For instance, in order to form an inclusive national cabinet under his leadership, the King asked the Shia Marjahs to support and assist him in the process of forming the cabinet. However, the Shia Marjahs rejected this invitation to encourage their community to participate in the government (Al-wardi, 1992, p121-125). Moreover, some Shia clerics were against working in government offices and

discouraged entry to state schools, which provided education often crucial for working in different institutions, branding them non-Islamic (Al-Wardī, 1966, p344-348).

The underrepresentation of the Shia community gradually caused the growth of what can be called self-consciousness within the Shia community regarding their sectarian identity and their political position. In other words, the deep division extended from the cultural and social spheres to politics. For instance, there was a saying among Shias: ''taxes on Shias and positions for Sunnis'' (Batatu, 1995, p44), which means that Sunnis govern while the Shias are governed, or Sunnis have the advantages of state posts while Shias have to pay the Sunni-dominated government. This shows that the feeling of marginalisation and underrepresentation existed among the Shia community towards the ruling Sunnis.

However, this does not mean that the entire Shia community boycotted the government, as Shias were not a single political community. During this period, two political parties - Nahdha and Wataniya, which were dominated by Shia members - had patriotic agendas. For instance, both parties were in protest against the treaty between the British and the Iraqi government as the treaty in June 1922 gave overwhelming power to the British. Moreover, Sunnis - including King Faisal himself - were not in favour of the treaty (Tripp, 2007, p.51-2). Despite sharing patriotic views, it was not intended that the ethnic and sectarian divisions diminished. According to the SSD theory from a constructivist point of view, individuals can have multiple identities at the same time, for instance, being Shia and patriotic/Iraqi, being Sunni and Kurdish or being Sunni (sectarian) and Pan-Arabic (ethnic).

Despite the fact that King Feisal acknowledged the underrepresentation of the Shias and Kurds in a report in 1932 (Abdul-Razaq, 2010, p.18-19) and attempted to increase their presence in the cabinet, these efforts did not create a balance, nor did they satisfy the Shias. This to some extent can be attributed to the fact that the King was not the only player. Most of the government posts were run by Sunnis who did not share the same understanding (Al-Azari, pp.21-41, Abdul-Razaq, 2010, p.32). Three years later, during King Gazi's reign, some Shia tribes and intellectuals signed a charter setting out their demands. Some of these demands concerned the fair representation

of Shias in the new cabinet and proportionality in assigning religious Shia scholars to courts (Hussini, 1937, p.101-4).

As shown in Table 3.1, the percentage of Shias in governmental posts was still not representative. Indeed, in the five different periods of governance, Shias were underrepresented according to their population size, as shown in Table 3.2.

Table 3-1 The total number of ministerial posts for Shias in monarchical stages 1921-1958

Period	Total number of ministerial posts	Number of Shia posts	Percentage
Mandate period: 1921-1932	113	20	17.7
1932-1936	57	9	15.8
Coup d'état periods 1936-1941	65	18	27.7
Second British occupation 1941-1946	89	25	28.1
1947-1958	251	87	34.7
Total	575	159	27.7

Source: (Batatu, 1995, p.69)

Table 3-2 The estimated percentage of ethnic, sectarian and religious groups in the Iraqi population for 1947

Shia Arabs	*Sunni Arabs*	*Sunni Kurds*	*Faili Kurdish*	*Yezidi Shabak*	*Sunni Turkmen*	*Shia Turkmen*	*Jewish*	*Christian*	*Sabiya*
51.4	*19.7*	*18.4*	*0.6*	*0.8*	*1.1*	*0.9*	*2.6*	*3.1*	*0.2*

1. *Yezidis are Kurdish; however, they differ from Muslim Kurds in terms of religion.*
2. *Faili Kurds are Shia who mostly live in the towns of Mandali, Badr and Jasan in Wasit and Diyalah province*

Source: (Batatu, 1995, p.60)

However, the above table only shows the percentage of Shias in different government cabinets. As shown in Table 3.3, Marr gives more detail concerning the percentages of

all ethnic and sectarian groups in governmental posts and categorises them according to ministerial sovereign posts and normal ministerial posts.

Table 3-3 The percentage of ethnic and sectarian groups in ministerial posts between 1948-1958

Monarchy regime 1948-1958	Arab Sunni	Arab Shia	Kurd/Turkmen	Others unknown 1	Total
upper level 2	24 (61%)	8 (21%)	6 (15%)	1 (3%)	39
Lower level 3	17 (31%)	23 (43%)	12(22%)	2 (4%)	54
Both levels	41 (44%)	31 (33%)	18 (19%)	3 (3%)	93

1-includes Christians

2- Includes the regent, prime ministers, deputy prime ministers, and the ministers of interior, defense, finance, and foreign affairs.

3-Includes all other ministers.

Source: (Marr, 2012, p.382)

Despite the underrepresentation of the Shia community, the monarchic regime in Iraq was a relatively democratic system in terms of individual rights, elections and the freedom of forming political parties (Dawisha, 2005). This relative freedom was helpful to some extent in decreasing the feeling of grievance, particularly in social arenas where Shias freely practiced their collective rituals, such as Ashura and Arba'iniya. However, during the entire monarchic era, the Shias did not establish a religion based party, despite their relative freedom of forming such parties. The first Shia religion based party was established in 1959 during the Republican regime (Al-Khayoon, 2010, p.156).

However, although not all parties were religious ones, sectarian division increasingly corresponded with political affiliation within other parties. For instance, in the later stage of the monarchic period, when political parties were expanding, the Iraqi communist party was very active in Shia provinces (most of their members being Shias), followed by the Kurdish areas. In contrast, the Istiqlal party was dominated by Sunnis, having been established in the Sunni-dominated city of Mosul. Similarly, the

Baath party was dominated by Sunnis (Kirmaj, 2010, p102-103). Both the latter parties were Pan-Arabic nationalists, which were dominated by Sunnis.

In brief, the monarchy was tolerant of sectarian differences and adopted a multiculturalist response. However, it failed to integrate the Shias sufficiently into the political process and institutions. Thus, the regime was still dominated by the Sunnis.

3.2.3 Kurds during the British occupation and the monarchical regime

The monarchical constitution did not mention the Kurds as an ethnic group; instead, it generally referred to ethnic, sectarian, and religious differences. Furthermore, although the constitution did not refer to any sort of federalism or self-governing rights for the national minorities, including the Kurds, it adopted a multiculturalist response towards ethnic and language differences and allowed minorities to be educated in their mother tongue. However, this recognition translated into practical policy only in a few places. Furthermore, the regime did not allow the publishing of any newspaper in the Kurdish language (Barzani, 1997b, p.17).

As Kymlicka argues (1995, p.14-28), Polyethnic rights (recognition of culture, tradition and customs) are not enough for the so-called national minorities who often seek federalism within a state. Hence, the de jure recognition of ethnic and language differences did not satisfy the Kurds as a national minority.

The process of incorporating Kurds into Iraq was involuntary and against their will (Anderson and Stansfield, 2004, 23-24). The vilayet of Mosul (which was dominated by Kurds) was a territory disputed by Iraq and Turkey. The League of Nations, under British influence, recommended the annexation of the vilayet to Iraq in 1925 with the condition of self-governing rights for Kurds (McDowall, 2004, p143-146).

Sheikh Mahmoud demanded statehood for the Kurds, with him being appointed as the king of the state in 1919 and 1923. Since the British administration in Iraq had rejected their demands, they rebelled against the British forces. During the period of revolution, many Kurdish newspapers were published (Mazhar, 2001, p.38-40, Mustafa, 2013, p158-159, Lukitz, 1995, p34), in places outside of British and Iraqi

government control, promoting the notion of statehood. However, the rebellion failed and the Sheikh was expatriated to India. In the 1930s, he revolted again against the British and Iraqi army. This second uprising also failed (Mustafa, 2013, p46-48). Yet, the Kurdish struggle did not stop at this point; rather, it was continued by Sheikh Abdul-Salam Barzani, Sheikh Ahmad Barzani and then Mustafa Barzani, the head of the Kurdistan Democratic Party (KDP) from 1946 (see: Barzani, 1997a). The main motto of the KDP was democracy for Iraq and autonomy for Kurdistan.

It is of note that, just as the Shias boycotted the process of state building, the Kurds revolted against this process during the entire modern history of Iraq demanding, self-governing rights as an ethnic minority. However, the monarchy failed to grant them self-governing rights. In both cases, the monarchy failed to satisfy both communities and integrate them by creating a strong sense of Iraq based on pluralism among communities.

3.3 Republic regimes and identity-based conflict

3.3.1 Military regimes 1958-1968

In the late 1950s, political life took another direction. Prime Minister Nuri Al-Saeed, who had real power, banned political parties (Kirmanc, 2013). By 1958, the opposition against the monarchy reached its peak; Free Officers, led by Abdul Karim Qasim and Abdul-Salam Arif in the so-called 17th of July revolution, overthrew the monarchy and Qasim became the prime minister (Mardan, 1989, Sluglett and Peter, 2001, p.49-50).

One of the main features of the post-monarchy era was an ideological conflict between political factions (Nasserite[1], Baathist, Communism and patriotism). Along these political and ideological lines, Sunnis and Shias were clearly divided (Wimmer, 2003, Kirmaj, 2010). Therefore, this conflict can be characterised by the presence of identity division behind the ideological lines of political factions. In this regard, soon

[1] Nasserite is a Pan-Arabic nationalist movement supporting the unification of Iraq with Syria and Egypt and led by the late president of Egypt Jamal Abdul Nasser. The name of Nasserite came from the president of Egypt Abdul-Nasir

after the coup, tensions rose between Abdul-Salam and Qasim[1]. Qasim came from a mixed background; his father was a Sunni Arab, while his mother was a Shia (Tripp, 2007, p.146). Qasim focused on patriotism (Wataniya or Iraq first) (Davis, 2005, p116-117, Hunt, 2005, p.80). His supporters came largely from the Shia community and the Iraqi Communist Party, or ICP (Mardan, 1989, p34). In contrast, Abdul-Salam, who was a Pan-Arabic Nasserite, favoured the unification of Iraq with Egypt and Syria (Hunt, 2005, p79-80, Marr, 2012, p88).

Between both sides, the Baathists, who were widely present in the political arenas, supported the unification of all Arab nations; however, they did not recognise Abdul-Nasir, the president of Egypt, to be an example worthy of following. This was the point on which they disagreed with Abdul-Salam. The other aspect of the dispute between Qasim and Abdul-Salam was the struggle for supreme power and a clash of personality (Sluglett and Peter, 2001, p52).

The Kurds did not oppose the idea of the federation of Arab states, as long as the Kurdish nation would be recognised as a member of the federation (Barzani, 1997b, p.86, Marr, 2012, p119). During Qasim's reign, the gap between him and the Arab-Nationalists, particularly the Baath party, widened (Mardan, 1989, 49-52, Marr, 2012, p88-89). He banned the Baath party and closed its newspaper. As a result, many Sunni cities protested against Qasim and his policy of excluding Pan-Arab nationalists (Qawmiyun) from high ranking posts. In Mosul, the protest was violently crushed with the support of the ICP and Qasim executed its leaders (Mardan, 1989, p76, 89-90, Marr, 2012, p91-92). This deepened the hatred that the Sunni community and its political parties felt towards Qasim and the ICP (which was supported mostly by Shias).

Similarly, under his regime, relations between him and the Kurdish leadership deteriorated. In 1961, Qasim banned the KDP, closed down its newspaper (Khabat) and imprisoned KDP members (Barzani, 2002, p23). These steps increased Kurdish

[1] Qasim came from a mixed family; his mother was a Shia Kurd and his father was a Sunni Arab.

suspicion of the centre and the so-called September Revolution erupted in 1961 against Qasim.

In 1963, Abdul-Salam (a Nasserite) removed Qasim in a coup with the help of Baath members and executed him. Hassan Bakr, the head of the Baath party, became the vice president. Both the Baathists and the Nasserites, who were pan-Arabic nationalists, took revenge against the ICP members who had allied with Qasim and participated in crushing the pan-Arabic protest in Mosul (Ismael, 2008, p106-108). However, the dispute over power between Baathists and Abdul-Salam forced him to remove Baath members from the government. After the death of Salam in 1966, his brother Abdul-Rahman came to power. Abdul-Rahman tried to solve the Kurdish case by negotiating with the Kurdish leadership. However, his efforts were thwarted by the Baathist coup removing him from power in 1968.

In brief, during a decade of political instability and a coup d'état, the sectarian division expressed itself ideologically through Pan-Arabism and Iraqism. In contrast to the sectarian conflict, the ethnic division was more explicit, with Kurdish political parties demanding ethnic rights through armed struggle.

3.3.2 The Baath rule and identity conflict 1968-2003

After the 17th of July coup in 1968, Ahmad Hassan Al-Bakr became the president and Saddam Hussein became his vice president. The Baath party's leadership and the Revolutionary Command Council (RCC) were dominated by people from Tikrit, the city where Saddam and Al-Bakr were born (Hunt, 2005, p84). In the very first stage of their rule, they eliminated potential opposition inside and outside the party (Makiya, 1990, p 108-109). The regime tried to oppress any element that might potentially pose a danger to the regime. By banning political opposition, the Baath party had taken a step towards one party rule.

When Saddam came to power in 1979, he became the president and the head of the RCC. Under his realm, Baath became the rule of one person in the process of so-called 'Saddamisation' (Kirmanc, 2013, Makiya, 1990, p195, Anderson and Stansfield, 2004, p.58-60). Thus, the process of eliminating all potential opposition within the party

commenced (Marr, 2012, p176-177). The act of terrorising any opposition reached such a degree that Iraq was called the Republic of Fear (Makiya, 1990).

At the same time, the Baathification/ Saddamisation of the state institutions, particularly the political, military and security ones, intensified (Sluglett and Peter, 2001, p186). In 1980, the regime stated that the army had become an ideological force (referred to as a Baath army) (Kirmaj, 2010). Both the media and the education system promoted the Baath ideology and the opportunity of employment in the education sector and other college posts was granted solely to Baath members (Kirmaj, 2010, p151, Makiya, 1990, p184-185, Marr, 2012, p149).

Clientelism, or narrowing the circle of trust within high posts, was another form of Saddamisation of the party and state (Dawisha, 2009, p236, Marr, 2012, p.150). This process was more explicit after the Shia and Kurdish uprisings in 1991. From that point onward, Saddam limited his inner circle to the members of his family. This brief introduction to one of the most despotic regimes is useful in order to examine its exploitation/response to ethnic and sectarian differences.

The policy of Baath towards sectarian identity

To examine the response of the Baath regime to sectarian division, three issues must be considered: the discourse of the Baath regime, the outcome or de facto policy, and the changes to its policy over time.

After scrutiny of the Iraqi constitution and the discourse of Saddam as the head of the Baath regime, it is evident that nearly nothing officially and explicitly refers to promoting Sunnism over Shi'ism as a religion, denying Shia identity as a community, or trying to assimilate Shi'ism into Sunnism. Instead, the interim constitution of 1970 promoted Arab nationalism, regardless of sectarian affiliation, as it defined Iraq as part of the Arab nation (Umma). Thus, the motto of the party from its establishment was "one Arab nation, the beholder of one message".

The interim constitutions of 1968 and 1970 emphasised the equality of citizens regardless of gender, race, language and religion (Articles 21 and 19 respectively).

Furthermore, the constitution of 1970 emphasised that ''freedom of religions and beliefs and religious practices is guaranteed'' (Article 25). However, the constitutional draft of 1991 clearly emphasised the principle of secularism: "political parties, associations and clubs which are based on politicising religion, or atheism, sectarianism, or racial bases…or intended to isolate Iraq from its natural allegiance to the Arab nation, shall be banned'' (Article 58).

The rejection of sectarianism in the political arena was not only stipulated in the constitution, but was also reiterated in Saddam's discourse. In an RCC meeting, Saddam stated that "some of the Iraqi people follow Shafi'i (Sunni) and more follow Jafari (Shia); if anyone tries to politicise either of them, we will hit them on the nose and tell them 'do not cross this line'" (Saddam, 2011). Furthermore, he stated that ''any politicisation of religion would receive a stern punishment under the iron fist of revolution''(Cited in: Abd Al-Jabbār, 2003, p.214). It is evident that the official discourse of the regime rejected the politicisation of sectarianism or religion. However, a question arises here about why the Shias were oppressed if the regime treated them equally. The answer requires transcending the official discourse and constitutional articles to examine the de facto policy towards sectarian differences.

The de facto policy towards sectarianism and its outcome:

To examine the Baath policy towards the Shia majority, two correlated issues must be investigated: firstly, Baath's response towards the recognition of Shias as an identity group and their religious practices, and secondly its response to accommodating them in the political process.

Some Shia Islamists and researchers argue that the Baath was a sectarian-based regime (Hussein, 2011, Cited in: Allawi, 2009, p35). This view intensified after the Sha'baniya Uprising against the regime in southern Shia-dominated cities after the defeat of the Iraqi army in Kuwait by the international coalition in 1991. The uprising was severely crushed by the Republican Guards (RG), which mostly consisted of Sunnis.

Another reason for this viewpoint is the regime's oppression of Shia public figures, particularly clerics, and the setting of restrictions or monitoring of Shia rituals, namely Ashura and Arba'iniya[1]. The Safar Upheaval in 1977 is an example of turning Arba'iniya into a mass protest against the regime (Abd Al-Jabbār, 2003, p209). Before the upheaval, the regime had taken harsh measures against the Shia religious classes, targeting their autonomous financial sources; for instance, contributions to the Shia shrines were put under government control. Previously, Shia Marjahs and clerics had autonomously managed financial sources from donations by pilgrims to Shia shrines (Abd Al-Jabbār, 2003, p.214-5). The Shia pilgrims assisted the Dawa party and clerics, and the organisers of Arba'iniya in defying the restrictions[2]. The pilgrims chanted anti-regime slogans such as ''Saddam take your hands off; neither our army nor our people want you'' (Abd Al-Jabbār, 2003, p213). In response, the regime crushed the demonstration and sentenced many clerics and government officials to death, including Muhammad Baqir Al-Hakim.

From that time, and especially after Saddam came to power, Ashura and Arba'iniya were restricted. The regime did not ban the events completely; however, it set restrictions regarding self-beating rituals by Shia Pilgrims, those that paralysed public life or those that were politicised, i.e. turning them into a protest against the regime (Faruq, 2016a). Furthermore, Baath members and civil servants were not permitted to take part in the pilgrimage. Instead, Baath members were advised to educate themselves in patriotic and nationalist principles (Abd Al-Jabbār, 2003). Another form of restriction was that the Baath security forces were required to question any mass gathering of pilgrims (Muthafar, 2016). This security harassment was one of the reasons that Shias feared practicing Ashura freely.

Despite the restrictions on Ashura, Saddam employed religious symbols, when they suited his purpose, particularly Shia symbols (Abd Al-Jabbār, 2003, p.214-5). For

[1] For Ashura and Arba'iniya, millions of Shia pilgrims visit the sacred shrine of Hussein and Ali. Public life in Baghdad, Karbala and Najaf is paralysed during the pilgrimage.
[2] The restriction was imposed for the first time when the regime warned pilgrims that it had received information about a possible attack on pilgrims by the Syrian Baath regime.

instance, the regime declared the birthday of Imam Ali as a national holiday, constantly made trips to the holy shrines of Shias and funded them.

Therefore, the regime had not adopted an assimilation policy intended to erode the Shia community or turn them into Sunnis. Thus, Allawi states that the regime did not govern as Sunnis (Allawi, 2009, p58) but as Pan-Arabic Baathists. Dodge (2005, p.3-5) also argues that the pan-Arabic Baathist identity mainly depended on a network of patrons and clients. In this regard, many Shias who had pragmatically sought accommodation with the pan-Arabic Sunni dominated regime, discovered a political identity focusing on communal solidarity. On the other hand, state sponsored secularism and repression led to reviving Islamism, particularly within the Shia community. The Shia religious authorities have a long history of organising themselves around religious identity to fend off state sponsored secularism (Dodge, 2000). Tripp (2007, p.218) also agrees with this view that the regime was based on patronage, wherein large numbers of people from different communities could be rewarded with positions of influence that bound them to the leadership. In this regard, Saddam Hussein, as the head of the Baath regime, was no believer in abstract visions of pan-Arabism; indeed, he saw the Arab world as a stage on which the Iraqi state was constructed as an emanation of his will (2007, p.228).

It can be said that the regime did not ban the privately practised religious practices of Shias. However, it monitored and restricted any public practices that were vulnerable to being politicised or turned into a protest against the regime, as occurred during the Safar Upheaval.

Therefore, the restriction can be regarded as an authoritarian containment policy[1] towards the Ashura and Arba'iniya events because of the regime's fear of turning them into a political protest or anti-regime mobilisation. However, despite the political

[1] Authoritarian containment, as a term is used by O'Leary and McGarry to refer to the responses of some regimes to deal with multi-ethnic societies. For them, control is regarded as authoritarian when it makes the violent ethnic contest for state power unthinkable or unfeasible on the part of subordinated communities. Authoritarian regimes - often through coercive domination and particularly through control over coercive apparatuses, military and security institutions - control or suppress ethnic division within their territories to prevent its manifestation. See: MCGARRY, J. & O'LEARY, B. 1993. *The Politics of Ethnic Conflict Regulation : case studies of protracted ethnic conflicts,* London ; New York, Routledge..

rationale behind them, the policy resulted in the persecution of Shias, as Ashura is the core symbol of Shia identity. This consequently created the feeling of grievance and oppression among the Shia community towards the regime.

Concerning their share in the decision-making positions, the percentage of Shias in high-ranking posts, particularly the RCC, RG commanders and cabinet ministers, was low compared to that of Sunnis. As shown in Table 3.4, most of the governmental posts were occupied by Sunnis. However, it is important to note that the overrepresentation of Sunnis was based on nepotism and tribalism rather than Sunnism. For instance, by the end of the 1990s 80 % of RG officers were from Tikrit, Saddam's birthplace (Anderson and Stansfield, 2004, p.149).

Table 3-4 Ethnic and Sectarian percentages during the Baath regime from 1986-1998

The Baath regime 1986-1987	Sunni	Shia	Kurd/Turkmen	Unknown (a)	Total
Upper level (e)	9 (53%)	6 (35%)	1 (6%)	1 (6%)	17
Lower level (f)	8 (38%)	4 (19%)	6 (29%)	3 (14%)	21
Both levels	17(45%)	10 (26%)	7(18%)	4 (11%)	38
The Baath regime 1998					
Upper level (e)	11 (61%)	5 (28%)	1 (6%)	1 (6%)	18
Lower level (f)	7 (26%)	8 (30%)	3 (11%)	9 (33%)	27
Both levels	18 (40%)	13(29%)	4 (9%)	10 (22%)	45

a. Includes Christians.

b. Includes the RCC and the Regional Command of the Party (RCP).

c. All ministers not on the RCC and the RCP.

Source: (Marr, 2012, p.382)

For some, the underrepresentation of Shias and the overrepresentation of Sunnis in those posts, was an indication of the Sunnification of the state (Kirmanc, 2013). Disagreeing with this view, the regime was based on nepotism and clientalism rather than Sunnification. Saddam's clan and citizens of his city of birth mostly dominated the posts.

Nevertheless, the regime *was* discriminatory in recruiting mostly Sunnis into the RG forces until the mid-1990s (Faruq, 2016b). This shows that the Sunnis were trusted to be loyal to the regime and its Pan-Arabic nationalism, while it distrusted or doubted the loyalty of Shias. Hence, the distrust and fear towards Shias and their loyalty to a secular Pan-Arabic agenda contributed to their exclusion or, more precisely, their underrepresentation in this particular institution.

The persecution of Shia political parties and organisations was another form of oppression that increased the grievance of Shias towards the regime. However, it is necessary to highlight the fact that the regime oppressed not only Shia Parties but also any political organisation, regardless of whether it was affiliated to Sunnis or Shias. With the Islamic revolution in Iran in 1979, Shias turned increasingly from religious and educational activities to political struggle and rebellion (Abd Al-Jabbār, 2003, p225).

The Shia organisations that emerged after the Iranian revolution in 1979 were radical in their nature and focused on the Iranian style of Wilayat Al-Faqih; for example, the Islamic Action Organisation (IAO) and Supreme Council of Islamic Revolution (SCIR) were established by Iran in 1982 (Marr, 2012, p196). The SCIR, which included armed organisations such as the Badr Brigade and Iraqi Hezbollah, was armed and trained by Iran. Thus, the Iraqi regime responded with capital punishment for members of those parties as it considered them enemies of Iraq and the Arab nation (Kirmaj, 2010).

The defeat of the Iraqi army in Kuwait in 1991 by coalition forces was a turning point in the ethnic and sectarian tensions between groups. The defeat caused a large power vacuum and most of the Iraqi army collapsed. This helped Shias in the southern provinces to rebel against the regime, which is called the Sha'baniya Uprising, and to demand a Shia Islamic government. Shia opposition forces based in Iran, notably the Dawa Party and the SCIR, flooded from Iran to join the rebellion (Makiya, 1993, p 78-

85). Moreover, some Shia Marjahs, such as Al-khoei, issued a Fatwa supporting the Shia uprising (Haidar, 1997, p209, Makiya, 1993, p74-75). Shia protesters announced that ''Ali, their Imam (leader), was the only custodian and they wanted a Shia commander''. The Kurdish community in the northern provinces also rebelled. The only community that did not rebel against the regime was that of the Sunnis. This divided Iraq along identity lines.

In response to this uprising, some Iraqi troops wrote the slogan "no Shia after today" on their tanks (Haidar, 1997, p210-211). The RG and Special Guard, which consisted mostly of Sunnis (Makiya, 1993, p79), crushed the armed rebellion. The regime persecuted and sought revenge against the rebel cities using summary execution, and torturing and imprisoning suspects. Furthermore, marshlands were destroyed to prevent Shia rebels using them as a shelter for launching attacks against the regime (HRW, 1992, FCO, 2002). This situation contributed to growing feelings of grievance among the Shia community. It also shows that, no matter how secular and Pan-Arabic the regime, the sectarian division was clear and present in determining the supporters for and rebels against the regime.

However, after the crackdown of the uprising, the regime started to include more Shias in the government. In this regard, a new cabinet headed by Sa'adun Hamadi, an educated Shia, was formed (Marr, 2012, p.234). Furthermore, during the economic sanctions in the 1990s, the regime promoted Islamic virtues through a faith campaign and loosened its tight grip on some Shia rituals, such as Ashura and Arba'iniya (Faruq, 2016a). Additionally, it increased the inclusion of Shias in some institutions, particularly in the Republican Guards (Faruq, 2016b). However, these measures did not reduce the feeling of persecution and grievance among Iraqis in general, and the Shia community in particular, as those steps were superficial and insufficient under despotism and the confiscation of political freedoms, which lasted until the regime fell in 2003 to the US-led coalition. In brief, the Baath regime was a pan-Arabic regime based on a network of clientelism and nepotism; despite its efforts towards building a national identity that crosses the sectarian identity, the regime failed to integrate the majority of Shias into a secular, pan-Arabic identity.

Baath policy towards the Kurds

On the one hand, it was the first Iraqi regime that explicitly recognised the ethnic rights of Kurds as the second ethnic nation in Iraq besides Arabs; on the other hand, it was the most brutal regime in dealing with the Kurdish national movements. To examine Baath's response to ethnic difference, two aspects must be highlighted: the de jure situation and Baath's official discourse, and the de facto policy.

With regard to the de jure situation, for the first time the Kurds were recognised as an ethnic nation in the 1970 constitution; indeed, Article 3 stated that the ''Iraqi population [nation] consists of two ethnic nations Arab and Kurd, this constitution recognised the ethnic rights of Kurds''. Article 6 also stated, "The Kurdish language shall be the official language besides Arabic in the Kurdish areas [cities]". This clear recognition of Kurdish ethnic rights did not exist in the previous constitutions.

When Baath took power in 1968, the war with Kurdish forces had already begun (Barzani, 2002). Two years later, the regime initiated negotiations with the Kurdish leadership, concluding an agreement known as the March 11th Manifesto in 1970. The agreement represented a framework to solve the Kurdish question. The main issues that the agreement promised to solve were autonomy (self-rule), a fair representation of Kurds in the central government, wealth distribution, recognition of Kurdish as an official language in addition to Arabic, and the promotion of cultural and educational rights (Entessar, 2010, p90-91). However, one of the main issues for both sides that remained unsolved was the boundaries of Kurdistan (Barzani, 2002, p308-309).

It can be seen that, theoretically, the regime adopted an accommodation policy towards Kurdish ethnic rights in three ways. The first was the recognition of ethnic differences, which includes recognising language rights, specifically in Kurdish language education. The second was self-governing rights in cities where Kurds are a majority. The third was the inclusion or the representation of Kurds in government posts.

However, this de jure accommodation was not fully translated into practice. After four years, the regime had not taken any of the necessary steps to implement the agreement. Moreover, during the negotiations, the regime had attempted twice to assassinate the leader of the Kurdish revolution, Mustafa Barzani (Barzani, 2002, pp257-268). It had also proceeded with Arabisation by expelling Faili Kurds from Iraq, as it regarded them as Iranian citizens (Barzani, 2002, p256). In contrast, Iran continued to support Kurdish rebels by arming them (Kirmaj, 2010), which contributed to intensifying distrust between both sides.

In 1974, the regime unilaterally declared an autonomous area which included only three provinces - Erbil, Duhok and Sulaimaniya. The oil-rich city of Kirkuk, and Khanaqeen, Mandali, Jalawla, Akra and Sinjar were excluded (Sluglett and Peter, 2001, p187, HRW, 1993), the Kurdish leadership refused the regime's declaration, and the negotiations collapsed.

In contrast to the constitutional accommodation of Kurdish demands, the regime's de facto response towards ethnic differences was less accommodating. Its violent response towards ethnic differences took four forms mass population transfers (demographic change), genocide, assimilation and hegemonic control.

However, these four violent responses were not implemented in all Kurdish populated areas equally. In this regard, two Kurdish-populated areas must be distinguished. The first covers those cities which were included and recognised in the 11-March manifesto: Duhok, Sulaimaniya and Erbil, whilst the second mainly includes Kirkuk city, Jalawla, Khanaqeen, Mandali, Sa'adiya and Sinjar. These cities/areas, which are strategic and bordered by Arab-populated areas, were not recognised in the manifesto.

This second area was most vulnerable to demographic change and coercive assimilation. Both demographic change and assimilation are known as Arabisation. The demographic change was systematically implemented by the regime in those areas which were not included in the manifesto, particularly in Kirkuk province. Kirmaj (2010) calls the Arabisation process internal colonisation. Widespread implementation of this policy by the regime continued from 1968 until 2003. For instance, between

1975 and 1987, around 660 villages were Arabised and 20 districts were built in Kirkuk to increase the Arab population in this oil-rich city; consequently, there were more than 7,300 houses in Kirkuk inhabited by Arab settlers. The demographic change targeted even those Kurdish families who did not join the Kurdish rebellion in areas far from the war zone (Kirmaj, 2010). Furthermore, the regime continued to provide incentives, such as job opportunities, land and houses, to Arabs to resettle them in Kurdish areas bordering Arab areas (Sluglett and Peter, 2001, p188).

The most violent response committed by the regime towards the Kurds was genocide. It occurred simultaneously with demographic change/ mass population transfers, which is known as the Anfal Campaign[1]. The campaign was carried out in eight stages and took 198 days between 1987 and 1988. It focused mostly on Garmiyan areas (Kirkuk and its suburbs) (Habib, 2005, p528). By the end of the campaign, an estimated 182,000 civilians had been killed and buried in mass graves in Iraq's southern and eastern deserts. Moreover, one and a half million people had been displaced and more than 3,000 villages destroyed (Habib, 2005, pp530-534, Suleiman, 1991, p24).

Ethnocide and linguicide were other forms of intolerant responses of the Baath regime, particularly in the areas that had not been targeted by the genocidal violence. The Arabic language was imposed in education and schools in the areas outside the 11-March manifesto[2], particularly inside Kirkuk city. The purpose of this coercive assimilation (ethnocide/linguicide) was to secure these areas against any future claims by Kurds to be included within their future autonomous areas.

However, in the areas which were included in the 11-March manifesto, known as self-governing areas, namely Erbil, Duhok and Sulaimaniya, the regime adopted a multiculturalist response. Education in primary and secondary school was in the Kurdish language. Although the regime did not adopt the linguicidal and ethnocidal policy in these areas, authoritarian containment was adopted as in the rest of Iraq. For

[1] The name of Anfal is derived from the first verse of Surrat Al-Anfal in the Koran and means 'spoils taken from non-Muslims in war'.

[2] However, in the three Kurdish provinces Erbil, Duhok and Sulaimaniya, the Kurdish language was used in addition to Arabic in primary and secondary schools.

instance, the regime destroyed nearly all of the villages around the Kurdish provinces and resettled the populations in cities. The reason for this was to prevent Kurdish rebels using the villages as shelter. These sorts of mass population transfers were different from those implemented in Kirkuk, in that the Arab families were not resettled in destroyed villages. Furthermore, political freedom was banned; all the Kurdish opposition parties were outlawed. In common with the Shias, the Kurds were therefore underrepresented in decision-making positions.

This situation continued until the regime was defeated after the Kuwait invasion at the hands of coalition forces in 1991; Kurds rebelled against the regime, which is known as Raparin (the March Uprising). In 1993, Kurdish parties held elections for the first time and formed a regional government which controlled three provinces: Duhok, Erbil and Sulaimaniya. The de facto autonomy of the Kurdistan Region (KR) remained until the regime fell in 2003.

Based on all of these campaigns and the Arabisation process, it can be concluded that the regime's motivation was an ethnic one. In this regard, it was an ethnic nationalist regime. The policy against the Shias was not entirely motivated by sectarianism but against the politics atom and the politicisation of religion. In other words, the regime accepted Shias as Arabs and Shi'ism socially as a sect, but it was wary of a political Shia identity. However, this fear led to their persecution and oppression by the regime.

Conclusion

Iraq, which was a fragile political entity created by an external agency, failed to promote a collective national identity shared by its various communities. The ethnic and sectarian identities remained strong despite (or because of) the attempts of successive regimes to create a collective identity.

The monarchy, in comparison to other Iraqi regimes, was more flexible in its endeavour for national integration. However, its attempt was insufficient to satisfy Shia and Kurdish demands (inclusion and fair representation for Shias, self-governing

right for Kurds). Nevertheless, at the same time, it was relatively tolerant comparing to the Baath regime regarding communal differences and the sectarian divide.

However, during the Baath regime, the process of national integration increased identity-based grievances. The main instruments adopted for achieving this were exclusion (which shifted from the rule of one party to the rule of one family) and coercion. This alienated Shia and Kurdish communities and consequently revitalised and strengthened the feeling of their ethnic and sectarian identities.

4 The role of the USA in promoting security in a democratic Iraq

The involvement of external actors in state-building and democratisation processes in war-torn societies is a controversial topic in the democratisation literature. Iraq underwent this process in 2003 when the US-led coalition forces invaded Iraq under the pretext of having links to terrorist groups and developing weapons of mass destruction (WMD). After the regime change, Iraq underwent state-building and democratisation processes initiated by the USA.

This chapter assesses the role of the USA in building Iraqi democracy and its implications. It links the creation of the power vacuum (one of the elements of SSD theory) to the failure to build a stable democratic system. The main argument here is that the role of the USA in this regard was paradoxical. On the one hand, it supported democracy in general and power sharing in particular. On the other hand, it undermined the building of a stable democracy in the long term. Firstly, the coalition authority created a power vacuum by dissolving all the security and military institutions, which contributed to the societal security dilemma by increasing violence. Secondly, the process of rebuilding these security forces further contributed to undermining the democratic system as elites used this process to increase their power and decrease the security of rival groups.

4.1 State building and democracy process in war-torn divided societies

War-torn divided societies differ from each other depending on their particular circumstances – such as the type of division, the nature and dynamic of conflict among groups, the geopolitical context, and institutional and economic capacities. International actors need to take account of these specific circumstances in the process of state building and promoting democracy. Often, war-torn divided societies undergo the process of state building and democratisation spontaneously; therefore, this section reviews both processes.

4.1.1 State building process

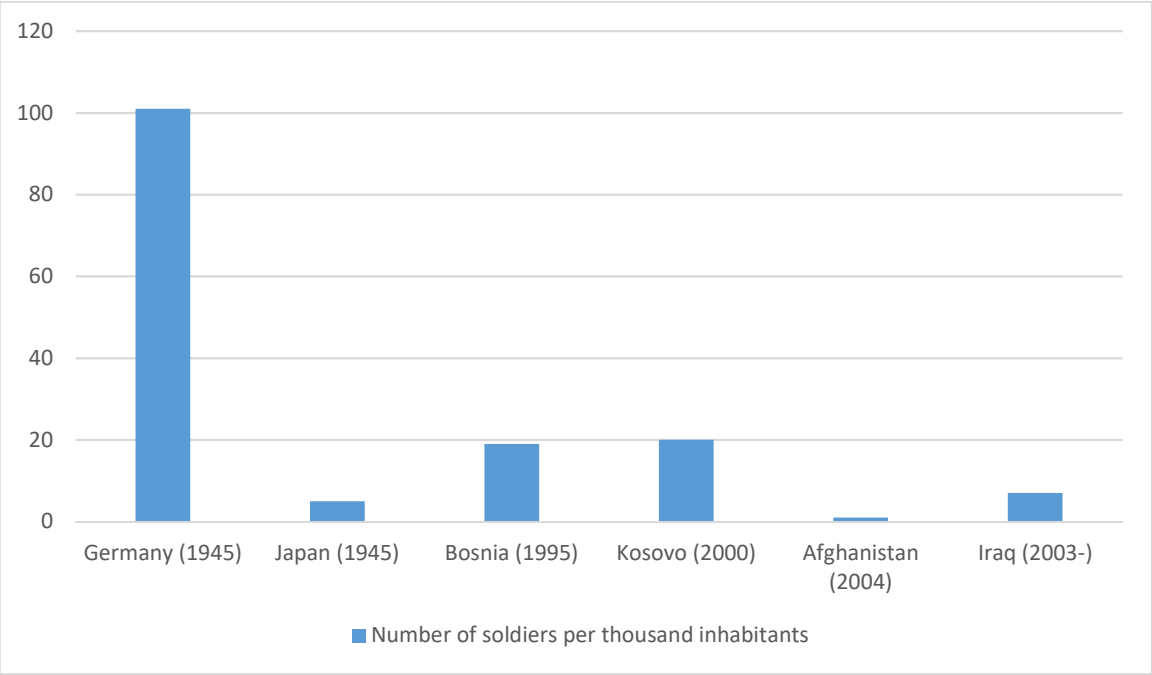
One of the main challenges facing divided societies after a regime collapse or civil war is restoring order and stability through rebuilding state institutions. The main purpose of the state building process is to provide order and stability, which is a fundamental precondition for the promotion of democracy. Democracy cannot progress when significant levels of violence and civil war are ongoing (Diamond, 2006a, p96, 2006b, p23, Fukuyama, 2005, Brinkerhoff, 2007, p5). Accordingly, the state building process, which includes rebuilding the state institutions and the establishment of the armed and security forces, is fundamental for providing the stability required for a viable democracy.

This process often faces three main challenges; the first is achieving sufficient financial and military commitment from the international actors; the second is the balance between the roles of the international actors as democracy promoters and the local elites over leading the process, and the last is the challenge of rebuilding neutral and institutionalised security and armed forces, which requires disarmament and the demobilisation and reintegration (DDR) of militias and paramilitary forces in a way that provides security and stability.

Concerning the financial and military commitments, much of the academic literature supports the argument that stability and peace building in post conflict situations is more easily achieved as the levels of foreign financial and military resources invested by international actors increase (Diamond, 2005, p 13, 2006a, 2006b, p 281, Filipov, 2006, p7, Ottaway, 2003, pp314,317, Dobbins et al., 2003b, p162). In terms of military deployment, Dobbins (2003b, 162) and Diamond (2006a, p 104) conceptualise the success of state-building and democratic promotion as being related to balancing troop deployment with the population ratio. For example, the success of the state-building process in Germany, Japan, Kosovo and Bosnia (relatively) is attributed to the high ratio of troop deployment within these countries, whilst they believe that one cause of the failure of the process in Iraq and Afghanistan is the low ratio of troops there. Whereas in Germany (Katz, 2006, p 190), Bosnia and Kosovo, the ratio was one soldier for every 10, 18.6 and 20 inhabitants respectively, the ratio in Afghanistan and

Iraq was 0.46 and 6.6 soldiers for every thousand people (Dobbins et al., 2003b, 2001, Reese, p.170) [1]. Chart 4.1 explains the same figure but in a different way, with the number of US soldiers per one thousand inhabitants in each country.

Chart 4-1 Number of troops per one thousand inhabitants



Source: (Dobbins et al., 2001, p.228)

However, the number of international troops deployed in Iraq increased from 122,000 to 152,000 between January 2004 and October 2005 (Brookings, 2005, p 17). In the same time frame, the Iraqi army and security forces reached 191,800 (87,800 troops and 104,000 security forces) (Defense, 2005, p 4). Additionally, Kurdish forces (Peshmerga) were deployed to provide stability to approximately 33% of Iraqi territory, particularly Erbil, Sulaimaniya, Duhok and Kirkuk cities (Jaf, 2014). Despite these increases in armed capacity, the violence and instability increased. Casualty rates increased from 445 casualties per month to as many as 1000 or more in some months in this time period (Brookings, 2005, p 11). Furthermore, as shown in Chart 4.1, Japan's foreign ratio was lower than Iraq's. Yet, the case of Japan is an example of

[1] The ratio for Iraq increases if we exclude the Kurdish population, at least in three provinces where stability and order were undertaken by the Kurdish local forces instead of the international forces.

a successful state building and democratisation process by the US. This demonstrates that the increase of military deployment and troops does not necessarily correlate with stability or with successful state-building efforts in Iraq[1].

Furthermore, stability and security cannot be achieved or maintained purely by troop to population ratio. Instability and societal insecurity is derived from a variety of sources, not all of which are related to, or can be solved by, increasing the ratio of troop deployment. The source of instability within Iraq does not come purely from insurgency and other militias, but from the nature and extent of problems between groups such as the inclusion of main groups, power devolution, proportionality and ethnic (im)balance in state institutions, particularly the armed forces. These types of issues require a political solution rather than a military one.

Additionally to this, mobilised economic resources are considered vital for post conflict reconstruction (Dobbins et al., 2003b, pxxi) in order to rebuild new and developed security forces, institutions and infrastructure. However, the effectiveness of mobilised financial resources within such countries is subject to the extent to which these can be managed in a way that meets the requirements of initial conditions in a targeted society. For instance, the total financial resources mobilised for Iraqi democratisation and state-building processes have been approximately $50 billion (Bowen, 2010, pp 244, 42, vii), yet this has achieved substantially less than the democratisation efforts in Bosnia. According to the Polity IV dataset (PolityIV, 2010b, PolityIV, 2010a), Bosnia was classed as partially free three years after ending its civil war in 1998 while Iraq, three years after the regime change in 2006, was still ranked as not free. Similarly, Freedom House (1998, 2006) ranked Bosnia higher than Iraq during the same period, which was (5) for Bosnia and (-6) for Iraq.

The key issue here is, therefore, the extent to which these economic and military resources are managed and mobilised well to address particular situations; in other

[1] Another issue is that, in Bosnia and Kosovo, the international troops deployed after the conflict or civil war, which rival parties after a period of fight reached to the point that there is no winner in the conflict, and were practically ready or forced to reach agreement. In Iraq, the situation was quite the opposite; the country was relatively stable (except the three northern provinces which were already ruled by two Kurdish rival parties), and the civil war or sectarian violence was triggered after the invasion. Hence, the period of military presence/military ratio is significant.

words, military resources must be accompanied by a political resource, namely encouraging consent among rival parties, promoting institutional choices for democracy and encouraging local engagement (Doyle and Sambanis, 2000, p781, 2006, p3, 199, Diamond, 2006a). Thus, the main point here is not to reject the importance of troop ratio and financial resources. However, understanding the nature of conflict and initial conditions in divided societies is also important.

The second challenge is the contradiction that occurs between the process of state building and that of promoting democratisation (Fukuyama, 2005, p 86, Paris and Sisk, 2009, p298). This contradiction is likely to occur when international actors hand over the process of state building to local elites without sufficient constraints on this process, or when international actors do not have sufficient control to limit the potentially undemocratic counter-movements of local elites. A particular example of this is Nicaragua during and after the USA intervention from 1927 to 1934. The U.S helped to create a modern Nicaraguan National Guard but did not encase it in a firm rule of law, allowing dictator Anastasio Somoza to use the Guard as an instrument of his family's rule after the U.S. departure (Fukuyama, 2005).

In view of the above, war-torn divided societies are likely to be rather vulnerable to the risk of local elites using military forces for their own interests. From the SSD point of view, control of the armed and security forces by elites from certain ethnic groups increases the feeling of insecurity among other ethnic groups. This, consequently, affects not just the democratisation process, but also stability and societal security. After the departure of the US, the Shia Prime Minister Al-Maliki's policy concerning the security apparatuses provoked the fear of Sunnis and Kurds[1]. Thus, in order to promote democratisation, the support of the state-building process by an external administration must involve reducing the risk of using or diverting this process in a way that contradicts democratic norms.

The third challenge to the state-building process lies in how to demobilise militias (Tschirgi, 1996, p1-4, Diamond, 2006a, p100). Although on one hand democracy in post-conflict societies requires the inclusion of different groups, the inclusion of these

[1] Discussed in chapters 7 and 8.

groups could harm efforts towards democracy if they have the potential for violent resistance (Jarstad, 2008, p19).

A DDR (disarmament, demobilisation, and reintegration) programme is one method used to tackle this issue. This requires ample financial, knowledge and military resources to convince these groups to demobilise their armies and reintegrate into the region's new army (Diamond, 2006a, p100, Brinkerhoff, 2007, p5, Muggah, 2009, Walter, 1999, 137). However, the demobilisation of militias is not an easy task, particularly when the rival parties within the affected region do not wish to demobilise their militia forces and do not trust other groups. In this regard, remaining militias outside the official military institutions of a state could represent a significant risk to the process of democracy. In the case of Lebanon, Hezbollah was exempted from DDR after the Taeef Agreement 1989 (Fathullah, 2015, p.104, Al-Hiss, 1989), and has now become one of the factors of instability in Lebanon after the uprising in Syria since 2011.

DDR generally applies to those societies where civil war is occurring between rival internal forces prior to international intervention. In this case, an international actor often plays the role of mediator or observer, encouraging parties to implement the DDR plan, as per the UN's role in Sierra Leone in 2000-2002 and East Timor in 2002.

However, the situation changes when militia groups appear or increase after external intervention. In this case, the external actor is not likely to be able to effectively play the role of mediator if it engages in conflict against those paramilitary groups, as in the case of Iraq. Sectarian violence and militias increased after the invasion in 2003 and during the state building process from 2003-2008. This consequently increased the instability and violence that had an adverse effect on the democratisation process. Divided societies may face another challenge related to the post re-integration of militias into new state institutions, namely an imbalance between groups. This occurs when one ethnic group is overrepresented in the armed and security forces, while the other groups are underrepresented. This overrepresentation increases the security of one group while decreasing the feeling of security of other groups. It also presents the risk of misusing these forces for political gain by elites from the group that dominates

these forces[1], as Horwitz (1985, p.443) states that ''control over military is a significant symbol of ethnic domination''.

4.1.2 Democratisation process

Post-invasion societies require a transitional administration period in order to prepare apposite conditions for the promotion of democracy, namely building up security forces, providing general stability, promoting civil and political organisations and establishing new governmental institutions before holding national elections (Paris, 2004, p208, Mansfield and Snyder, 1995, p6-26, Kumar, 1998, p5, Diamond, 2006a, p18-19, 2006b, p99). This is particularly the case with those societies which have been under authoritarian regimes with little or no experience of democracy. Post-conflict societies such as Bosnia, Kosovo, Afghanistan and Iraq experienced a transitional period overseen by international actors before holding national elections.

The transitional administration often assumes two forms. The first form is external administration, where international actors govern the post-war situation in a target country before handing over authority to the locals, as happened in Iraq. The second form is through a local transitional government, but under the control and observation of international actors, such as in the case of East Timor 1999-2002.

Such external ownership over the state-building process causes tensions between international control versus local ownership, a concept that Sisk and Jarstad define as a *systematic dilemma* (2008, p11). This systematic dilemma refers to the problem of legitimacy during the transitional period, particularly when the external administration does not have the support or acceptance of the population or part of the population (Diamond, 2006a, p 96, Fukuyama, 2005, p84). This situation occurred in Iraq when the majority of elites rejected the direct rule of the US (Mustafa, 2012). Furthermore, Sunnis rejected the entire process from the outset, and later on, some Shia radical groups like the Sadr group rejected the US presence in Iraq (Anba, 2004). This rejection

[1] This point is discussed later in the Iraqi case.

translated into violence that made the process of democratisation much more difficult.

However, the problems surrounding implementing democratisation via international intervention are not only relevant to legitimacy, but also to the effectiveness of building democracy. Extrapolating from the Bosnian case, Knaus, Cox (2005, p49) and Chandler (1999, p154) argue that ownership of the process by external actors prevents local elites from designing and promoting democracy on their own terms.

However, this view disregards the fact that the locals could not promote democracy without international support, as pre-existing ethnic tensions may lead to recurring violence. Therefore, it is vital to balance the involvement of ethno-sectarian locals to promote democracy on their own terms and international control to prevent local efforts at diverting the democratisation process.

Along with this, in war torn divided societies, it is it important to include rival groups in the post-war democratisation process. In general, ethno-sectarian inclusiveness in power is asserted by many as the appropriate solution for ethnically divided societies, particularly by Lijphart (1977, 2004, 2008)[1]. This is slightly different in war torn societies since exogenous actors orchestrate the state building and democratisation processes rather than the locals.

As far as external actors are concerned, their role is vital in designing institutional arrangements in a way that assures the effective inclusion of ethnic groups within war-torn societies (Christoph Zuercher, 2009, p10, Walter, 1999, p137-138, Simonsen, 2005, p. 6, Jarstad, 2008, p106-107). In the case of military intervention, the external actor can play an important role in attempting to secure ethno-sectarian inclusiveness in both the transitional and post-transitional period, as demonstrated by the case of Bosnia after the Dayton agreement (1995). Some (Hartzell and Hoddie, 2003, p 318) go further in focusing on ethno-sectarian inclusiveness. For them, the more dimensions of power sharing there are among local combatants which are specified in a peace agreement, the more likely it is that peace will endure in the region.

[1] This has been discussed in the literature review chapter.

In conclusion, the brief discussion on the aforementioned points, namely the state building process by the international actors, DDR, ownership of the democratisation process, and inclusiveness, provides a roadmap for examining the role of the US in Iraqi state building and democratisation processes.

4.2 Iraqi pre-war plans

War-torn divided societies each have their own conditions, despite having some similarities, such as institutional collapse, deep ethnic division and ethnic violence. Therefore, in order to effectively work on democracy-building efforts and reduce risks, in the case of Iraq, several factors such as pre-war planning and preparation have to be taken into consideration by an international actor.

The US policy makers did not engage in sufficient pre-war planning for the post-war Iraqi democratisation process and its challenges, particularly for those risks that come from ethno-sectarian division and its implications. However, this does not mean that there was no civilian planning for post-war reconstruction. The coalition forces undertook a wide-range of planning for post-war Iraq, which was proposed and led by different departments close to the policy-making circle in the White House (Bowen, 2010,p 34-37, Feith, 2008, p 361). Most of the major planning projects focused on providing humanitarian relief, maintaining security institutions and deBaathification[1] (Bensahel et al., 2008, p 5-37, Dobbins et al., 2003b, p 167, Jones et al., 2005, p 105-112, James, 2004).

However, the preparations for the post-invasion scenario did not take into account the risk that comes from ethno-sectarian conflict between groups. As shown in Table 4.1, this risk was nearly absent from the four major plans adopted by policy makers (Bensahel et al., 2008).

[1] The process of deBaathification in Iraq refers to the removal of senior members of the Baath party in the governmental institutions.

Table 4-1 major pre-war plans

The Department and institutions	Aim of the plan
CENTCOM and the Joint Staff planning (Bensahel et al., 2008, p21)	post war military plan and military reconstruction
The Office of the Secretary of Defence (Bensahel et al., 2008, p 24-28)	combat and post combat planning (humanitarian relief, coalition building, troop deployments, government reorganisation, deBaathification, maintaining the oil sector, training a police force, and war crimes prosecution)
USAID Planning (USAID, 2003)	reconstructing infrastructures: electricity, education, health food supply roads and buildings
The National Security Council (Bensahel et al., 2008)	DeBaathification, depoliticising military forces under civilian control, DDR of Iraqi military

According to Table 4.1, pre-war planning was mainly concerned with the vertical power equation or government versus people. In other words, it focused on the Baath regime versus the Iraqi people who had been oppressed. Resultantly, the challenges and conditions that come from a horizontal equation - in other words, the societal division and its implications - were mostly absent in major pre-war planning.

This lack of attention to initial Iraqi societal conditions was most likely due to the absence of large outbreaks of ethno-sectarian violence among identity groups in Iraq's political history[1], whereas in the Bosnian case, this factor was possibly considered more important because civil war was taking place before the intervention.

However, there were factors that should have served as an early warning for the US policy makers to understand the risks of identity-violence/war. These were the ethno-

[1] There was violence, rebellion and uprising in Iraq mostly against central government rather than being between ethnic groups.

sectarian divisions in Iraq, the ethno-sectarian political parties, and finally, the role of neighbouring countries based on ethno-sectarian influence.

There were almost eight decades of Kurdish armed conflict against the Iraqi state. In addition to this conflict, there was a large Shia uprising (Sha'baniya) in the southern cities against the secular Sunni regime after the defeat of the regime in Kuwait in 1991. The implication of these conflicts, which demonstrated the deep ethno-sectarian division and the failure of Iraqi nation building since 1920, was not sufficiently emphasised.

The second issue underestimated by the USA's pre-planning was that Iraq's political parties and oppositions were, to a large extent, based around ethnic and sectarian groups. Major Iraqi Shia parties have an Islamic and sectarian background, such as the Supreme Council of Islamic Revolution (SCIR), Dawa Party, Islamic Dawa Party and Hezbollah. Similarly, Kurdish political parties have an ethnic background such as the Kurdistan Democratic Party (KDP) and Patriot Union of Kurdistan (PUK). There was a lack of national cross-ethnic opposition compared to the overarching influence of sectarian and ethnic parties. This was an explicit indication of ethnic and sectarian conflict for post-invasion Iraq.

Finally, pre-war planning mostly overlooked the role of neighbouring countries in the ethno-sectarian equation. This is particularly true in the case of Iran, where most of the Iraqi Shia political parties and opposition were established and/or supported in Iran, such as the SCIR (established from Iraqi-Shia prisoners in Iran during the Iraq-Iran war) (Faleh, 2003, p.235) and Iraqi Hezbollah.

The inadequate preparation for an ethnically defined Iraqi democratisation process can be partially attributed to the US goal for the Iraqi liberation process. The open aim of the invasion was rather to confront the presumed threat of Iraq to international (or US) security in possessing weapons of mass destruction (WMD) and retaining links to terrorist groups.

This can be seen through tracing fifteen main official statements between 2002 and 2003 by five top Bush administration officials; Bush himself (Bush, 2002d, 2002a,

2002b, 2002c, Kerr, 2005, 2003b, 2003a), Donald Rumsfeld (Kerr, 2005), Dick Cheney (2002), Condoleezza Rice (2002a, 2002b), and Colin Powell (Kerr, 2005), in which WMD and terrorism concerns were mentioned. None of these fifteen statements discussed democratisation as a pretext for waging war, although it had been mentioned as a consequence of removing the Iraqi regime due to its threat to international peace and security. Although there is no contradiction between democratisation as a goal and having other stated goals, namely dismantling Iraqi WMD and terrorism linkages, the point here is that the target of the war, which was the removal of WMD and terrorism linkages, dominated the agenda while the possibility of ethnic and sectarian conflict and democracy per se was marginal and mentioned as a collateral consequence. The impact of the lack of a robust plan for managing ethnic and sectarian conflict before the invasion reflected significantly on the post invasion situation. This impact is discussed in the next sections.

4.3 post-war democratisation and state building processes

The lack of sufficient planning concerning the identity-based violence was reflected in the transitional administration of post-war operations. Only two months before Operation Iraqi Freedom started, the Bush administration established the Office of Reconstruction and Humanitarian Assistance (ORHA) (Halchin, 2005, p1). The mission of this office was to deliver humanitarian assistance, work on the reconstruction process, and prepare Iraqi people for the new government (Bowen, 2010, p 36). After the US led invasion of Baghdad in April 2003, retired General Garner led the OHRA for an undefined period as a de facto ruler of Iraq. Garner had contributed to the provision of the safe zone for Iraqi Kurds after the liberation of Kuwait from Iraqi occupation in 1991. However, a month later, the Bush administration dissolved the ORHA and replaced it with the Coalition Provisional Administration (CPA) led by Paul Bremer as a civil governor of Iraq from May 2003 and until June 2004 (Bremer, 2004b, Dobbins, 2009, p 13).

The purpose of the CPA (2004) was to build security and democratic institutions, improve essential services and promote economic infrastructure in order to enable Iraqis to undertake the responsibility of security and future democratic self-governance (Budget, 2003, Halchin, 2005).

In this regard, the CPA, as an external administration imposed upon Iraq, made some critical decisions and policies that had important implications for the state-building and democratisation processes and thus requires further analysis. The main decisions relevant to the democratisation process can be classified into two main aspects: the state building process, which included the destruction of government institutions, disbanding military and security institutions and rebuilding security institutions (DDR plan); and the democratisation process, which includes ownership of the process of democratisation, and ethno-sectarian inclusion in the process. This section focuses on the first aspect, while the latter is discussed in the next.

This section, in discussing the state building process, highlights three main elements, which are public institutions that deliver services and goods to citizens; security and military institutions that undertake security and order, and experts and skilful individuals which are the machine that makes these institutions work. In light of these three elements, this section examines the role of the US and its administration in Iraq according to three points, which are the destruction of infrastructures, dissolving entire military and security institutions, and the process of deBaathification.

1. Destruction of infrastructures

Immediately after the Iraq invasion, there was a high level of civil disturbance, leading to wide-scale looting and damage to all governmental institutions and infrastructures. Thousands of Iraqis looted in front of the coalition forces without fear, an act considered by the forces at the time as a reaction of the population against the oppressive internal authority, and portrayed as a revolution against this oppression (Salih, 2007). The only institutions saved by the coalition forces were the oil

institutions and the Iraqi intelligence offices (CAUS, 2007a, p 1019, Bremer and McConnell, 2006, p18-19).

The coalition forces attributed this to their inability to protect all of these institutions, stating they did not have enough troops on the ground to deal with such cases (Bensahel et al., 2008, p xvii). They also did not want to clash with the civilians, concerned about increasing hostility against the coalition forces (Bremer and McConnell, 2006, 18-19). Contrary to the aforementioned stated justification by the US officials, the coalition forces not only permitted looting, but encouraged people to take part (Duffy, 2003, Salih, 2007). Whatever the reasons were behind the failure to protect institutions, it remains controversial as to why coalition forces did not attempt to protect main institutions within the capital Baghdad alongside oil industries, as this would have been a resilient beginning for reconstruction efforts, particularly as all the ministries and major governmental institutions were in Baghdad. Furthermore, it harmed the state building and democratisation processes since such processes require the existence of a basic infrastructure.

The first implication of the looting was that it affected the reconstruction process. Without the existence of robust infrastructure, the reconstruction process required much more effort, time and mobilised economic and military resources from the coalition forces. The reconstruction process cost over $50 billion – the largest nation-building effort since the Second World War – and required an extra $25 billion that the USA could not supply (Bowen, 2010). Hence, the inability to provide such a large amount of resources left the process unfinished. Looting also left many people without services and jobs that, consequently, led to a higher intake of individuals into the militia and sectarian paramilitary groups (FS-1, 2013), which in turn was responsible for further violence and instability.

2. DeBaathification and exclusion of Iraqi social capital resources

Prior to the invasion, the plan for deBaathification was discussed by the National Security Council (NSC) in March 2003. The NSC recommended the deBaathification of top officials, although leaving the opportunity for them to retain their posts if they

were cleared of involvement in human right abuses and war crimes after a vetting process (Bensahel et al., 2008, p 36). A similar plan was implemented in post Second World War Germany, where approximately a thousand civil servants were removed from their positions (many of whom were reinstated after initial vetting because of the need for qualified administrators) (Fukuyama, 2005, p 87). The purpose of this plan was to avoid risks to the post-war reconstruction, which senior members of the Baath party and the former regime could potentially threaten.

After the invasion of Iraq, the very first decision made by the CPA was officially issuing order No.1 ''DeBaathification'' (Bremer, 2003b, Dobbins, 2009, p 112). The CPA ordered all the senior members of the Baath party to be banned from serving in government or holding any posts in the public sector (Bremer, 2003b), in order to remove those elements of the Baath regime that may have harmed the process of reconstruction.

However, the decision did not just remove the senior members, as had occurred in Germany, but extended to junior members as well. In this case, 85,000 to 100,000 employees were removed and banned from the services (Pfiffner, 2010, p 79, Sanchez and Phillips, 2008, p 184), which was a deeply radical decision.

DeBaathification left tens of thousands, besides those who had been disbanded from military and security forces, without a job and livelihood. The main implication of deBaathification on post-war reconstruction efforts was that it mostly targeted the Iraqi middle class, including professionals and experts. As Iraq is a rentier state, during the Baath regime, public sector jobs were the main destiny for the middle classes. Thus, the decision to target this class and their careers left thousands of families without a job or income. Consequently, some of those people left the country and migrated abroad, particularly to Arabic countries and the Kurdistan Region (KR) (Abdul-Jalil, 2013, Al-dulaimi, 2009). The adverse consequence of deBaathification and, later on, the ''exodus of social capital'' was that it left a large middle class gap in the state. This means that the individuals who filled this gap did not possess the relevant skills or experience to run certain institutions; they had been promoted based on clientelism and ethno-sectarian loyalties.

Hence, the aspect that needs to be mentioned is that there is still a gap between those (middle classes) who live in the centres of main cities like Baghdad, Mosel, Diyalah and Basra and those who live in the peripheral cities. DeBaathification hit most of the middle class in the main cities, leading to a class transformation that brought people with fewer skills and less experience from peripheral cities and placed them in the most important institutions (Baqir, 2006a, 2006b).

Along with this, another key outcome was that deBaathification led to the intensification of distrust, fear and the feeling of insecurity between communities. Many Sunnis believe that deBaathification mostly targeted them (Mulla, 2010), particularly those who opposed Shia Prime Minister Al-Maliki (2006-2014) (Ayad, 2013b), whilst exempting Shia Baathists (Hussamaddin, 2014). This is partially due to the high proportion of Sunnis within the middle class; consequently, more Sunnis than Shias were affected by deBaathification. For instance, only between 2008 and 2013 around 11,600 teachers were removed from their jobs (CAJ, 2011). Around 85% of these employees were from Sunni areas. Therefore, for the Sunnis, deBaathification is viewed as a process that marginalised and excluded them in post-invasion Iraq.

It also pushed some of these individuals to join the military rebellion (Bakier, 2008, Hussamaddin, 2014). In the post-transition period, de-Baathification has intensified the sectarian tensions between Shias and Sunnis in the long run, as it has become a tool for excluding other ethno-sectarian elites. Consequently, fear, distrust and uncertainty have intensified among identity groups.

3. Disbanding the army and security forces (the power vacuum)

The key issue in building a democracy, as discussed earlier, is order and stability. A focus on this, therefore, was the most demanding imperative of the coalition forces in Iraq.

When the coalition forces invaded Iraq, most of the Iraqi forces were destroyed. The pre-war plans had recommended retaining the Iraqi army and security forces and engaging them in the state-building process. However, the CPA issued Order No. 2 on 13th May 2003, which stated that all the military and security apparatuses were to be

disbanded[1]. In this regard, the CPA dissolved 385,000 armed forces, 285,000 police and other armed members of the Interior Ministry, and 50,000 in the special republican guard and presidential security (Ricks, 2006, pp 162, 192). Apart from the two entities of the security forces and army, as shown in Table 4.2, around 26 entities were dissolved.

Table 4-2 Dissolved institutions

Ministries &high military institutions	1.The ministry of defence 2.The ministry of information 3.The ministry of state 4.The Iraqi intelligence service 5.The national security bureau 6.The directorate of national security (Amin al-A'am) 7.The special security organisation 8.The directorate of military intelligence
President's special bodyguard entities	1.Murafiqeen (Companions) 2.Special Guard (Himaya Khassa)
Military forces	1. The army, air forces, navy, the air defence forces and other regular military services 2. The Republican Guard 3.The Special Republican Guard 4.Emergency Forces (Quwat al-Tawari) 5. Al-Quds forces
Paramilitary armies	1. Saddam's Fedayeen 2.Baath Party militia 3.Friends of Saddam 4. Saddam's lion cubs (Ashbal Saddam)
Institutions and organisations linked to Baath party and president	1. The presidential Diwan 2.The presidential secretariat 3.The Revolutionary Command Council 4.The National Assembly 5.The Youth Organisation (Alfutuwah) 6.National Olympic Committee 7. Revolutionary, special and national security Court.

Source: (Bremer, 2003c)

Paul Bremer himself, Donald Rumsfeld (2010) and a selection of think tanks (Jones et al., 2005, p 112) justified this decision by saying that the Iraqi army practically dissolved itself after the collapse of the regime. In this regard, Order No.2 only formally confirmed this self-dissolution. Rumsfeld (2010) stated that major Iraqi Generals were Sunni while the regular soldiers were Shia; as a result, the majority of Shia soldiers were not ready to go back to the army. However, the Iraqi army was based on secular pan-Arabism that forbade sectarian loyalties in the military institutions (FS-1, 2013,

[1] Bremer issued Orders 1 and 2 having only been in Baghdad for less than a week.

interviewee-D1, 2014). Additionally, even if the Iraqi troops had not returned, there was still a military structure that could have been used for a state-building process. Instead, the entire military infrastructure was disbanded.

In the view of many Iraqis, this decision was made with the intention of destroying the Iraqi army's capacity, previously one of the largest armies in the Middle East (Abdul-Jalil, 2013, Osman, 2011). Most exiled elites and parties, including Shias and Kurds, supported or did not oppose this dissolution (Bremer and McConnell, 2006, p58-59), because they wanted to reconstruct Iraqi military institutions in a way that guaranteed their position in the political and security sector.

Overall, there were certain institutions that may indeed have presented a potential threat or risk to the democratisation process and thus were worth dissolving, such as the Special Guard and Companions, who were loyal to the Saddam and Baath regime. However, disbanding the entire security infrastructure harmed not only the democratisation process but also societal security.

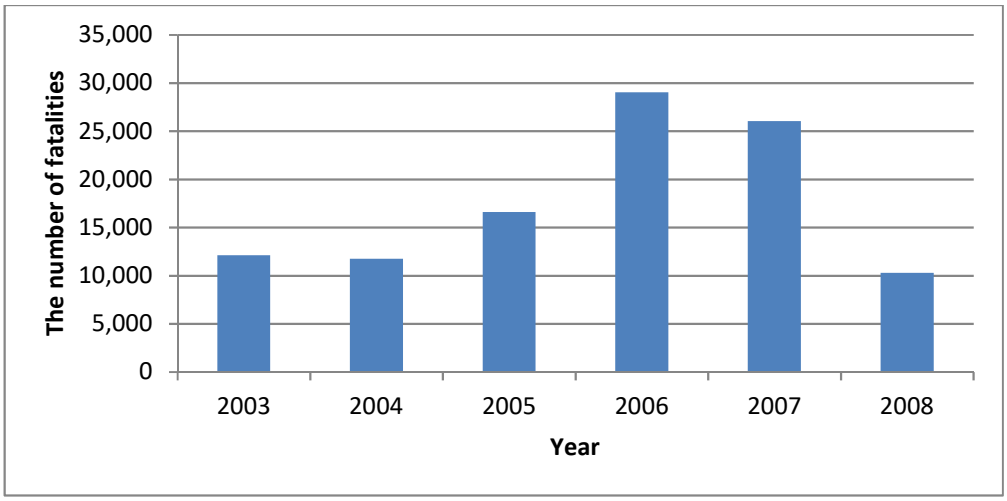
The first immediate implication of Order No.2 was the spread of wide-scale chaos and the creation of a security dilemma/ power vacuum that became a long-term issue. It is evident that the absence of security and police forces leads to chaos and instability, particularly in a society such as Iraq, with deep ethnic and sectarian divisions repressed under a very authoritarian regime for more than three decades. Thus, the fundamental basis for democracy, which is stability and order, was demolished. In addition, the security and police forces that had been disbanded possessed skills and experiences that could have prevented the spread of paramilitary groups. In their absence, the security gap was filled by identity based militias which had existed in exile before the regime, namely Badr and Hezbollah, or those established in the aftermath the invasion, namely Mahdi Army (Al-Tamimi, 2006, Al-Dainee, 2009). At the same time, Sunni insurgent groups increased in the Sunni populated areas. This situation was expected by the SSD theorists who believe that, in the situation of a power vacuum, a weak state or institutional collapse communities are likely to form militias and paramilitary groups to increase their security against other groups.

The situation was compounded by the fact that hundreds of thousands of soldiers, police and security agents were now unemployed. The armed men felt abandoned and humiliated by the USA, and became hostile to the occupiers (Ricks, 2006, p 164), some of these well-trained, unemployed, former soldiers therefore chose to join the rebellion groups. Therefore, an implication of Order No.2 was that the militia groups and their influence and power were increased by the demolition of the security infrastructure.

Some Shia soldiers were recruited by the Jaish Al-Mahdi (Mahdi Army), Badr Brigade, and later by Shia Death Squads (FS-1, 2013, wikileaks, 2006). Similarly, some of the Sunni former soldiers and Baath members joined military rebels and radical Islamist groups organised against the USA occupation (FS-2, 2011). During the transitional period (2003-2005) and during the sectarian war (2005-2008) some Shia former soldiers were involved in sectarian violence against the Sunni population, particularly former military figures, religious elites and academic figures (Corps, 2004, Aljazeera, 2012, wikileaks, 2006, 2007, Dosari, 2013).

Alongside this, extreme Islamic Sunni groups - such as Al-Qaida and its linked groups - had spread out into the Sunni populated areas (2003-2005) (Alarabiya, 2014). These extreme groups were not only violent against coalition forces, but also against Shias. The implication of the spread of militias, Sunni radical Islamists, and insurgent groups can be seen after the Samara events in 2006, when Al-Qaeda-linked groups bombed sacred Shia shrines in Sunni-dominated Samara city. This led to widespread sectarian violence, which lasted until 2008. As shown in Chart 4.2, the death rate soared. The government could contain neither Shia militias nor Sunni insurgent groups or Al-Qaeda-linked groups.

Chart 4-2 Iraqi civilian fatalities



Source: (IBC, 2015a):

Thus, the dissolution of the army contributed to the increase of four types of militia groups that undermined the democratisation process dramatically: Shia militia groups; Al-Qaeda and extreme Islamic groups; nationalist armed groups dominated by Sunnis and other Baath members; and armed Sunni tribal groups (the Awakening) that were established by the US to fight Al-Qaeda in Sunni cities. In total, there were around 23 organised armed groups - the Baath party being one of them (Sahaf, 2005) – which led to a chaotic spread of insurgency.

Another implication was that the dissolution of the army led to an inability to protect Iraq's borders, particularly the borders adjoining Syria, Iran and Saudi Arabia. This led to a flood of foreign fighters, money and weapons from adjoining countries into Iraq through a series of networks which were established between Iraqi militia and external sources (Ayad, 2008). The flow of resources coming into the country allowed the insurgency to survive and flourish, and led to them being able to increase their operations[1].

The only paramilitary entity that was not included in the dissolution was the Peshmerga in the Kurdistan Region (KR) which was the second largest military entity in Iraq after the US forces, with approximately 100,000 members (US Department of Defense, 2005, p 25). This was due to the de facto quasi-state of the KR since 1991,

[1] This is discussed in chapter 8 in detail.

the paramilitary nature of Peshmerga and its cooperation with the coalition forces in the Iraqi operation. Retaining the Peshmerga helped the coalition forces to provide security to some parts of Iraq, particularly in the northern cities (Abril, Sulaimaniya and Duhok) and in the ''Disputed Areas'' (Kirkuk, some areas in Diyalah and Mosel). As the Peshmerga remained neutral in the Shia-Sunni conflict, they are still responsible for providing security to the Iraqi parliament instead of to the Iraqi Army (Rudaw, 2016).

Furthermore, exempting the Peshmerga from the dissolution process created a balance with the hegemony of the Shias over the military apparatuses and reduced societal insecurity among people in the KR[1]. Hence, localising the security and armed forces in such a way that each territorially concentrated group could be responsible for providing its own security is one of the solutions suggested in this research to reduce the feeling of fear, distrust and insecurity among groups and thus reducing instability and identity based violence.

However, for most Iraqi Arab elites, the Peshmerga remained as an independent entity undermining Iraq's sovereignty (Algharb, 2012, Al-yawar, 2010). Despite the issues surrounding Peshmerga, it provided stability and societal security inside the KR for people. The situation would be quite different if Iraqi Arab army forces were responsible for security and order in the KR. This can be demonstrated by the case of the Sunni cities, where the Iraqi Shia-led army was responsible for order. These cities have been experiencing violence and societal instability since 2003.

4. Rebuilding security and military institutions

As security and order had been widely affected as a result of the regime change, rebuilding them was one of the most crucial challenges facing the external administration in its attempts at building democracy. However, they missed an opportunity to rebuild the institutions effectively, by failing to ensure an ethno-sectarian balance in the new army and security forces.

DDR plans are often implemented in post-civil war or ethnic conflict situations where there are armed groups involved in civil war or violence (Brinkerhoff, 2007, p 5, Sedra,

[1] This point will be discussed further with regarded to the DDR and imbalance in military apparatus.

2008, p 119-132, Muggah, 2009). However, in Iraq, most of the armed groups were established after the invasion (except for the exiled armed organisations such as Badr Corps and the Peshmerga). As the power vacuum was a fundamental challenge in reconstructing Iraq, the DDR was implemented in an attempt to build a new Iraqi army and security force.

The main argument here is that the implementation of the DDR programme created an ethno-sectarian imbalance in Iraqi military apparatuses that consequently led to increasing fear, distrust and instability, recurring violence and diminishing chances for a stable democracy.

Firstly, there was a notable absence of ethno-sectarian balance in the process of recruiting for the new army. The majority of Sunnis refused to join the new Iraqi army, under the US occupation. In contrast, Kurds as well as most Shias initially welcomed the process and a large number of Shias joined the new army and security forces. A critical ethnic-sectarian imbalance in the military and security forces was created, which coalition forces chose to ignore. Indeed, the head of the CPA promised Shia elites that the very first new army forces would be Shia (Bremer and McConnell, 2006, p59). The CPA could have created a balance in the security and armed forces through proportionality in relation to population size at the national level and localisation of armed forces at the local level. In ethnically dominated cities, the armed and security forces must be formed from members of their community. This would have increased the feeling of security among the ethnically homogenous population and would have reduced the violence committed by rival militias.

Secondly, the majority of those elites who were in charge of the DDR process within the coalition authority were Shias. For instance, the head of the DDR programme was a senior member of the Shia Supreme Council of Islamic Revolution SCIR that was established and supported by Iran (Baqir, 2006a). As a result, in building a new army, the Shias focused on recruiting members from their sectarian group. For this purpose, they even alleviated the de-Baathification policy on their Shia Baath members in order to facilitate their return to the new army; for instance, the commander of Iraqi infantry

forces and the commander of the Tigris operation were exempted from de-Baathification (Sumariya, 2010, Barzani, 2012b).

Thirdly, the majority of members of Shia militias reintegrated straight into the new Iraqi army, assisted and sponsored by the majority Shia-led DDR committee. For instance, in April and May of 2006, more than 1,117 members of the Badr Brigade and 250 Iraqi Shia Hezbollah members reintegrated into the new security forces and army, appointed as officers without any vetting or training (Baqir, 2006b, 2006a). Both of these militia groups have records of being highly engaged in sectarian violence (Wikileaks, 2007). This is problematic because the reintegrated members of the new army were still loyal to the militias and their sectarian leaders. This was seen in the sectarian violence from 2005-2007, when there was coordination between police forces and those militias at a very high level (C-2, 2011, FS-1, 2013). Many leaked documents support the contention that the Shia militia groups used security forces' cars, clothes and other equipment - with the support of the security forces - in sectarian war and in the assassination of some figures (Al-Tamimi, 2006, wikileaks, 2006, Aljazeera, 2009). Furthermore, the police and security forces had been involved in murdering, kidnapping and torturing Sunnis in secret and in illegal prisons without charge on the basis of identity (Al-Dainee, 2009, wikileaks, 2006).

If the dissolution of the Iraqi army that included all groups left a power vacuum, the DDR plan managed to create not only an ethnically imbalanced army, but also a sectarian affiliated army that has exacerbated societal insecurity.

It is evident that in the short term, this army - with the assistance of coalition forces - reduced the risk of terrorism and ended the civil war in 2007-2008. However, it has failed to provide long-term security and has created a security dilemma over time as Sunni tribal forces and other resistance groups in Sunni cities, namely Anbar, Fallujah, Diyalah and Salahaddin protested against the Shia hegemony within the political and security sector in 2012 (Yahya, 2013, Al-Maliki, 2013a).

Thus, two factors generated instability and violence. The first relates to disbanding the army and the power vacuum that left a gap for extreme groups and militias to spread the violence. However, this problem, significantly, can be solved by the increase of

security forces and military existence mentioned earlier by Doblin and Diamond. The second factor is that instability, violence and lack of societal security come from ethno-sectarian imbalance in a new military apparatus after the state-building process. As mentioned before, the ill management of the DDR plan exacerbated societal security among identity groups.

Accordingly, the ethno-sectarian imbalance in the military institutions has led Sunnis to feel that their identity is under threat (Attam, 2014). This feeling has been intensified by continual military and security operations in Sunni cities since 2003. With the lack of Sunni region(s) undertaking responsibility for their stability, Sunnis see these Shia forces as a threat to their identity (AL-Lihebi, 2014, Hattam, 2013). The weakness of democratic institutions motivates Shia elites to use these security forces to achieve their agendas at the expense of democratic norms. For instance, Prime Minister Al-Maliki used his growing military hegemony to oust many prominent Sunni elites, namely Vice President Al-Hashimi, Ahmad Alwani and Rafih Al-Esawi[1] in 2011 (Al-Hashimi, 2013).

This situation intensified fear and distrust among Kurds too. The Kurdish ratio in the military apparatus steadily decreased from 8 in 2005 to 2 per cent in the Iraqi army by the end of 2013 (AIN, 2013, Yawar, 2010). However, this fear is not as acute as that of the Sunnis, as Kurds have their own military and security apparatus (Peshmerga) which is responsible for undertaking the security of the KR within their federal entity.

Therefore, ethno-sectarian balance can be achieved through two mechanisms: firstly, proportionality within the national army and secondly, localising the security forces in such a way that each identity group is responsible for providing stability and security in its areas. In other words, the security and armed forces should consist of members of identity groups from the cities in which they are concentrated.

This assumption is illustrated with the example of the Kurdistan Regional Government, or KRG. The KRG has its own military apparatus, responsible for providing security and order in the region. This has created a balance to the Shia hegemony in the state and

[1] This is discussed in chapter 7.

military institutions. Furthermore, it has prevented the free movement of rival militias to create ethnic tensions inside the KR as the Kurds feel that their identity is relatively secure there compared to the Sunni cities.

The key point here is that the US, as the main actor in the state building process, did not sufficiently worked to create proportional representation in the army and to localise the security and armed forces[1].

4.4 The US and CPA in democratisation process 2003-2008

Apart from the issues discussed in section 4.3, the CPA faced four main challenges related to governance. These challenges were: the imbalance between external and local ownership over the processes of democratisation; inclusiveness; federalism; and finally, the human rights violations by coalition forces.

One of the key challenges concerning the ownership of the Iraqi state-building and democratisation processes was the balance between Iraqi engagement and external control. On the one hand, in the transitional period, the CPA retained all authority and marginalised the role of Iraqis, undermining the promotion of local efforts to achieve democracy. On the other hand, the imbalanced ownership of the process in the post-transition period was due to handing over the process fully to Iraqis with minimal international control and constraints. The second imbalance, which has been overlooked by many concerning the role of the US in Iraqi democratisation (Diamond, 2006b, Dobbins, 2009, Bremer and McConnell, 2006), has had a more adverse effective on the process.

With regard to the first imbalance, the CPA held all legislative, judiciary and executive authority and maintained the processes of Iraqi state-building until 28th June 2004, when they handed the authority to the Iraqi interim government (Bremer, 2003a). This was one of the first steps in expanding the gap between the external administration and local population and elites.

[1] Proportionality alone in the armed forces cannot create balance as Sunnis and Kurds are minorities without localised the security forces, particularly in the territorially concentrated groups.

This changed their public image from liberator to occupier in the eyes of Iraqi elites (Pachachi, 2010). The expectation was that, post-invasion, coalition forces would hand over power directly and establish an Iraqi-led transitional authority. Many local Iraqi elites were dissatisfied that the external administration held power over Iraq in a way that marginalised the role of locals (Pachachi, 2010, Mustafa, 2012). However, this does not mean that the US should have handed over the process entirely to the local elites, as the locals were unable to undertake the process of democratisation and state building without monitoring and sponsorship the US.

The CPA attempted to create a balance by establishing the Iraqi Governing Council (IGC) according to regulation No. 6 on July 13th 2003 (Bremer, 2003d), which consisted of 25 members from different political, religious and ethnic groups. The CPA identified some functions and responsibilities of the IGC and appointed interim ministers, coordinating with the CPA on policy-making in Iraq, and determining the budget, in addition to developing the necessary procedures for the establishment of a constitution (Bremer, 2003d). However, the CPA kept the right of veto on any decisions made by the IGC (Bremer, 2003d). Therefore, the IGC's role was primarily consultative, rather than that of any real executive authority

Diamond (2006b, 2006a) suggests that the Iraqi democratisation process required a five to seven-year transition period before holding a national election. During this period, he argued that local elections must be held in order to avoid the problem of legitimacy and to habituate people and political parties to democratic rule. In his view, this approach could have reduced the risk of violence and ethno-sectarian conflict during the process of transition.

Diamond's suggestion was implausible, however. Firstly, extending the transitional period for up to seven years would have been impossible to implement, as both Shia and Sunni groups demanded a swift transition. This was particularly poignant with the existence of the Shia high authority (Marjah) and their persistent demand for handing over the power to Iraqis (Sistani, 2004a). In this regard, the Shia Marjah could potentially have mobilised millions of Shias against the coalition forces, without even taking into account the Sunnis who had already rebelled against the coalition. As one

year of external transitional administration had already caused enough problems for coalition forces, they could not have extended beyond this period.

Secondly, there is no guarantee that an extension of the transitional period would necessarily have assisted in demobilising ethno-sectarian polarisation. Even a decade after the Iraqi democratic process began; ethnic tensions have continued to intensify with no clear horizon for depolarisation.

Finally, the extent to which a post-war country can become a successful democracy is not merely a question of time. The problem lies more within poor management of and the absence of ethno-sectarian balance in the state building process, inclusiveness and power devolution. This is particularly evident with the boycott of the process by Sunnis.

When finally the USA handed over power to the locals, they did so with a minimum of control and observation over the process. Thus, this time, the imbalance was embedded in the lack of sufficient control over the locals by the US. As mentioned before, this can be seen in the ill management of the DDR plan when most of the Iranian affiliated militias were integrated into the Iraqi army and security forces without scrutiny and were appointed in high ranks. This contributed to exacerbating the societal security and sectarian based violence. The US, as the main actor and as a democracy promoter in new Iraq, failed to face this challenge sufficiently.

Furthermore, instead of helping with the process of democratisation, the US efforts focused on assisting the Iraqi government with security issues in fighting against terrorist and extreme groups. This can be seen in the two main agreements (the Strategic Framework Agreement (SFA) and the US-Iraq Status of Forces Agreement (SOFA)) signed by the Iraqi government and the US in 2008 (STF, 2008). The US loosened its grip on democratisation process while supporting the Iraqi security and military apparatus. For instance, in the national election in 2010, Ayad Al-Alawi, the head of moderate secular list ''Iraqiya'', won 91 seats, whereas Al-Maliki won 89 seats. Allawi stated in an interview that he requested the support of the USA to become the prime minister, but the USA refused due to Iran's disapproval (Ayad, 2013a). Therefore, the imbalance between international control and local engagement in both

periods was one of the key problems contributing to the diminishing effective output of exogenous democratisation.

With regard to the inclusion of the main groups in the political process, the CPA worked towards implementing ethno-sectarian inclusiveness as one of the main elements of the power sharing model by establishing the Iraqi Governing Council (IGC) 2003-2004. The IGC consisted of 25 members from the main groups; there were 13 Shia members, 5 Sunnis, 5 Kurds and a member each for the Christians and Turkmens. However, this distribution was based on the rough assumption that the Shias comprised around 60%, Kurd 20%, and Arab Sunnis 19% of the population (Bremer and McConnell, 2006, p 4-5). The CPA created a legacy of power sharing proportionality in the government cabinet, which is one of the main elements of consociational democracy. Since then, all Iraqi cabinets have been formed on the basis of power sharing among major ethnic and sectarian lists.

However, despite this legacy, the IGC had limited success. This was due to two reasons; firstly, the boycotting of the process by most of the Sunni population, and secondly, that the Sunni elites who did participate in the IGC did not have support of the Sunni population.

The boycott by the Sunnis had dramatic implications for both the transitional administration period and also the post-transitional period. The boycott meant that the reconstruction of new Iraqi military institutions, police, security forces and other armed forces commenced without sufficient engagement of the Sunnis. This inevitably increased the sense of threat on the Sunni side that stemmed from the perceived likelihood of military institutions having a large role in reshaping policies in Iraq.

On the political level, the Sunnis' boycott led to shrinkage of their political role. In the first election in January 2005, Shia religious elites encouraged people to participate in the process (Sistani, 2004c). Likewise, Kurdish elites encouraged their community to participate in the election in order to achieve their ethnic rights in the new Iraq. This led to the top governmental positions being held mostly by Shias and Kurds. The ruling elites in this new government could therefore shape and direct the state in a way which promoted their communities.

Although this does not mean that there were no Sunni elites of any kind engaged in the political process during the transitional period, their existence was notably latent due to the boycott. This boycott affected many pivotal aspects, namely, participating in the IGC; the establishment of the police and army forces; writing of the Transitional Administrative Law (TAL); the first election for the transitional government, and writing the permanent constitution and holding the referendum. All these are fundamental points and stages for the Iraqi democratisation and state building processes that were boycotted by Sunnis.

Apart from supporting inclusiveness in the ICG, the US began to involve Sunni tribal elites in the fight against Al-Qaeda, which was active in Sunni cities such as Anbar in 2006-2008. The result led to the shrinkage of terrorist groups, although this coordination and support between groups, for some influential Sunni elites, came too late and was at the security level through tribal forces, as Iraq's new army stayed under Shia control. Furthermore, these forces were later not supported or institutionalised in order to become the core local Sunni forces undertaking order and stability in Sunni dominated cities; rather they were neglected by both the US and Iraqi government once the threat of al-Qaida had diminished in Anbar city in 2009-2010.

In contrast to its efforts for promoting inclusiveness during its year in control, the CPA did not support power devolution (federalism) as one of the main elements of Iraqi consociation. In divided societies, a centralised unitary state can increase conflict between identity groups. This is due to the fact that, firstly, the identity groups feel that their identity is under threat from a majority group (Shias) that dominates the centre. In contrast, federalism that allocates sovereignty between regions/federal sub-units has the potential to lessen the risk of conflict in the centre and thus diverting, to some extent, the focus from central to local government. Furthermore, this allows identity groups to have their own local government, thereby reducing the interaction, fear, and tension that may occur at the societal level if ruled by a central government which is controlled by a rival ethnic group[1].

[1] As mentioned in the literature and conclusion chapter, federalism - particularly ethno-federalism - poses a threat to social unity and increases the likelihood of secession. However, a centralised Iraq dominated by the Shia Arabs also increases the threat to social unity, societal stability and

In contrast to this, Bremer's policy was the centralisation of authority and unitary state. This policy was also supported by some think tanks close to the decision making circle in the US administration, namely the Rand Corporation (Oliker, 2007, p 23). Bremer did not do much to promote local administration or devolve power in favour of provinces and federal regions[1]. In this regard, among 129 orders, regulations and memoranda by the CPA, only one order (71) was on the subject of decentralisation (not federalism). Furthermore, in drafting the TAL in 2004, the CPA unsuccessfully opposed the efforts by the Kurds to incorporate any articles that emphasised federalism (Bremer and McConnell, 2006, Mustafa, 2012).

In terms of political and civil freedoms, as a key element for stable democracy, the US and its administration (CPA) laid the fundamental foundations for the democratisation process by drafting the interim constitution in 2004, particularly regarding free, fair and competitive elections, and civil and political liberties. However, this Bill of Rights was not implemented on the ground. The arrests of thousands of Iraqis without trial and the assault of prisoners from 2004 (Amnesty, 2006), diminished the efforts of democratisation. A notable example is the Abu-Gharib scandal, where the leaking of thousands of pictures (Provance, 2006) affected the process substantially. This had implications for the legitimacy of these forces and their efforts for democratisation.

A further implication of the human rights violations was that the Iraqi authorities continued the abuses. Despite its considerable amount of political and military influence at that time, the US as a democracy promoter did not intervene or force Iraqi authorities to correct this policy (Al-Dainee, 2009, Amnesty, 2013b, H.R.W, 2013). This violation by the Shia-led government Nuri Al-Maliki not only diminished the chances for consolidation of democracy, which required the promotion of human rights, but also resulted in the intensification of sectarian tensions as Sunnis believed that human right abuses had been mostly targeted against them (Dosari, 2013, Attam, 2014). This,

disintegration among other groups that demand self-governing rights. This can be seen in the case of the KR and Sunnis who do not have their own federal units. Despite having problems with the centre, the KR has the lowest level of societal insecurity, particularly compared to the Sunni areas governed by a Shia-led centre which has generated a series of protests, unrest and violence since 2005.

1 This is also discussed in Chapter 5.

consequently, led to demonstrations, riots and armed conflict with the government in Sunni areas, such as in Anbar, Mosul and Hawija since 2012[1].

Conclusions

Although the US established the democratisation process and supported ethno-sectarian inclusiveness, it failed to promote the necessary conditions for a stable power sharing democracy. Instead, it created a power vacuum and security dilemma by disbanding military and security institutions, contributing to increasing militias and paramilitary groups expanding their influence and increasing ethnic and sectarian violence.

The second factor that diminished the consolidation of Iraqi democracy was the imbalance in the state-building process, particularly in the military and security apparatuses. The ill management of the DDR plan resulted in establishing the new Iraqi army and security forces dominated by Shias. This imbalance, together with the absence of federal regions, led to increasing insecurity, fear, distrust and violence. In this regard, the US did not sufficiently promote the localisation of security forces for each community.

The final point is the imbalance between the US and local elites concerning control over the state-building process and in democratisation. In the transitional period, the external administration ran the process the full authority of the consultative ethno-sectarian elites, whereas in the post-transitional period, the external administration handed over this process to the locals with a minimum of control over the process. This led to the process falling under the hegemonic control of one ethnic group – the Shia Islamists – and the under-representation of Sunnis. All of the above resulted in instability, violence, and the feeling of insecurity between groups, which consequently diminished the conditions necessary for a stable power sharing democracy.

[1] This topic is discussed in Chapters 7 and 8.

5 Ethno-sectarian conflict in the constitution making process

The constitution-drafting process in post-war divided societies is an important element of the democratisation process in terms of managing (and restructuring) relations between identity groups. In this respect, the Iraqi constitutional process, both the Transitional Administration Law (TAL) in 2004 and the permanent constitution in 2005, was an opportunity to build a new Iraq that could accommodate the main identity groups.

This chapter examines three aspects: firstly, the conflict between ethno-sectarian elites on the most contentious issues and the impact of this conflict on the final draft; secondly, the extent to which the Iraqi constitutional design includes the main mechanisms for accommodating ethnosectarian groups and reducing fear and distrust between groups, as discussed in the theoretical literature; and finally, the conflict over the implementation of the constitution.

The main arguments of this chapter are twofold. The inclusion of all main ethnic and sectarian groups does not necessarily reduce the conflict or produce the best institutional design for regulating ethnic conflict. Secondly, despite the constitution containing the main mechanisms for regulating conflict proposed in this thesis, such as federalism, de facto power sharing, proportionality, and mutual veto, it could not improve security, promote stability, or diminish fear, distrust and grievance between elite-led groups. This failure is attributed to three main reasons. Firstly, the military and economic power has a greater influence than the rule of law in the relations between groups. The constitution only legitimised the status-quo of main groups on the ground in the post-invasion of 2003. Secondly, the constitution lacks sufficient details concerning some contentious issues such as managing natural resources and disputes areas between central government and federal units. Furthermore, the details concerning solving the contentious issues were postponed for the post-

constitution stage. Finally, the changes occurring to the political discourse and identity of some groups, more precisely the Sunnis (from Pan-Arabic discourse during the constitutional process to Sunnism since 2011), led to changes in their demands, which could not be fulfilled by the constitution.

These issues are examined in five sections. Section one discusses the conflicting agendas in the constitution making process. Section two examines the conflict over the identity of the state, which is threefold: Shiism, pan-Arabism and pluralism. Section three examines the most problematic issues, which are federalism, disputed areas and natural resources management. Section four examines power sharing, proportionality and mutual veto. The final section discusses the limited role of constitutional design in reducing conflict.

5.1 Introduction section: Iraqi constitutional preparation phase

The Iraqi constitution process went through two stages. The first stage was drafting an interim constitution, the TAL (Transitional Administrative Law). The second stage was drafting the permanent constitution.

Both stages of the constitutional process correlate on three points. Firstly, the TAL was a roadmap for the permanent constitution with regard to electing drafters, forming a timetable for drafting the constitution, and the conditions of ratification and referendum. Secondly, understanding the role of the local elites and the US necessitated referring to the TAL. Finally, disagreement over contentious issues such as the allocation of power and wealth, the identity of the state, and disputed territories between Kurds and Arabs, existed in the TAL and the permanent constitution.

The Coalition Provisional Authority (CPA) and the Iraqi Governing Council (IGC) signed an agreement on 15th of November 2003 to allow Iraqis to hold national elections for a new Iraqi government by the end of 2005, have a constitution written by an elected committee, and hold a referendum on the constitution. Furthermore, both sides agreed to draft an interim constitution (TAL) for the transitional period before holding elections and drafting a permanent constitution (Talabani and Bremer, 2003). The justification for waiting to hold elections until after the drafting of an interim constitution was that an election might have resulted in a majority of Islamic Shia forces in the constitutional assembly, especially due to the Sunnis boycotting the process (Allawi, 2007, p213, Chandra, 2005).

The main groups responded differently to the agreement on drafting the TAL. Kurdish participants seemed indifferent to whether the constitutional committee would be elected or nominated by the CPA so long as their demands, namely federalism, disputed territories, the allocation of national revenues and Peshmerga (Kurdish paramilitary forces) were guaranteed in the new Iraq (Mustafa, 2012). Most influential Sunni elites and organisations, the Association of Muslim Scholars (AMS) (AMSI, 2004), tribal elites, nationalist insurgencies and the Baath Party (Baath, 2003), rejected not only the plan for the constitution but also the whole process. The Shia Islamists in the IGC rejected the CPA's plan (Mustafa, 2012). They encouraged the Ayatollah Sistani to issue a "Fatwa," (Sistani, 2004a) which meant that any constitution had to be written by Iraqis through an elected assembly and not by foreigners or any appointed committee that did not reflect Iraqi national identity and Islamic values. However, the CPA and the representative of the UN held their ground and stated that holding the elections before the drafting of the constitution would not be possible (Allawi, 2007, p.216-7). Consequently, the Shia forces and Sistani modified their position and approved the 15th November Agreement (Bremer and McConnell, 2006, p.229).

The process of writing the TAL can be divided into two different aspects. Most of the provisions that relate to political rights and freedoms or democratic principles – namely, the separation between authorities - were written by the CPA with the assistance of both US and Iraqi experts (Diamond, 2006b, p.145-51). These issues were not the core of the conflict between groups. On the contrary, contentious issues

among groups, such as federalism, disputed territories, the role of Islam, and the identity of the state, resulted in compromises between the three main groups[1]. The US often mediated and sometimes pushed rival parties to reach an agreement on contentious issues[2].

The second aspect is participation and inclusion. Although the process of drafting the TAL included members of the three main groups, most Sunnis boycotted the process. In this regard, the participant Sunnis did not have a mandate from their community, unlike the Shias and Kurds. Furthermore, there was a lack of public participation and transparency in the TAL. The TAL was a compromise between the appointed elites in caucuses without the participation of the public.

In contrast to the TAL, the constitution was drafted by elected Iraqi representatives. On 30th Jan 2005, the Iraqi people voted in a free election to choose their representatives for the Interim National Assembly (INA) that would draft the constitution. The Shias participated in the election as one united list. Similarly, the main Kurdish parties participated as one united list. In contrast, Sunnis whether nationalists, Baathists, moderate or radical Islamist boycotted the elections. Radical Sunni groups pressured Sunnis not to participate in the election (Morrow, 2005, p6). The election, despite instability and a lack of security, was held successfully. The result of the election was that the Shia list won with 48.2%, of the vote whilst the Kurdish list had 26.4 % of the vote and the Iraqiya list (secular) had 13.8.%; however, the Sunni lists, the Iraqis, Reconciliation and Liberation Bloc and Iraqi Islamic Party ISP had only 1.78, 0.38 and 0.25 percent respectively (IHEC, 2005e). The INA, albeit with limited Sunni representation, formed a constitutional committee. Table 5.1 shows that the Sunni lists who participate in the elections did not have any members on the committee, although two of the 55 members of the constitutional drafting committee were Sunnis, elected on the secular Iraqiya List.

[1] Shia elites participating in the TAL were Ibrahim Jafari, Abdul-Aziz Hakim and other Islamic members from the Dawa party and the Supreme Council of Islamic revolution. The Kurdish side was represented by Talabani, Barzani, Rozh and Nawsherwan from the two main parties - the PUK and KDP. However, there were only two representatives of the Sunni elites: Mushin Abdul Hamid, Bachachi.

[2] This is discussed in the section on contentious issues.

Table 5-1 Constitutional committee according to ethno-sectarian lists

United Iraqi Alliance	Kurdistan Coalition	Secular Iraqiya	Sunni lists	Others /minorities
28	15	8 (included 2 Sunnis)	0	8

Source: *(Muntheer, 2010)*

The boycott/underrepresentation was one of the main challenges that faced the constitutional drafters. To compensate for Sunni underrepresentation, with the help of the US, 13 Sunni members were added to the body, in addition to the two Sunni members that were already in the constitutional committee[1] (Brown, 2005, p6, O'Leary, 2010, Jabar, 2005, Abdul-Jabar, 2006b, p.72, Mahdi, 2005a). Their representation was equivalent to the Kurds who had 15 members.

The process of writing the constitution was problematic. There was limited time for drafting the constitution, only six months. Some argued that the key problem for the Iraqi constitutional process was the limited time available for the drafting. For them, the drafting of the constitution requires knowledge, deliberation, and time (Diamond, 2006b, ICG, 2005). Despite acknowledging the importance of time, the constitution was not only a product of this six-month period; it was rather a result of the TAL that was drafted by Iraqi local elites and the CPA over 8 months (Mustafa, 2012). Even before the regime fell in 2003, most of the opposition parties particularly Kurdish and Shia ones had agreed on the type of political system for new Iraq at the Salahaddin and London (2002) conferences (Mustafa, 2012). The agreement between opposition parties in those conferences had addressed many of the divisive issues e.g. federalism, the Kurdish case, the role of Islam in the state, democracy, sectarian problems, minority rights, the rights of displaced people, and the rebuilding of the armed forces (CAUS, 2007b, p.806). The point here is that the time period was not the major challenge compared to the other issues, namely inclusion, cohesive leadership and disagreement over contentious issues[2].

[1] The added Sunni members were mostly independents (tribal elites) and members of the Iraqi Islamic party. The current speaker of Parliament Salem Al-Juboori, and the former Speakers Ayad Samarrai and Mahmood Mashhadani were among them.

[2] Contentious issues are discussed in the next section.

The second challenge was that Sunni elites were unable to deliver leadership of their community and, as some argue, cohesive leadership is critical for the success of the negotiation process in divided societies (Allawi, 2007, p.8, Fearon, 2007, p.9, Dodge, 2012c). Sunni elites were divided; some participated in the process namely the ISP, Reconciliation bloc and National Dialogue Front, while others such as the AMS and Baath affiliated groups boycotted it. This created a gap not only between groups of elites, but also between the elites and the Sunni community who mostly supported the boycott campaign.

This consequently created another challenge; the lack of engagement of the Sunni members, who were added to the committee. Sunni members joined the discussion on drafting the constitution only three months after the constitutional drafting committee was formed (Al-Awsat, 2005a, p3) and after the Shia and Kurdish elites had principally agreed on most of the contentious issues particularly those of federalism, disputed territories/areas, and the identity of the state. Hence, the engagement of Sunni members came late, as they rejected or tried to re-negotiate on issues that had principally been agreed upon by the Kurdish and Shia parties. Another factor that contributed to the self-alienation of Sunnis was that they showed limited or no willingness to compromise on contentious issues particularly regarding the Arabness of Iraq, the centralised and unitary nature of Iraq and the disputed areas. Some of the Sunni drafters urged their community to vote no on the constitutional draft due to the fact that their uncompromising demands had not been fulfilled (Albayan, 2005).

Most Sunnis boycotted the referendum and the no-votes came mostly, if not entirely, from Sunni-majority cities. Both Salahaddin and Anbar provinces, which have the highest Sunni populations, voted against the constitutional draft; in both cities, the no votes were 81.75% and 96.9% respectively. The yes votes in nine Shia-majority cities (except Baghdad) were more than 94%; similarly, in three Kurdish-majority cities, the yes votes were more than 98% (IHEC, 2005a). The constitutional draft was ratified by 78.6 percent of the population but Sunnis did not support the draft.

This chapter now moves on to consider the conflict over the contentious issues and the extent to which the constitution included mechanisms for accommodating and

regulating conflict via institutional recognition of diversity, power devolution (federalism and decentralisation), proportionality and a power-sharing government.

5.2 Conflict over the identity of the state

Conflict over the recognition of multinational identity is one of the first steps in divided societies to build upon other accommodationist policies such as federalism and power sharing. This section discusses the conflict between the main groups over the identity of state pluralism in contrast with the control by one identity group over the state. In this regard, two conflicts are highlighted: pluralism versus Pan-Arabism, and liberal secularism versus Islamism.

1. Multi-identity versus Pan-Arabism

After the invasion Sunni forces - from nationalists to moderate Islamists - used similar rhetoric to the former regime concerning the identity of Iraq. They emphasised that the Arab identity of Iraq had to be incorporated into the constitution (Morrow, 2006, p.7), using language such as "Iraq is part of the Arabic nation''[1] (Naman, 2005). Kurds rejected this since they had been oppressed under this motto during the Baath regime (Abdul-Jabar, 2006b, p.99-100). Indeed, the addition of such language to the constitution would have run the risk of legalising potential oppression against minorities as well as establishing the hegemony of Arab identity over other groups such as Kurds, Turkmen, and Kildo-Assyrian. Therefore, due to the resistance of the Kurds, the above sentence was changed to ''only the Iraqi Arab population is part of the Arab nation" and was added to Article (3) of the second draft of the constitution. Later, this sentence was removed from the final draft, as it was considered a fact that an Iraqi Arab is Arab. Instead, the term "Iraq is a founding member of the Arab League" was in the final draft.

While ethno-sectarian mobilisation was mounting in post-war Iraq, the pan-Arabic (ethnic nationalism) discourse of Sunnis affected their future as a sectarian minority

[1] In the Baath constitution, a similar phrase existed.

in Iraq where Shias are in the majority. The pan-Arabic discourse[1] contributed to them missing the opportunity to represent themselves as a Sunni Arab minority and construct their future in Iraq as the Kurds had done in demanding to have their own federal unit to promote their cultural identity and security as a minority. Secondly, this discourse maintained the fear and distrust of both Shias and Kurds towards the Sunnis, particularly because the former Sunni ruling elites had oppressed both Shias and Kurds in the name of secular pan-Arabic nationalism since 1968.

Despite the disagreement, the proponents of the multinational nature of Iraq prevailed. Article (7) of the TAL and Article (3) of the permanent constitution recognise Iraq as a multi-ethnic, multi-racial, and multi-sectarian country that consists of Arabs, Kurds, Turkmen, and Assyrians. Furthermore, Article (3) of the constitution recognises Arabic and Kurdish languages as the official languages of the state. It also recognises other minority languages in Iraq, as well as the fact that all minorities have a right to adopt their language in educational and cultural aspects at the local level.

2. Islamic identity

The second form of conflict over Iraqi identity was between Islam, or at least the Shia version of Islam, and the secular state. The conflict over Islamising the constitution differed from that of the Arabness of Iraq in that this conflict was between the Shia majority and the minorities, particularly the Kurds and secular members.

In the TAL, Shia Islamists, namely the members of the Supreme Council of Islamic Revolution (SCIR) and the Dawa party, as well as other Islamic members demanded that Islam should be the principal source for all legislation and that no law may contradict the basic principles of Islam (Abdul-Jabar, 2006a, 2005, Diamond, 2006b,

[1] Sunni Arabs are of course, from a sectarian perspective, Sunni Muslims and ethnically Arabs; however, in their discourse, they prioritised ethnic Arabism over sectarian. One of the reasons for this discourse was to maintain their position as the majority, since Arabs are the majority in Iraq, whereas Sunnis are the minority. However, in de facto conflict, they were still regarded as Sunnis in the eyes of Shia Arabs. Therefore, the point here is that identity is not only related to self-perception, but also the perceptions of others from an identity perspective. Furthermore, from a constructivist point of view, individuals can have multiple identities, one of which could be the main identity at the time, depending on political, economic and social circumstances. In the case of the Sunnis, their discourse at that time was more pan-Arabism than Sunnism.

p.172). Sistani (2004a) also attempted to Islamise the TAL by trying to make Islam the only source for legislation.

A central point is that Sistani's involvement in the constitutional process not only presented a threat to democracy but also intensified ethnic and sectarian mobilisation, even more so at the political level. For instance, Mohsen, a Sunni GC member, stated that ''A Shia Marjah has no right to impose his opinion on the whole nation, every time when we come to a topic under the pretext of the Marjah, Shia forces put off the discussion'' (Mustafa, 2012). Pachachi, a liberal and secular Sunni member, appointed by the CPA, also opposed the supremacy of Islam in the TAL (Mustafa, 2012).

Likewise, Kurdish participants have a similar reaction to the domination of Shia clerics over the state (Bremer and McConnell, 2006). A Senior Kurdish official, Nawsherwan, confronted Shia participants saying that Sistani was an Iranian citizen who had no right to interfere with the constitutional process (Mustafa, 2012). The Kurdish reservations were not for sectarian reasons, but rather occurred due to their fear of the supremacy of Shia Islam over Iraq. This supremacy threatens them equally as much as pan-Arabic rhetoric.

In this regard, the role of the CPA was that of a mediator or at least of a passive bystander (Bremer and McConnell, 2006). The reason for this is that the CPA tried to avoid conflict with the Marjah, who had hierarchical authority over the Shia population, who could have mobilised forces against the CPA.

The key problem here was not related to Islam per se, but rather to a sectarian view of Islam. As there is not one Islamic rule, the supremacy of Islam in the constitution means the supremacy of Shia Islam. This, consequently, led to the intensification of ethno-sectarian conflict between Sunnis and Shias on the one hand, and Shias and Kurds or more precisely secular parties on the other.

In the permanent constitution, the stance of the Shias on the Islamisation of the state remained the same. Although the Shia Marjah did not intervene directly, as the Shia

members made up half of the constitutional committee, this secured their position without direct interference from the Marjah.

The Shia political forces insisted on the following (Abdul-Jabar, 2006b): (1) Islam must be the principal source of legislation without legal contradiction; (2) Iraq should be referred to as the Islamic Republic of Iraq in the constitution; and (3), an article should be incorporated in the constitution about respecting Shia religious authority and Shia icons. The points concerning the Islamic Republic of Iraq and imposing respect for Shia authority by law were dropped from the draft because of the opposition of Kurds and secular members.

This opposition against both sections shows that other forces, such as the Sunnis and Kurds, feared the supremacy of Wilayat al-Faqih (the supremacy of a Shia cleric over the state, as in the Iranian regime (Al-Hashimi, 2014)) and that no one could have criticised the Marjah and its fatwas, as they had constitutional backing.

However, it can be said that the constitution theoretically balances both sides - secular, liberal views and Islamic views. On the one hand, it states that Islam is the official religion of the state and is the foundation of legislation: *"no law shall be enacted that contradicts the established provisions of Islam"* Article (2). In the same article, secular forces, particularly Kurdish participants, also added that *"no law shall be enacted that contradicts the principles of democracy [and] fundamental rights that were mentioned in the constitution"*[1]. Furthermore, section two in the constitution includes two chapters and 33 Articles emphasising political, economic, cultural and civil rights such as the freedom of expression, religion, belief, joining associations and political parties, demonstration, movement and so on. This set of political and civil rights forms the core of liberal views in the constitution[2].

This accommodation of both Islamic provisions and those relating to democratic and liberal rights was contradictory, particularly in Article 2. Firstly, there are many Islamic laws which contradict democratic and liberal views on women's rights and freedom of

[1] A similar expression can be found in the TAL Article 7.

[2] However, it is of note that, as the constitution explicitly and directly emphasises freedom of practicing religion and rituals, among all the religions and sects it mentions only the Shia rituals and icons by name.

expression and belief. Secondly, there is not a united view of Islam (Muna, 2006, p137, Ghanim, 2011, p163-164, Faleh, 2006, p10). As Iraq consists of a majority Shia population compared to other groups, the possibility of imposing Shiism is present.

In conclusion, Kurds succeeded in achieving their demands concerning the multi-identity of Iraq by recognising their identity and language rights. Likewise, Shias secured their demands for prevailing Islamic principles and incorporating articles on respecting their religious icons and Marjah into law. Sunni participants were the only party in the negotiation that failed to achieve their demands concerning the identity of Iraq. Two main reasons for the alienation of their demands in the negotiation process can be identified[1]. Firstly, these demands were not purely based on recognising their sectarian identity without affecting other groups; instead, they concerned the Arabness of Iraq, which directly affected and contradicted the ethnic rights of other minorities, particularly the Kurds and their security. Secondly, because of the boycott, the representatives of the Sunnis lacked a mandate. This made them a weaker party during negotiations over contentious issues in the constitution-making process.

5.3 Federalism and decentralisation

The main groups had different positions concerning federalism and its details during the drafting of the TAL. Despite being a minority, Sunnis opposed federalism, which is one of the mechanisms for territorially concentrated minorities to promote their identity and culture. Sunni elites believed that federalism was the first step towards Iraqi disintegration (Abdul-Jabar, 2006b, Beehner, 2005, Mahdi, 2005c). Whilst there were some Sunni participants involved in the process of writing the TAL, namely Pachachi and Mohsen Abdul-Hamid, who accepted some sort of administrative decentralisation under the name of federalism for Kurds (Mustafa, 2012, Muntheer, 2010), they rejected federalism for other groups like the Shias and Sunnis. However,

[1] The two reasons mentioned are also applicable to the failure to fulfil other demands, such as rejecting federalism and disputed territories, which is discussed in the next sections

the influential Sunni elites who boycotted the political process rejected the principle of federalism for all groups (AMSI, 2005).

This anti-federalism stand pitted Sunni participants against the Kurds who insisted on federalism (ethnic federalism) with a wide authority in terms of control over resources, their own security forces (Peshmerga) and the inner border of the KRG particularly disputed areas that had been Arabised in Kirkuk and some areas in Diyalah and Mosul (Mustafa, 2012, Anderson and Stansfield, 2004). Kurdish demands for increasing their security by means of having their de facto semi-state constitutionally recognised were derived firstly from the fear and historical memory of oppression by Iraqi former regimes, and secondly from the fact that the majority of the Kurdish community desired at least having their own semi-state as a national minority (Halgoord, 2004)[1] distinct from the rest of the Iraqi Arabs.

Unlike the Sunnis, the Shia participants did not oppose federalism for the Kurds (Al-Awsat, 2005a, Jabar, 2005, Diamond, 2006b, p.171); this was especially true of the SCIR, which was a close ally of the Kurds (Anderson and Stansfield, 2011)[2]. However, there were disagreements over the extent of power the federal regions would have over resources and the boundaries of the units. For instance, Al-Sumaidihi, Chalabi (Shexani, 2003) and Al-Rubaihi (Mustafa, 2012), who were members of the IGC, principally supported some sort of administrative and geographic federalism, whilst they rejected ethnic federalism that could divide some cities and districts where the majority of the population is Kurdish. This was because ethnically concentrated federalism would contribute to increasing the KRG's territory by adding some cities and districts that were part of majority Arab-populated provinces. Furthermore, it could increase and accelerate their ambition for secession.

Importantly, the CPA supported a centralised Iraq instead of federalism (Bremer and McConnell, 2006). One the one hand, the CPA encouraged the democratic principles of free, fair and competitive elections, political rights and freedoms in the TAL, on the

[1] In 2004, the petition for a referendum collected 1,700,000 signatures in the Kurdistan Region demanding secession from Iraq.

[2] Moreover, the SCIR demanded federalism for the Shia province in the south, particularly for Basra ANDERSON, L. & STANSFIELD, G. 2011. *Crisis in Kirkuk: The Ethnopolitics of Conflict and Compromise*, University of Pennsylvania Press, Incorporated..

other hand, it stood against federalism, which is considered in this thesis as essential for accommodation. Bremer (2006) pressed Kurds to postpone their demands, seeking to minimise disagreement between groups.

Despite the objection of Sunni participants and the CPA, pro-federalism forces succeeded in fixing federalism as a principle. In this regard, the TAL contained some significant articles that focused on the decentralisation of power and federalism. Article 4 recognised Iraq as a federal democratic republic as well as the fact that power should be shared between federal and regional governments. Article 53 also stated that any three governorates (not more than three) should have the right to form regions amongst themselves, except Kirkuk[1] and Baghdad.

Furthermore, the TAL recognised the Kurdistan Regional Government (KRG) as a legitimate and official regional government in the territories that were under its control on 19 March 2003 (Article 53). It also recognised the KRG's authority over its internal security (Peshmerga forces)[2]. Along with this, Article 58 emphasised resolving the case of disputed territories between the KRG and Iraq, namely Kirkuk province, Jalawla, Sa'adiya and areas in Mosul province.

In the debates on the permanent constitution, Sunni participants rejected any kind of federalism that gave legislative and security power to the regional governments, both for the Kurds but also for the southern Shia provinces (Article 119) (Osman, 2005, Mahdi, 2005c, Al-Awsat, 2005b, Al-Hashimi, 2014).

This stance was also shared by Sunni elites outside the constitutional committee, namely Mohsen Abdul-Hamid, former Vice President Hashimi, and members of the Association of Muslim Scholars (Al-Hashimi, 2005, Al-Awsat, 2005a, AMSI, 2005). They only recognised a limited form of decentralisation for three Kurdish provinces with authority similar to that given to the Iraqi provinces (ISP, 2005). The Sunnis' fear of federalism for ethnically homogenous regions was the result of concerns that it would

[1] Kirkuk, as a disputed territory mainly between Kurds and Arabs, was exempted in order not to be incorporated into the KRG during the transitional period.
[2] Peshmerga is a Kurdish force equivalent to the Iraqi army. However, it is subject to the president of the KRG. These forces were paramilitary forces that were and remain loyal to two ruling parties; the PDK and PUK.

be the first step for the secession for Kurds as a national minority. Hence, Sunnis accepted a form of multiculturalism that gives language and cultural rights to minorities, but they were against linking these rights with the self-government rights. As argued previously, this Sunni stance came from the fact that they behaved at that time as Arabs (pan-Arabic discourse), who comprised around 75% of the Iraqi population, rather than as a Sunni minority.

In contrast, the Kurdish stand on federalism remained the same as in the TAL. In this regard, the former president of Iraq, Talabani (2012), said that "the Kurds compromised maximally… and federalism is the minimum of what they accept". Another senior Kurdish official said that although the US demanded more compromises from the Kurds, they could not accept less than federalism as they already had their own de facto region (Al-Awsat, 2005b).

Kurds succeeded in constitutionalising their demands concerning federalism and the recognition of their de facto semi-state region (federal sub-unit), as Stansfield and Anderson (2004) opined: ''it is worth noting that an independent Kurdish state is already in existence in all but name''. This recognition resulted from a mutual understanding and compromise with the Shias. Yet again, Sunnis failed to achieve any of their demands and again felt that they were alienated and marginalised in the constitution-making process. As argued in the theoretical literature, federalism and other forms of power devolution - namely segmental autonomy - are key mechanisms for accommodating minorities and reducing the conflict in divided societies. Contrary to this logic, Sunnis rejected the principle of federalism that could secure them against the majority community - Shias. Sunnis had lost their position of dominance in Iraq, and saw themselves as the most disadvantaged community. Stansfield and Anderson expressed this situation as follows ''Sunnis [went] from a position of political dominance to one of subservience, this is not easy to swallow'' (2004, p.189). Their nostalgia for power was evident in the ethnic discourse by the elites that followed. In contrast, federalism, which promoted ethnic and sectarian identity, reduced their chances of ruling Iraq by using their Pan-Arabic discourse. In addition, Sunni elites lacked the political experience of being a minority and sought to secure their position

and community within the Shia majority Iraq. This was confirmed by the former Vice President Hashmi (Al-Hashimi, 2014).

The issue that arises here is to what extent the constitutional texts contain federalism. The constitution defines the jurisdiction of the region. Firstly, it states that one province or more can form a region alone or together. The region has the right to have its own constitution (Article 120) and to exercise legislative, executive, and judicial powers in accordance with its constitution, except for those competencies that are exclusive to the federal government (Article 121). This means that the region has the right to have a parliament and elected regional government. The region also has the right to amend the implementation of national legislation within it.

The most significant power that regions have is the right to maintain their own security and armed forces (Article 121). The advantage of localising the security forces is highly significant for Iraqi ethno-sectarian management. It helps to balance the national security and army forces that are dominated by the Shia-led centre, and reduces the possibility of using the national forces against other communities for political purposes. As mentioned in the previous chapter, one of the main reasons for the intensification of the ethno-sectarian security dilemma is the imbalance of security and military forces. The national armed forces are dominated by Shias under a Shia-led government. Thus, balance cannot be achieved by proportionality in the national army because of the differences in the sizes of the groups but can be achieved by localising the security forces under the elected local government for minorities in areas where they are the majority.

However, the divisions between groups over the management of oil and gas reserves affected the text of the constitution. Shias wanted the resources to be under the control of the centre, while the Kurds tried to give priority to the regions in managing these resources with the cooperation and coordination of the centre (Osman, 2005, Anderson and Stansfield, 2004, p195). Shia views were similar to those of the Sunni Arabs, who advocated the central control of wealth (Abdul-Jabar, 2006b). Similarly, Shia religious authorities, particularly Sistani, had reservations about federalism.

Sistani supported a centralised government having control over both power and wealth in order to provide better stability and services (Wikileaks, 2005b).

Due to these disagreements, the constitution emphasises the principle of partnership and cooperation between the centre and producing regions and provinces in managing oil and gas resources. Article 112 states that 'the federal government shall coordinate with [them] in formulating strategic policies for the development of oil and gas resources'. However, it does not identify sufficient and clear mechanisms and procedures for this cooperation or the extent to which regions have authority over these resources. Instead, the constitution postponed the problem of managing these resources by stating it would be regulated by law (Article 112). This meant the constitution would be subject to different interpretations by rival groups, especially between the KRG and the central government[1]. Since 2011, this has been a major point of tension between the KRG and Shia-led government in relation to exporting oil.

Despite the unresolved problems of gas and oil management, and their potential to lead to future conflict or disagreement, there was an opportunity to implement and form different regions with different power in the future through negotiation and agreement between communities on the issues that had not been mentioned in the constitution. This process of agreement would be between the Shia-led centre and other minorities, such as the Sunnis when they form their own regions, and Kurds who already have their own region. Alternatively, the negotiation and agreement would be between three communities: Shias alongside Kurds, and Sunnis who would form their own regions. Hence, different regions with different authority over the oil and gas management could create a chance for asymmetrical federalism/ asymmetrical regions.

In this regard, the oil producing regions/provinces such as Basra and Kirkuk would have different authorities if each were turned into a region (federal subunit). For instance, the KRG has more de facto authority than those underlined in the constitution. Ethnic

[1] This discussed in chapter 7.

and cultural differences[1] between Kurds and Arabs, and the secessionist tendencies of Kurds, are two factors that push them to demand a greater power devolution than is identified in the constitution in relation to border control, tariffs, taxes and exporting oil. In contrast, Shia-dominated Basra may not require the authority desired by the Kurds due to the relative homogeneity of sectarian affiliation between Basra and Shia dominated central government. Furthermore, the non-producing Sunni provinces would have different authorities if they formed region(s) since they do not have a significant oil resource and do not require agreement with the centre on oil management. All of these factors create the potential for de facto and de jure asymmetrical regions.

As well as federalism, the constitution recognises cultural autonomy. For instance, Article 125 states, *"This constitution shall guarantee administrative, political, cultural and educational rights of various ethnic groups such as Turkmen, Chaldeans, Assyrian and other all other constituents and this shall be regulated by law"*. The constitution focuses on these rights within districts and sub-districts where those groups make up a majority. In this regard, Article 4 states that the Turkmen and Syriac languages are the two official languages in those administrative units in which they constitute dense populations. This can be regarded as a group autonomy within concentrated groups in districts or administrative units that is smaller than province/governorate. Hence, the constitution has adopted an accommodationist policy towards minorities.

5.3.1 The KRG's constitutional status

The KRG is a practical example of a region (federal sub-unit); the TAL and the constitution recognise the KRG and its de facto authorities. Kurdistan and its acronym are mentioned 17 and 5 times in the TAL and in the constitution respectively. Article 117 of the constitution and Article 53 of the TAL recognise the KRG as an official regional government along with its authorities. Furthermore, Article (141) states that legislation, court decisions and contracts enacted in the KR since 1992 shall remain in force. Recognition of the KRG by name in the constitution was due to the Kurdish

[1] Burgess believes that cultural, economic and social differences between communities within the same state are the main factors for implementing asymmetrical federalism.

elites' fear and distrust of the central government; they wanted the KRG to be mentioned by name, despite the fact that the right of federalism is preserved for Iraqi provinces alone and together.

However, there are many unsolved problems between the KRG and centre, which have been a source of fear, tension and conflict. The most contentious issue concerning the KRG is its internal border with the rest of Iraq; indeed, some of the strategic places such as the oil-rich city Kirkuk were subjected to demographic changes by the Baath regime. Hence, the disputed territories refer to the cities and areas that used to comprise a majority of non-Arabs, mainly Kurds, but which have been Arabised by the former regime.

The main cities and districts that underwent demographic change were Kirkuk (city), the districts of Jalawla, Sa'adiya, Mandali and Khanaqeen in Diyalah, the districts of Sinjar and other places in Mosul province[1]. The main demand of the Kurds was the normalisation of these areas by returning displaced Kurdish families and resettling the Arab-settlers that were brought to these areas.

Arab participants (the Shias and Sunnis) were against the restoration of the disputed territories to the KRG. While the Sunnis rejected the demand for the disputed territories to be incorporated into the KRG in any way during the permanent constitution stage in 2005, Shia forces were more open to negotiation (Mustafa, 2012).

The US and regional countries also had a role in shaping the conflict. In this regard, the CPA and the US administration argued against incorporating the case of the disputed territories into the TAL (Bremer and McConnell, 2006). In order to reduce the points of conflict in the TAL to a minimum and to convince Arabs to sign and pass the draft on time, the US impressed upon Kurdish participants to postpone the case of the disputed territories (Mustafa, 2012, 2014). However, after the persistence of Kurdish elites, the disputed territories were fixed in the TAL (Article 58). This demonstrates that the role of the US was not as bilateral negotiator with Sistani as some think (Arato,

[1] In some areas like Makhmour and Khanaqeen, Kurdish forces expelled the Arab settlers before the constitutional process.

2009), but was rather as mediator and sometimes imposer to bring together antagonistic views in order to reach a decision and to finish the draft. Furthermore, it shows that the role of the US was not to promote an institutional design that regulates the ethnic and sectarian conflict in the long term, but was rather to mitigate the conflict between rival groups during the process of writing.

At the same time, neighbouring countries such as Turkey, Syria and Iran worked to prevent the incorporation of Kirkuk into the KRG. In this respect, Turkey was strongly involved in working against the disputed territories by supporting anti-federalist forces (Sunnis and Turkmen), threatening the KRG and demanding the US limit Kurdish ambitions concerning Kirkuk (Wikileaks, 2005c).

However, Shia and Kurdish forces came to an agreement on the disputed areas. They agreed to hold a referendum in these areas. This agreement was enshrined in the permanent constitution and was one of the main reasons that Sunni participants withdrew from the negotiations and encouraged their population to vote against the ratification of the draft (ISP, 2005, Mahdi, 2005c) as incorporating the disputed areas into the KRG would affect the size and population of Sunni areas.

Despite the disagreement between the main groups over disputed territories, the constitution contains key mechanisms for solving it. In the TAL, Article 58 identified how these disputed territories should be handled:

“Restoring the residents who were deported expelled or who emigrated from their homes and property, and with regard to the individuals newly introduced to specific regions and territories, the Iraqi Property Claims Commission IPCC shall act […] to ensure that such individuals may be resettled, [and] may receive compensation from the state”.

Furthermore, the article states that after completing the abovementioned measures, a census shall be conducted to enable a permanent solution to be arrived at, after rectifying the permanent constitution.

The constitution includes some details on solving disputed territories. Article 140 makes assurances on the implementation of Article 58 in the TAL by the date of the

31st of December 2007. It also identifies three procedures: normalisation, census and referendum. Normalisation refers to the government taking necessary measures to restore displaced families to their original places and resettling those Arabs who had been brought by the regime to disputed territories. In this regard, the government shall compensate both sets of displaced families. The second step is that the government must conduct a census in the disputed territories. Finally, the government must conduct a referendum in the disputed territories on whether the populations thereof want to be incorporated into the KRG. To achieve these steps, the constitution identifies certain procedures, such as forming a committee for Article 140, and providing a budget for this committee.

In conclusion, Kurds compromised with Shias in order to secure agreement on one of the main controversies: the disputed territories or inner borders of their federal region. In contrast, the Sunnis failed to block incorporating the disputed territories into the constitution. Sunni participants played a zero-sum game with the Kurds over disputed territories. However, as argued before, Sunnis were the weaker party in the political process at that time because of boycotting the elections and constitutional process, and because of lack of cohesive leadership as, for the first time, they lost the power. In contrast, Kurds strongly participated in the process and had cohesive leadership in the process of negotiation; moreover, the KRG, as a semi-state entity, remained intact as the only strong political entity after the regime's fall. This gave them a strong position in negotiations with the Shia majority.

However, Article 140 has faced two challenges. Firstly, the solution is not based entirely on ethnic boundaries, but also on the administrative boundaries of provinces (Anderson and Stansfield, 2011). In this regard, some districts which have a majority Sunni Arab population, such as Hawija, will remain part of Kirkuk. This will create another source of conflict between Sunni Arabs and Kurds, as Arabs who settled in the disputed areas will most likely not agree to be a part of the Kurdish-dominated region. Furthermore, Turkmen as a minority in Kirkuk would also prefer not to join the KRG or the centre. Turkmen would prefer Kirkuk to be an independent region or remain a province under the control of the Iraqi central government (Aziz, 2008, Anderson and Stansfield, 2011). The fear or concern of Turkmen and Sunni Arabs is that they will

become minorities in the case of the incorporation of Kirkuk into the KRG (minority within minority). The disputed areas were not resolved by the end of 2007, as the constitution states, because the centre feared the consequences of normalisation and holding the referendum, which would likely lead to incorporating most of these areas into the KRG.

5.4 Power sharing, mutual veto and proportionality

Power sharing in the executive authority is the main element of consociational democracy. The preamble of the constitution emphasises the importance of inclusion when it states, "we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism […] discrimination, and exclusion". However, it does not explicitly refer to the power-sharing cabinet and the details thereof.

Shias wanted a majoritarian system that gave them the benefit of ruling Iraq due to their population size (Abdul-Jabar, 2006b, p.84). As many other demands of the Kurds had been met, they did not oppose a majoritarian system. However, they insisted on the Council of Presidency for four years after the ratification of the constitution (Abdul-Jabar, 2006b, p.84-5). Furthermore, the Kurds succeeded in adding the Federation Council to work alongside the Representative Council (Parliament) as a legislative branch of parliament (Abdul-Jabar, 2006b, p.84-5). This council includes the representatives from regions and provinces that are not organised in a region (federal subunits)[1]. Similarly, since the Sunnis wanted a strong unitary Iraq, there are no records show that Sunni participants opposed a strong majoritarian system. Hence, Iraq adopted a majoritarian parliamentary system in which the Council of Representatives CoR (Parliament) approves the Prime Minister-designate and his/her cabinet members by an absolute majority (Article 76). The prime minister-designate has a wide range of authority, while the president's authority is only symbolic. The prime minister is "the direct executive authority responsible for the general policy of

[1] Article 65.

the state and the commander-in-chief of the armed forces" (Article 77). As mentioned before, despite rejecting exclusion, the constitution does not explain explicitly whether the preamble of the constitution obliges inclusion within the cabinet (government) or public institutions.

However, after the US-led invasion in 2003, the Iraqi Governing Council IGC was formed by the CPA on the basis of power sharing among the main ethnic and sectarian groups. Since then, it has become a political tradition that all the four cabinets following the IGC are formed on the basis of power sharing. The ministerial posts were allocated among ethnic and sectarian lists according to their seats in parliament. Furthermore, two Shia prime ministers from 2005-2014 had two deputies: one Kurdish and one Sunni.

However, there remains one aspect of the TAL, which counts as consociational democracy, namely the presidency council (Article 35). This council consists of three members[1]. Each member can veto proposed laws and re-vote on amended proposals, which can be passed in parliament with three-fifths of the votes. This could provide a chance for the ethno-sectarian minorities to counter the tyranny of a simple majority of Shias who comprise around 60% of the Iraqi population[2].

In the constitution, this consociational provision was removed, stating that the "expression "the Presidency Council" shall replace the expression "the President of the Republic" in this Constitution… [It] shall be reactivated one successive term after this Constitution comes into force." Despite this change in expression, the president had two vice-presidents, by tradition from different sectarian groups, during the period 2003-2014. However, the constitution does not state that the members of the presidency council shall be from different groups.

Nevertheless, since 2005, three presidential posts - the speaker of parliament, President and the Premiership - have been allocated among groups in this way; the Prime Minister was Shia, the Speaker was Sunni and the President of the Republic was

[1] The council consists of the president and two vices who are elected by two-thirds of the vote in parliament (Article 138).
[2] In two national cabinets, Shia lists together had around 50 percent of the seats in parliament.

Kurdish. This tradition is not guaranteed to last in the long term and is vulnerable to being affected by the balance of power among groups. For instance, when the Kurdish spokesperson claimed that the president should be Kurdish in the aftermath of the national elections in 2014, a senior member of the prime minister's bloc in parliament stated that there was no mention of the president having to be Kurdish in the constitution (Al-Anba, 2014). Such voices, which contradict the political tradition of the power sharing cabinet, can be attributed to three main reasons. Firstly, it comes from the fact that Shias comprise the majority of the population. Lijphart (1977, p.55) believes that when one ethnic group has a majority, the motivation for cooperation with other groups, which is required for consociation, is weak. Hence, such statements by Shia elites come from the fact that they have a majority and have less need for cooperation. Secondly, the more Shia elites secure their position in the new Iraq and control over the state, the less they are motivated to cooperate with the other groups. In this regard, their position, particularly from the security perspective, was consolidated after the sectarian war and they controlled security to a significant degree by 2009. Finally, the withdrawal of the US in 2011 removed the arbiter of the power sharing arrangement.

The mutual right of veto is another element of consociation that exists in the TAL and constitution. Article 60, section (c) of the TAL gave two-thirds of the voters in three provinces the right to veto the ratification of a constitutional draft in a referendum. This veto mean that the Kurds, Shias and Sunnis, who are a majority in at least three provinces, had the right of veto on the ratification of the constitution draft in 2005 referendum.

Shia forces refused to sign the draft until the last minute as they claimed that Sistani did not agree with this condition (Bremer and McConnell, 2006). The Shia Marjah, by rejecting this veto, tried to secure the dominance of Shias in the permanent constitution - to ensure minorities did not block any future amendment proposed by the majority Shias. However, they agreed to sign and pass the TAL after the Kurdish forces insisted on maintaining the veto (Mustafa, 2012).

The mutual veto was only for the ratification of the constitution and the first amendments that was planned to be carried out at the beginning of the Council of Representatives' work through the formation of a committee, which was due to present a report within four months containing recommendations for the amendments (Article 142). However, this amendment did not occur due to the disagreement between groups. This veto was replaced by a minority veto regarding any amendments to the region's (federal unit's) jurisdiction

> ''Articles of the constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities, except by the approval of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum'' Article 126 section 4.

This article was added to increase the security of the Kurds and reduce their fear of Arab dominated Iraq. Anderson and Stansfield (2011) point out that the majority Arabs could amend this section, which prevents amendments to the region's power, as determined in the constitution. Hence, this article cannot guarantee the security of minority groups against the majority.

A final point on consociational elements is proportionality. The Iraqi electoral system is the Party List, which promotes proportionality in the parliament in favour of ethnic and sectarian minorities[1]. Furthermore, the constitution promotes proportionality within some governmental institutions. For instance, Article 9 emphasises the proportionality of ethnic and sectarian groups (Iraqi components) in the armed forces and security apparatuses:

"The Iraqi armed forces and security services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion".

Among all the institutions, the constitution focuses on the balance and representation of groups in the armed forces. The reason behind this is that during the modern history

[1] This point is discussed in detail in the chapter on elections.

of Iraq, the armed and military forces were the main means of politicising the relations between groups. Furthermore, this institution has often played an important role in oppressing Iraqi communities. This fear and obsession among ethnic and sectarian elites, particularly Kurds, led to this article being fixed in the constitution (Barzani, 2012a).

Based on the aforementioned points concerning the inclusiveness of the main groups in the constitutional process and the constitutional design (power sharing, plurality, federalism and proportionality), four main points can be concluded:

- Wider inclusion and participation does not necessarily produce the best mechanisms for ethno-sectarian accommodation. In order to promote their identity and secure their community against the Shia majority, particularly with the increase of fear and uncertainty between groups, Sunnis were expected logically to support power devolution and federalism. However, they acted against this logic by supporting the notion of a unitary state and rejecting federalism. If their demands had been taken into consideration, the constitution may have produced fewer mechanisms for accommodation. This position of the Sunnis in the constitution making process contributed to their fear of behaving as a minority after they had ruled Iraq since its establishment; or, more precisely, their fear of being ruled as a minority by the Shia majority led them to reject the whole political process, including those aspects that are regarded as mechanisms for guaranteeing minorities' security.
- Who got what: Table 5.2 summarises all the discussions in the previous sections on who got what. It can be seen that the Sunnis were the most unsatisfied party in the constitution making process. Their demands were not fulfilled. As argued previously, this can be attributed to three main reasons;

firstly, their demands were not based on securing their sectarian rights as a minority group, in new Iraq. Instead, their demands were a zero-sum game, rejecting any sort of federalism and disputed territories. As mentioned before, this rejection was based on their fear of the new Iraq and the rise of Shias and Kurds. Secondly, Sunnis were the weaker party in the negotiation since they had boycotted the elections for drafting the constitution. The Sunni members on the constitutional committee were not the elected representatives of their community. Furthermore, Sunnis were regarded as the losing party in the process of the Iraqi invasion as they had lost power. In contrast, the Kurds have had a semi-autonomous region since 1992, and all of their local institutions and armed forces remained intact. Finally, they had no cohesive leadership or a mandate from their communities. Driven by fear of the past and future, the Kurds sought to reduce their fear and distrust towards other groups by guaranteeing their demands in the constitutions. Likewise, Shias, who had good relations and cooperation with the KRG based on a sense of common interest and longstanding grievance at the hands of the former Sunni led-regime, were the strongest party in the new Iraq.

Table 5-2 The main demands of ethno-sectarian groups during the process of writing the constitutions

Kurdish demands		Shia demands		Sunni demands	
multi-identity Iraq; no dominance of any identity over another	fulfilled	prevailing Islam/respecting Shia icons	compromised /fulfilled	prevalence of Arabness of Iraq with the recognition of other identities	not fulfilled
federalism and its authorities	fulfilled/ compromised	majoritarian system	fulfilled	unitary Iraq (anti-federalism)	not fulfilled
disputed territories	compromised with Shias	centralized management of oil and gas	compromised with Kurds	rejecting disputed territories	not fulfilled

managing oil and gas	compromised with Shias	rejecting right of veto	not fulfilled	oil and gas management	not fulfilled
veto right	fulfilled	premiership with wide power	fulfilled	veto rights	not demanded by Sunnis
proportionality within military institutions	fulfilled				
total	6/6		4/5		0/5

- The role of the Marjah: Sistani had a more prominent role than political players in the process of drafting the TAL (Mustafa, 2012, Bremer and McConnell, 2006, Arato, 2009). Despite the fact that some valued the role of Sistani in the Iraqi political process and its stability (Rahimi, 2007, Rumsfeld, 2011, Paul, 2013, Ghanim, 2011, p127), his role was controversial in the democratisation process; indeed, it can be regarded as undermining federalism and promoting Islamism, which is inconsistent with promoting the human rights in the constitution. Furthermore, his involvement in the constitutional process not only presented a threat to democratic principles but also intensified fear and distrust at the political level. For instance, some Sunni and Kurdish participants rejected his intervention and considered this a step towards an Iranian-style Shia regime (Mustafa, 2012).

- Constitutional design: The Iraqi constitution includes the main elements of consociational democracy. The Iraqi constitution can be called a flexible consociational democracy. Three reasons can be highlighted for labelling it as

flexible. Firstly, the Iraqi constitution does not give the minority the power of veto on legislative and executive decisions. It only includes the right of veto for the ratification of the constitution and the first constitutional amendments, which can be vetoed by a majority of the voters in three provinces. Secondly, the Iraqi constitution provides for a majoritarian parliamentary system. However, the de facto situation since 2003 has recognised the power-sharing cabinet, which is mainly based on the percentage of winning lists in the parliament. Thirdly, proportionality within the state institutions is not that rigid; the constitution only emphasises proportionality and balance in the armed forces and security institutions. Hence, the constitution emphasises the balance of power in the military and security institutions, through proportionality in the national army (national level) and through localising security forces within federal regions under local government. This point is linked to the conclusion of the previous chapter, which is the importance of localising armed and security forces for reducing identity-based violence and promoting security and stability, which are considered as one of the main conditions for a stable power sharing democracy. Hence, multi-region that localises state institutions and armed forces contributes to reducing the effect of marginalisation or underrepresentation in the centre.

5.5 The efficacy of the constitution on reducing conflict

The question that arises from the previous sections is why these constitutional provisions have not reduced identity-based conflict and promoted societal security. The main argument here is that the failure of power sharing does not mean rejecting

power sharing as an option or that the majoritarian system is better; rather, it is because the use of power has played a greater role than the commitment to the constitution/ rule of law.

This question can be addressed in two ways. Firstly, despite the Iraqi constitution being majoritarian, all of the Iraqi cabinets since 2003 have, in practice, been based on power sharing. This is because two minorities – the Kurds and Sunnis - did not accept exclusion from the cabinet. Exclusion presents a risk of instability and societal insecurity. This risk was reiterated by the Kurdish elites, who stated that the cost of staying with Iraq was the need to be a real partner in its governance (Barzani, 2012c, Barzani, 2014b). Hence, the de facto politics or political agreements play a greater role.

Secondly, despite the constitution recognising the rights of provinces to form regions, Sunnis were unable to form their own. The formation of the Sunni region could have reduced violence and promoted societal security.

The limited role of the institutional design in ameliorating conflict can be attributed to two reasons. Firstly, different groups wanted different things at different stages of the political process. In this regard, the initial anti-federalist stand of the Sunnis meant that they missed their opportunity to create a region(s). Since the US had had a strong influence and military presence in Iraq as an external actor during the constitutional drafting process, it could have played a significant role in assisting Sunnis to form their region at that time, had they demanded it, despite Shia objections.

With the increasing marginalisation of the Sunnis and the increased sectarian violence between Sunnis and Shias, the Sunnis leant more towards demanding a region to reduce the hegemony of the Shia-dominated centre. They were unable to secure this region because, after the withdrawal of the US in late 2011, the Shias held the key power of the state in terms of controlling the military and armed forces. For instance, the majority of the Diyalah Governorate Council voted for transforming the province into a region in 2011. The armed forces took over the governorate building as a result of this decision (Mahdi, 2011). Furthermore, the demands of major Sunni elites in Anbar and Salahaddin to establish a region were strongly rejected by the Shia prime

minister as he accused them of turning the province into a shelter for former Baathists and terrorists (KRP, 2012). This accusation was only a pretext, as a Sunni region would limit the power of the Shia-led government. The Shia-led government also looked suspiciously upon the creation of a Sunni region that would give them a wide range of power over the security forces.

Hence, the only federal sub-unit that exists is the KRG. The constitution did not create the KRG, as it had existed prior to the constitutional process. However, it legitimised the status quo of the KRG and its de facto power. In contrast, Sunnis did not have a region before the constitutional process, and failed to demand one during the period of constitutional openness, when an external actor could have supported their demands.

Hence, the Iraqi power-sharing model lacked one of the main elements regarded in this thesis as a mechanism for reducing violence, namely multi-federal subunits that have different power (asymmetrical regions). The creation of a Sunni region in addition to the KRG could have reduced the fear of the centre, dominated largely by the majority Shia[1].

Another example of the role of de facto politics is that the KRG has greater power than that defined in the constitution. The Kurds, who have their own region and Peshmerga forces equivalent to Iraqi national forces, demand further devolution of power and wealth. For instance, according to the constitution, the borders, customs and tariffs are under the central government's jurisdiction. However, the KRG is de facto in control of its own customs and does not inform the centre about customs revenue. The KRG desires a confederation that gives them more control over managing oil and gas resources in its region, security control, effective power sharing and the restoration of disputed territories. The demand for a confederation has been reiterated many times by senior Kurdish elites as they state that the existing constitutional framework no longer fulfils their demands.

[1] This point is discussed in chapters 7 and 9 in details.

Another example of the way powerful elites operate the constitution and their lack of commitment to the rule of law is that both Shia and Sunni elites in the government are not ready to implement Article 140[1]. This was the provision that would enable the return of Kirkuk and other areas to the KRG. The impediment to implementation of Article 140 was explicitly confirmed by Shia elites when MP Fatlawi (2014), a member of the Article 140 committee, stated that ''they have worked against implementing the article for 10 years''. Indeed, Prime Minister Al-Maliki formed a new controversial province (Talafar) (Order-3, 2014), populated mostly by Shia Turkmens in the heart of a majority Sunni-dominated Mosul, regardless of the objection of the Sunnis (Nujaifi, 2014), historical facts and the provincial boundaries outlined in the constitution.

In some disputed areas that are not under the control of Kurdish security forces, namely Sa'adiya and Jalawla, there has been a new wave of displacement of Kurdish families. For instance, since 2009, the number of Kurdish families that left Jalawla and Sa'adiya for the Kurdistan Region has reached 2,500 (Kalari, 2013). Similarly, in some disputed areas controlled by the Kurdish forces, it was reported that reverse displacement has occurred (Mufti and Bouckaert, 2004, Anderson and Stansfield, 2011, p.105, HRW, 2004). In contrast, other disputed areas run by *both* the centre and the KRG have seen some progress concerning stability and normalisation. This demonstrates that the balance of power has a role in the normalisation of disputed areas (but also demonstrates the fear and distrust between groups when none of the three groups trust another without participation or inclusion in the decision making process).

However, Article 140 is not flawless. Stansfield and Anderson (2011) highlight a significant point concerning the contradiction between the mechanism and the nature of the problem or between the constitution article and post constitution conflict over article 140. Kurds incorporated article 140 into the constitution so that they could annex disputed areas into the Kurdistan Region. However, this mechanism does not guarantee this incorporation. In some areas, the Kurds are the majority at the

[1] Disputed areas face many challenges, as pointed out in a rich study by Stanfield and Anderson; some of these are not related to elite manipulation, but rather to the nature of the problem at the societal level. However, this point focuses on the role of elites' manipulation.

administrative level, as in Kirkuk, while in some other disputed areas, the Kurds are a majority at the district level but they do not comprise the majority at the administrative level, as in Sinjar and Talafar. Therefore, it is less likely that the referendum will be held in two different ways for disputed areas. It will be at either the administrative or city level. In both cases, the Kurds may lose some disputed areas. In contrast, for Arabs, the most preferred solution is retaining Kirkuk under the control of central government with no special status. Likewise, Turkmen would prefer either a Turkmen region which includes Kirkuk city, or to remain with the central government with special status such as power sharing or the allocation of administrative posts among the main groups: Arabs, Turkmens, Kurds and Christians.

Table 5-3 The most and least preferred solutions for Kirkuk according to three main groups

Most preferred (Kurds)	Inside Kurdistan, no special status (Quadrant 1)	Least preferred	Turkmen	
			Most preferred	Outside Kurdistan, no special status; outside Kurdistan, special status (Quadrant 3,4)
	Inside Kurdistan, no special status (Quadrant 2)			
	Outside Kurdistan, special status (Quadrant 3)			Inside Kurdistan, special status (Qadrant2)
	Outside Kurdistan, no special status (Quadrant 4)			Inside Kurdistan, no special status (Quadrant1)
Least preferred		Most preferred (Arab)	Least preferred	

Source: (Anderson and Stansfield, 2011)

Table 5.3 summarises the different perspectives and solutions for Kirkuk for the three main groups. However, any proposed solution for Kirkuk has its pros and cons. None of the options, however, leads to a comprehensive solution for eliminating ethnic conflict. Stansfield and Anderson (2005) expressed the best description for this situation when he stated that there is no good solution for disputed areas; all options are bad options, so the focus should be on which one is the least bad. Theoretically, according to Stansfield's Table, quadrant 4 cuts across the three main groups and may therefore represent a compromise or solution. This means that Kirkuk should be an independent region with special status, which means sharing power among the main

groups based on proportionality. This solution depends mainly on the extent to which the two main Kurdish parties - the PUK and KDP – accept Kirkuk being outside of the Kurdistan Region.

There is another alternative solution for disputed areas, which depends on splitting the Kirkuk province along ethnic lines, according to O'Leary (2008) and others. It is that segregated districts and sub-districts with an Arab majority should be given the choice to join Arab dominated provinces, whilst territories that have a majority of Kurds join the KRG, regardless of the administrative boundaries of provinces. In this case, the Sunni Arab-dominated areas, namely Hawija and Rashad, which are located in the south of Kirkuk, could join the Arab-dominated province in Salahaddin. O'Leary (2008) stated that he found little Kurdish resistance to this idea.

This alternative seems reasonable for managing conflict between Kurds and Sunni Arabs. Furthermore, this could promote ethnic federalism on the basis of territorially concentrated groups. However, this solution faces two main challenges. Firstly, it does not fit with Article 140, which treats disputed areas as one set. Nevertheless, it depends on the status quo and dealing with the de fact power of the main groups on the ground, particularly Kurds, who control most of the majority-Kurdish populated areas within Kirkuk and disputed areas. Secondly, Kirkuk still faces challenges that come from other minorities - particularly Turkmen, Christians and the remaining Arabs - which can be called a minority within a minority. This increases the risk of more Kurdish control over the city and other minorities. To reduce this risk, Kirkuk requires a special status after joining the KRG. Two mechanisms can reduce the fear and distrust of the majority Kurds, the first of which is to guarantee the cultural and language rights for minorities within the city, as stated in the constitution (Article 4). This is because the Turkmen do not constitute a majority in any Iraqi province, which would be necessary to incorporate the districts into a Turkmen majority province. The second mechanism is adopting a power-sharing model in the allocation of administrative posts based on proportionality[1]. In this regard, Kirkuk would have an autonomous administrative authority (special status) inside the KRG. As mentioned

[1] These cultural rights and power sharing posts include Arabs who live in the city.

before, none of the solutions will eliminate ethnic conflict; however, they can be regarded as practical and less 'bad' solutions[1].

Conclusion

The constitution includes the main mechanisms that are considered in this thesis as essential for accommodation, such as federalism, provisions for settling the status of disputed territories, the constitutional recognition of multi-identity, multiculturalism, and the inclusion of ethnic and sectarian groups. Furthermore, it contains a set of civil rights and liberties.

However, three main challenges have faced the constitutional process/ design. Firstly, the three main groups were not effectively and sufficiently included. Shias and Kurds led the process as the two victorious groups in the aftermath of the invasion in 2003. In contrast, Sunnis were alienated or self-alienated (via the boycott). Secondly, Sunnis were less willing to compromise. This meant the constitutional design had limited success, despite including key accommodation mechanisms, due to the failure to implement these key mechanisms for accommodation, such as multi-region. Finally, the fear, distrust, and historical memory of oppression undermined the role of constitutional design in the aftermath of the process of drafting the constitution. Instead, the de facto control of the military and security forces by the Shias negatively affected relationships between the main groups.

For the effective constitutional design, implementing ethnic federalism/region backed by local security forces under the control of locally elected regional governments is significant, particularly in terms of balancing Shia-dominated national security forces and reducing the impact of the politicisation of Shia-dominated national forces.

[1] An assessment of the implications of the most proposed solution is provided in Stansfield and Anderson's book on Kirkuk in profound detail.

6 The impact of electoral design in Iraqi ethno-sectarian politics

Iraq has held four national elections following the US invasion, as well as experiencing three major changes in its Party List electoral system. This chapter examines the impact of the electoral designs on ethno-sectarian conflict under the prevailing conditions of distrust, fear, and grievance/hatred among groups (the SSD theory). Three main types of electoral system will be examined - Alternative Vote (AV), Single Transferable Vote (STV), and the Party List (PL). The purpose is to examine two main issues; firstly, the suitability of the chosen electoral system for Iraq, and secondly, the extent to which it has contributed to either the alleviation, or the intensification, of ethnic conflict. In this regard, the impact of fear, distrust and uncertainty in the electoral process needs to focus on the elites and the masses. The main argument of this chapter is that electoral design has had a limited effect on ethnic depolarisation.

This issue is discussed in three sections. Section one examines the viability of AV and STV and their chances of implementation in Iraq. Both electoral designs are examined through two lenses, the territorial concentration of ethnic groups and the nature of the identity divisions in Iraq. Section two examines the Iraqi electoral system, focusing on five issues: cross-sectarian coalitions and their impact on depolarisation; the relationship between the breakdown of mono-ethnic parties and electoral design; the impact of disproportionality on the electoral competition among ethnic lists, and the role of voters on the success of cross-sectarian coalitions.

6.1 Electoral designs for divided societies

Institutional choices can play a vital role in the quality of democracy and the management of ethno-sectarian diversity. Some authors have argued that electoral engineering in ethnically divided societies can be a powerful instrument in changing the political behaviour of voters and political elites (Reilly, 2001, p.20, Horowitz, 1997, 2003, p122, Diamond and Plattner, 2006). There are various types of electoral design. These are derived from three main types of electoral system: majoritarian,

proportional and intermixed. Each of them has its advantages and disadvantages depending on the initial conditions of a given society.

None of the electoral forms can be considered an ideal form for all divided societies. However, three types of electoral design can be utilised very effectively with respect to divided societies: firstly, the Single Transferable Vote (STV), secondly the Alternative Vote (AV), and finally the Party List (PL).

1. AV system

The AV is a majoritarian electoral system for single-member districts. Voters rank the candidates according to their preferences. Candidates require an absolute majority of votes to win whether in parliamentary elections (single-seat districts) or presidential elections (one national district). If no candidate manages to receive the absolute majority of votes, the candidate that received the fewest votes is eliminated and the voters' second preference votes are redistributed between the remaining candidates. This process of elimination and transfer continues until one candidate secures over 50% of all votes (Reilly, 2001, 2002, p158, Farrell, 2001, p55-65).

Horowitz (1997, p29, 1985, p639-642, 2003, 1991, p189) asserts that the AV promotes intergroup accommodation among candidates and parties in order to secure the 50% required to be elected. This then promotes cross ethnic cooperation, bargaining and coalition prior to the election. He argues that AV favours moderate politicians who, if given power, can then form a stable and cross-ethnic government at the expense of extremist candidates. To gain backing from other identity groups and pick up secondary votes, candidates are more likely to behave moderately and adopt a conciliatory stance on core issues (Horowitz, 1991, p189-200, 2003, p123, 1985, Reilly, 2002, 157). Hence, Horowitz (1997) believes that the AV can be a powerful instrument for wider constitutional arrangements, such as moderate majoritarian democracy which transcends ethnic factions. He believes this can create a stable government through cooperation and intergroup accommodation, and strengthen a common national identity.

However, the AV faces many challenges. In homogenous constituencies, it is likely to have only a limited impact on the voters' preferences. The reason for this is that, in these situations, ethnic candidates do not need the second preferences of other groups and therefore there is little incentive for moderation. This happened in the 1996 elections to the House of Representatives in Australia, when an extreme right-wing party - the One Nation Party (ONP) - was elected under the AV system (Reilly, 2002, p162).

Exclusion in deeply divided societies is a second challenge that faces AV. The opponents of the AV argue that, since it does not lead to proportional outcomes, it may bring imbalance to the government (Lijphart, 2004). This consequently may lead to instability, as other ethnic groups feel excluded from the system of governance, especially given the prevailing level of distrust and fear among the key identity groups. In contrast, electoral systems that promote proportionality, such as the Party list or STV, guarantee the fair representation of all antagonistic groups in parliament.

For instance, the use of the AV in the Fijian the elections led to the creation of large pre-election coalitions between the indigenous Fijian and Indian communities. As a result, the Indo-Fijian Labour party won most of the parliamentary seats and its leader, Mahdenra, became prime minister. Native Fijians accused the ruling cabinet of governing in favour of Indian Fijians. A year later, a group of indigenous Fijians attacked the parliament and took the government hostage, demanding restoration of the rule of Fijians (Lal, 2002, p290-291, Reilly, 2002, p98, Lijphart, 2004, p98-99). As seen in the case of Fiji, the AV, through its efforts for accommodation during the election campaign, does not guarantee the containment of ethno-sectarian polarisation after the elections.

2. Party List (PL)

Lijphart, in contrast, strongly advocates the proportional representation PL system for divided societies. He (2004, p100) argues that the beauty of PR lies in producing proportionality and minority representation and that 'it treats all groups—ethnic, racial, religious, or even non-communal groups—in a completely equal and even-handed fashion''. Within proportional representation, he (2004, p.101) prefers the

Party List, arguing that it is a simple system to understand, particularly for new democracies in post-war divided societies.

In this regard, Lijphart (2004, p.101) advocates the following: multi-member districts which are relatively small in order to reduce the distance between candidates and voters; closed or semi-closed party lists in which voters vote for a party list rather than candidates; and compensatory seats that give minorities which are not concentrated a chance to have representatives within national legislature. He considers the Danish PL, which has seventeen relatively small districts and forty compensatory seats for maximising overall national proportionality, as an epitome for divided societies.

His stance for such a form can be perceived within a larger constitutional arrangement. He (2004, p 96) argues that in deeply divided societies, the interests and demands of communal groups can be accommodated only by creating power sharing. In this sense, the PL can be a key element for the success of the parliamentary system of power sharing among groups.

Horowitz (1985, 2003) criticises the PL for encouraging social groups to be organised into separate parties that consequently magnify fragmentation and reduce the chance for moderation and intergroup coalitions.

3. STV system

As an alternative to both the PL and AV, some proponents of consociationalism namely O'Leary and McGarry (2006), advocate the STV system. STV, like the AV, uses a similar method of ranking candidates. Voters select more than one candidate on the ballot paper according to their preferences. Constituencies are multi-member. The voters' first preference can transfer to subsequent preferences according to their ranking if their preferred candidate is eliminated or has surplus votes. This form is used in many countries such as Malta and Northern Ireland.

The significant advantage of this form is its proportionality. Since it combines the proportionality and preferential vote method, meaning the candidates are dependent on cross ethnic voters, it is seen by some as the best system for participatory democracy (Katz, 1997, p74). Likewise, O'Leary (2002, p311) considers the STV as a

correction of both Horowitz's AV and Lijphart's PL systems. He sees Northern Ireland as an example of the success of the STV, which has been used with power sharing arrangements between Unionists and Nationalists.

The proponents of the AV system criticise the STV for encouraging the institutionalisation of ethnic divisions in the post-election government. Horowitz (2003, p117,124) believes that the STV cannot transcend the ethnic divisions, despite encouraging preferential votes among voters, because the system for allocating votes to seats permits small parties to secure seats.

Lijphart (2004, 101) also criticises the STV because it does not sufficiently enhance the role of parties, which is necessary for the process of negotiation and inclusion within consociationalism models. Conversely, O'Leary and McGarry (2006) argue that the STV does not negate the role of ethnic parties in bargaining for post-election government formation. In Northern Ireland, for instance, sectarian parties still play a significant role under the STV system and, at the same time, encourage some cross voting.

However, as argued in the case of the AV, geographical and ethnic homogeneity is the major challenge for the STV. The STV will have a limited effect when candidates in mono-ethnically dominated constituencies do not require second or third votes. In addition, there is a technical problem concerning the implementation of the STV in divided societies where there is a high level of illiteracy among voters and they have little experience of democracy. In this case, illiterate voters may not sufficiently be able to express their preferences (Visser, 2009).

However, none of the three aforementioned electoral designs can be ideal for all divided societies or for all stages of democracy, as many factors determine and undermine the effectiveness of electoral design. Academics such as Sisk, Reynolds, Reilly and Norris (1998, 2002, p213, 1999, p10, 2002, p.213) note that the success and appropriateness of any electoral design is contingent upon initial societal conditions and the political process as a whole. In general, these conditions can be summarised in four main types: (1) the nature of ethnic division; (2) the degree of ethnic politicisation; (3) the stage of democratisation reached by a country; (4) and the territorial distribution and concentration of ethnic groups. These initial conditions can be beneficial for examining the efficiency of the STV and AV in the Iraqi case.

6.2 The implementation of the STV and AV in the Iraqi case

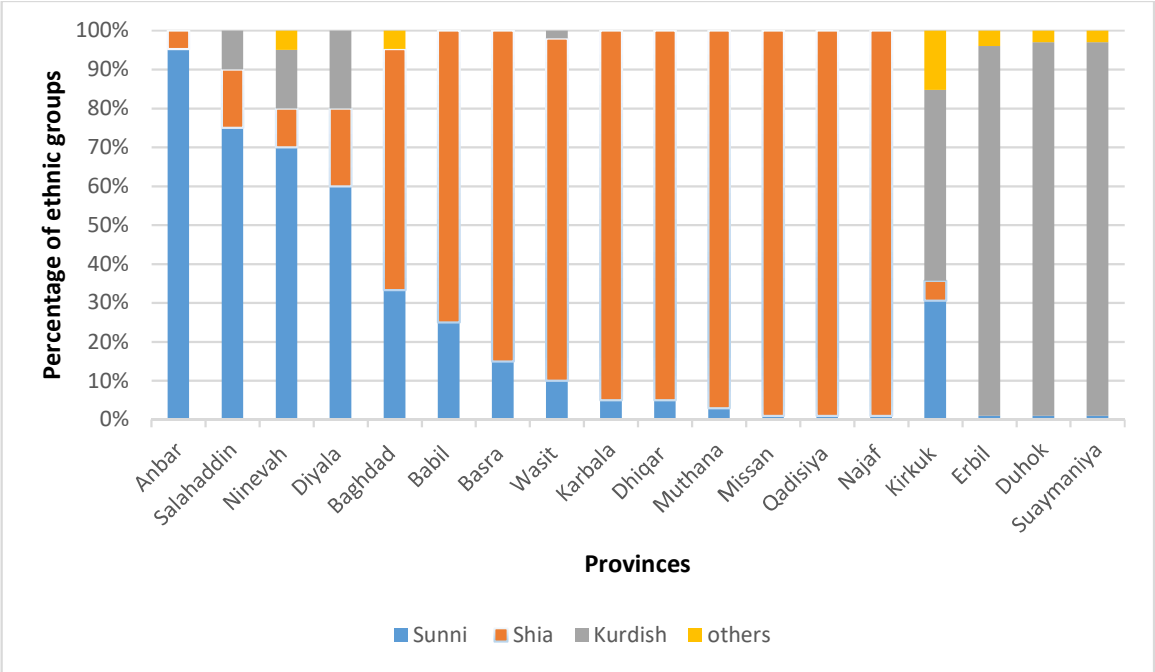
The efficacy of electoral design, particularly the AV and STV, depends on the initial conditions of divided societies, such as the nature of division, ethnic concentration and the degree of politicisation. Since the stages and legacy of democracy in Iraq are discussed in chapters 1 and 3, this section emphasises the territorial concentration of ethnic groups, exclusion and the nature of division[1] to examine the presumed efficacy of the AV and STV systems in terms of ethnic and sectarian conflict in Iraq.

1. Territorial concentration of communities

The AV and STV systems face critical challenges that question its efficacy in the case of Iraq, where ethnic-based territorial concentration is critical. Although there are no accurate data concerning the territorial distribution of identity groups, Chart 6.1 shows an estimation thereof in Iraq's nine southern provinces where Shias constitute an overwhelming majority of the local population (around 90%) (Dilwani, 2010). The parliamentary seats will therefore be won by Shia candidates, without the option of considering second votes cast by other identity groups, assuming that people vote according to ethnic affiliations. A similar situation can be observed in respect to Kurdish areas, where Kurdish elites depend only on the Kurdish voters in their homogenous constituencies, such as Erbil, Duhok and Sulaimaniya. The reason for this is simply that there are no large minorities in most of the Iraqi provinces, for which candidates compete to obtain their second preferences.

[1] The point related to the stage of democratisation is discussed in Chapters 1 and 3. The first chapter indicates the stage of Iraqi democracy, while the latter examines the lack of democratic legacy and authoritarianism in Iraqi modern history.

Chart 6-1 An estimated ethnic distribution in Iraqi provinces



Sources: (Shukuri, 2013, Dilwani, 2010, Herak, 2014):

In some Sunni dominated provinces, such as Diyalah and Mosel, the situation is different, as the areas are more heterogeneous. Although Sunnis constitute a majority in these provinces, they have less of a mono-ethnic character, unlike in the Kurdish and Shia dominated areas.

However, even in these more diverse provinces, the AV and STV would face substantial difficulties. Firstly, in all of the aforementioned provinces, as shown in Chart 5.1, one ethnic group comprises more than 50% of the local population. For instance, Shias in Baghdad constitute roughly 70% of the population and the Sunnis in Mosul are slightly above 70%.

Kirkuk and Diyalah are the most diverse cities. In Diyalah Sunnis comprise around 60% of the population, while in Kirkuk, the Kurds constitute roughly around 48-50% (Botani, 2005, PMIUN, 2011, Abdul-Ameer, 2013). However, neither of these seats would not make a significant difference to the rest of the predominantly ethnically concentrated

cities, as the percentage of seats for both cities is approximately eight percent of the total seats in parliament[1].

Secondly, even inside the 'mixed' provinces, ethnic groups are largely concentrated and confined to distinctive territorial units. Ethnically informed inner borders in these provinces became more pronounced after 2003, particularly in the aftermath of the sectarian war between 2005-2007, in which a considerable number of families were internally displaced (Al-Khalidi et al., 2007, p. 8, UNHCR, 2008, 2014).

Under such circumstances, candidates still depend heavily on their own ethnic groups to secure their election. Although there are some mixed areas within districts in Kirkuk and Diyalah, which increases the potential for candidates to benefit from implementing the concept of the AV, this would not have an immense effect on the bigger picture of Iraqi ethno-sectarian politics.

2. The nature of divisions and historical memory

The implementation of the AV encounters three main challenges in today's Iraq: recent historical memory among identity groups; religious hatred; and unsettled problems among three main communities.

In terms of the first challenge, one example is the recent Kurdish historical memory, which is filled with oppression by the former regimes which were all predominantly Arab. This induced feelings of distrust, hatred and eschewal among the Kurds, not only towards the Arab political elites but towards the Arab community in general.

It is, therefore, hard to imagine that Kurdish voters in the Kurdistan Region would vote for Arab candidates, even if these had the support of the Kurdish elites; to put it simply, at the societal level, voting for Arabs is seen as tantamount to treason (People, 2010).

Likewise, historical memory is one of the major factors contributing to the animosity between Shia and Sunni Arabs in Iraq. For Shias, this memory characterises years of oppression by the Sunni nationalists and pan-Arabists, particularly the Baath regime which ruled Iraq for more than three decades. As a result, moderate Pan-Arabic Sunnis, who stand against the sectarian divisions and call for brotherhood and unity between Shias and Sunnis, as well as their more hard-line brethren, are unlikely to be

[1] See Table 6.3 on page 169.

voted for by Shias (Al-Jboori, 2013). For instance, the two most pan-Arabic parties, the Reconciliation and Liberation Bloc and the Dialogue Front, failed to gain any support from Shias in nine Shia dominated provinces.

In the same way, the Shia secular party, the Wifaq Movement, which is headed by the moderate Shia Ayad Allawi, has little chance of competing with Shia Islamists (IHEC, 2014a). The reason behind the inadequate support for moderate and secular parties among the majority of Shias is that many Shias believe that the threat to their ongoing political primacy does not come from Sunnism as an ideology but rather from pan-Arabic sentiment promulgated by some Sunni groups. Hence, being either a Sunni or Shia Pan-Arabist renders the chance of receiving support from Shia voters unrealistic.

Regarding the second challenge, it should be noted that from the ethnic and tribal perspective, both Shia and Sunni Arabs often belong to the same tribes or clans. Hence, the mutual antagonism is fuelled through religion. In this sense, Shia clerics and followers consider that voting for Sunnis, who are seen as the followers of Umayyad[1], is sinful. The religious mobilisation that occurred during the very first elections was ignited by the most senior clerics such as Sistani, who issued a fatwa concerning the political unification of Shias (Al-Awsat, 2004, Sistani, 2004b, 2004c). Moreover, some clerics stated in public that ''it is better to vote for corrupt Shia candidates and thieves than to vote for the descendants of the Umayyad'' (Twufaili, 2010). Such fierce militant rhetoric reduces the likelihood of even moderate Sunnis receiving support from the Shia community. Therefore, this religious mobilisation in both the short and medium terms[2] is a major hindrance to adopt the AV or STV effectively.

In terms of moderation as a key goal of preferential voting systems, it is necessary to specify the kind of moderation that is expected in the context of ethno-sectarian divides. For instance, if we presume that Shias and Sunnis agree on a moderate

1 The Umayyad caliphate were responsible for murdering their sacred imam and denying the legitimacy of twelve imamates as the main belief of Shias.

[2] The success of preferential votes to a large degree pertained to the de-intensification of sectarian violence, loosening voters' commitment and ties to the hierarchal religious authority, and support from the Shia religious authority towards encouraging their voters to vote for other candidates, or at least a clear Fatwa for breaking such latent religious banning.

candidate from a sectarian point of view, it is not easy to be moderate from an ethnic point of view, particularly when it comes to Kurdish issues. This is because the Kurds conflict with the Shia-led centre over participation, power devolution and wealth distribution; on the other hand, they also conflict with the Sunni Arabs over the disputed territories and inner borders. Hence, the conflict is ethnic with the Sunni and Shia Arabs that share the same ethnic affiliations[1]. Since Shias and Sunnis make up more than 75% of the Iraqi population (UKJIC, 2002), they do not need to rely on Kurdish votes. In other words, the ongoing ethno-sectarian conflict encompasses three identity groups; therefore, it is likely that any coalition would be between two of these groups against the third one[2]. This can be perceived through the intensification of ethnic mobilisation against the Kurds not only among Shia Islamist parties but also Sunni pan-Arabist parties such as the Arab Coalition and Dialogue Front in the 2010 elections (Al-Jboori, 2013).

The insufficient motivation to encourage moderation among candidates is, to a large degree, linked to the third challenge, which is unsettled, complex problems among identity groups. Between Kurds and Arabs, these mainly include conflicts over drawing the borders of the KRG and disputed areas (e.g., Kirkuk), oil and gas management and wealth distribution, which will also prevent the expression of preferential votes for other groups in the STV and AV systems. Hence, due to these unsolved problems, the motivation for mobilisation is stronger than that for moderation. Since 2003, these problems have exacerbated the tensions and distrust between groups.

In Kirkuk province, for instance, which is an area of dispute between the Kurds, Arabs and Turkmen, both forms are likely to intensify ethnic mobilisation between Kurds and other groups during elections. The is due to the fact that Shia officials, Sunnis (particularly settlers) and Turkmen have a similar view on rejecting the incorporation of the city into the KRG (Aawsat, 2010, Taha, 2010, O'Leary, 2008, Anderson and Stansfield, 2011)[3]. Hence, this view on the future of disputed areas is likely to unite

[1] This situation applies to the period that is covered in this thesis, which is 2003-2014. The conflict has changed since ISIS took over Sunni cities.

[2] In the post ISIS stage, the possibility of Sunni-Kurdish cooperation would also trigger competition or mobilisation among Shias.

[3] For more details on the Kirkuk and disputed areas see: ANDERSON, L. & STANSFIELD, G. 2011. *Crisis in Kirkuk: The Ethnopolitics of Conflict and Compromise*, University of Pennsylvania Press, Incorporated.

non-Kurdish candidates and voters, particularly in circulating their second votes against Kurdish candidates in the elections. In other words, on the one hand, there is a possibility of crossvoting and moderation between Shias, Sunnis and Turkmen, and on the other, it is possible to polarise the division between Kurds and some small minorities such as Assyrians - who want the incorporation of the city into the KRG - and Sunni Arabs and Turkmen, who reject this incorporation.

Likewise, the adversity and hatred between the Shias and Sunnis was reinvigorated in post-2003 Iraq, particularly between 2006-2007, when sacred Shia shrines in Samara were destroyed (Joseph and O'Hanlon, 2007, p19, Cordesman, 2007, p 2). At the same time, Sunnis began to feel more vulnerable as a minority within Shia dominated Iraq. This sense of oppression and marginalisation has triggered a second round of sectarian violence in Iraq since 2013. This demonstrates that identity based violence and polarisation hinders the cross ethnic distribution of preferential votes.

However, the nature of division, hatred, fear and distrust does not necessarily make preferential voting systems impossible to implement, as it is the territorial concentration of groups which is the primary challenge to the effective operation of this system.

3. The challenge of inclusion

In war-torn divided societies, inclusion is vitally important. Iraq has only limited experience of democratic elections. This makes the prospect of establishing cross-ethnic coalitions that favour moderate candidates difficult.

Since the AV does not reflect the proportionality of ethnic groups, it can bring an imbalance to the government. As a result, this may lead to instability, as other ethnic groups may feel excluded from the system of governance. In this regard, it is hard to imagine Kurdish and Sunni acceptance of being excluded from the government in exchange for a promise that their ethnic and sectarian rights will be guaranteed by the rival identity group (Lijphart, 2004, p98). Key Kurdish elites have reiterated that any exclusion from power sharing will end in Kurdish secession from Iraq (Barzani, 2014d). Moreover, the demonstrations and uprisings that occupied most of the Sunni areas in

2012 until the emergence of ISIS in early 2014 were a direct result of the exclusion and marginalisation of this community.

In summary, all of the aforementioned challenges make it difficult for the successful implementation of preferential voting systems. The effectiveness of the AV or STV systems, thus, depends on overcoming and solving these challenges in the long term.

6.3 Iraqi electoral design

As discussed in Chapter 5, Iraqi constitutional design does not reflect the power-sharing model in the form formulated by consociationists such as Lijphart. However, there is de facto power sharing among three main groups in the allotment of government posts.

The Party List has become an instrument for implementing power-sharing arrangements in Iraq. However, Iraq's electoral system has experienced three types of PL because of three major amendments by the National Assembly. This provides an opportunity to compare and examine the role of electoral design in affecting ethnic mobilisation and the stability of government.

First form of PL: The early discussion of the CPA in 2003 was concerned with how best to design an appropriate and effective form of electoral system for Iraq. The preferential voting systems, namely the AV and STV, were eliminated, as they were considered unsuitable and impractical for the political circumstances in Iraq (Dawisha and Diamond, 2006, p90). It was argued that the long history of an autocratic regime required a simple electoral design, particularly since a significant proportion of Iraqi voters – 21.5% of adults at the time – were illiterate (Visser, 2009, UNICEF, 2014). Additionally, the major Shia and Kurdish parties leaned towards the PL as a system which could help them retain their influence on the political scene and on their candidates (Dawisha and Diamond, 2006).

The CPA and US advisors initially proposed the multi-district party list as a system, in which 220 of the 275 seats would be distributed among Iraq's 18 provinces, based on

the numbers of voters in each province. It was suggested that the 55 remaining seats should be allocated as compensatory seats, in order to ensure that their share of seats matched their share of the vote (Dawisha and Diamond, 2006, p92). In opposition to this, however, Carina Perelli, the chief of the United Nations Electoral Assistance Division, suggested Iraq should have one single electoral district based on the closed party list, as there was no time to draw up separate district boundaries (Bremer and McConnell, 2006, 367). The GC and Bremer adopted Perelli's proposal in 2003 (Bremer, 2004a). Following this, the first election in January 2005 was held according to a closed party list, electing 275 representatives.

As shown in Table 6.1, nearly all of the Shia parties participated as one united list, the United Iraqi Alliance (UIA). Similarly, the Kurdish parties formed one ethnic list that included most of the formerly rival parties such as the PUK and the KDP. While the Sunni community largely boycotted the election, the Iraqi Islamic Party (ISP), which is the Sunni Islamic party, participated. However, it did not win a single seat. The reason for this is that the ISP disagreed in terms of its non-observance of the boycott. Likewise, the Assembly of Independent Democrats, led by Pachachi, a member of the IGC, won no seats[1].

Table 6-1 Jan 2005 election

Parties and coalitions	Vote percentage	Seat percentage	Nature of coalition
The United Iraqi Alliance	48.2	50.9	Shia Islamic
The Alliance of Kurdistan	25.7	27.3	Ethnic
The Iraqiya list	13.8	14.5	Secular
The Iraqis	1.8	1.8	Sunni
Iraqi Turkmen Front	1.1	1.1	Ethnic

- Data from the Independent High Electoral Commission*: (IHEC, 2005e)*
- *This table highlights only those lists that achieved more than 1% of the total votes.*

[1] The only Sunni list that won five seats (1.8 %) was the Iraqis, headed by Iraqi former president Gazi Yawar. However, the percentage was far below the representation of Sunnis, who comprise around 20 percent of the total population.

Second form of PL: In 2005, the parliament changed the electoral system from the Party List with a single national district to one with 18 multi-member districts. Article 15 of Law 16 specifies that the House of Representatives should consist of 275 members, with 230 seats to be allocated to the districts (18 provinces) and 45 seats to be allocated as compensatory seats at the national level. The 230 seats were therefore to be allocated according to the number of registered citizens who have the right to vote in each of these eighteen districts. The PL continued to remain closed, with no reserved seats for small minorities such as Christians, Yezidis and Sabiyas. This amendment was to a large degree equivalent to that proposed by Lijphart for divided societies, with the exception of a quota for the aforementioned minorities.

Three main factors accounted for this change. Firstly, the CPA and United Nations had originally proposed the multi-district system, and it was now considered a suitable time to enact this change. In this regard, the Kurdish former MP Barwari (2015) stated that the US had a pivotal role in encouraging parliament to adopt a multi-district system. As most Sunnis had boycotted the previous election, the US tried to neutralise the impact of the low level of participation on the election results and guarantee seats for them in their Sunni-dominated provinces. Sunni parties supported this step because it increased their chance to have more seats in parliament.

Likewise, for the Shia parties, the multi-district system was able to guarantee their seats, as they were the majority in ten provinces, meaning that the majority of seats (if not all of them) in the ten provinces would be secured for Shia parties and would remain unaffected by the increasing participation among Kurdish and Sunni districts in the next elections.

The Kurds were the only group in parliament who did not support this change. The Kurds have had the highest level of participation, which could help them to obtain more seats under the one national district system. Furthermore, under the multi-district system, the Kurds cannot obtain seats in provinces where they are a minority, such as Baghdad; instead, their votes will be wasted. However, Kurdish MPs could not block the proposal because they were a minority in parliament, and because the proposal was backed by the US (Barwari, 2015).

The election on December 2005 was held in accordance with this format, electing the National Assembly for four years. Most of the Shia parties, including the Islamic Supreme Council (ISC), Dawa Party, Hezbollah, Badr Organisation, Iraqi National Congress (INC), and Islamic Virtue Party, remained united as one list. In the same way, the two main Kurdish Parties formed one list. For the first time, the majority of the Sunni parties participated under a larger list, the Accord Front (Tawafuq). As shown in Table 6.2, Shias secured the majority of seats followed by Kurds, Sunnis and the secular list Al-Iraqiya.

Table 6-2 Dec-2005 election result

Electoral List	Vote percentage	Seat percentage	Identity
The United Iraqi Alliance	41.5	46.5	Shia Islamic
Accord Front (Tawafuq)	15	16	Sunni
Kurdistan Coalition	21.7	19.3	Ethnic (Kurdish)
Al-Iraqiya	8	9	Secular Cross-Sectarian

- Data from IHEC: (IHEC, 2005b)
- The table only includes lists that have more than 5% of the seats.

Third form of the party list: The Iraqi parliament approved Law 26 in 2009 to introduce three significant changes. The first change provided reserves seats for small minorities, with five seats for the Christian community and one seat for each of the Sabiya, Shabak and Yezidi in Mosul. This quota for minorities did not affect their presence within other lists. The second change reduced the compensatory seats from 45 to only seven seats at the national level. The thirty-eight compensatory seats were redistributed to increase the seats in the 18 districts according to the percentage of registered voters in each district (Table 6.3). The seven remaining compensatory seats were distributed among the winning lists which had leftover votes in the districts. This aimed to reduce the disproportionality between the percentage of votes and seats obtained (Article 3 of Law 26).

Table 6-3 Allocated seats for provinces in three elections December-2005, 2010 and 2014

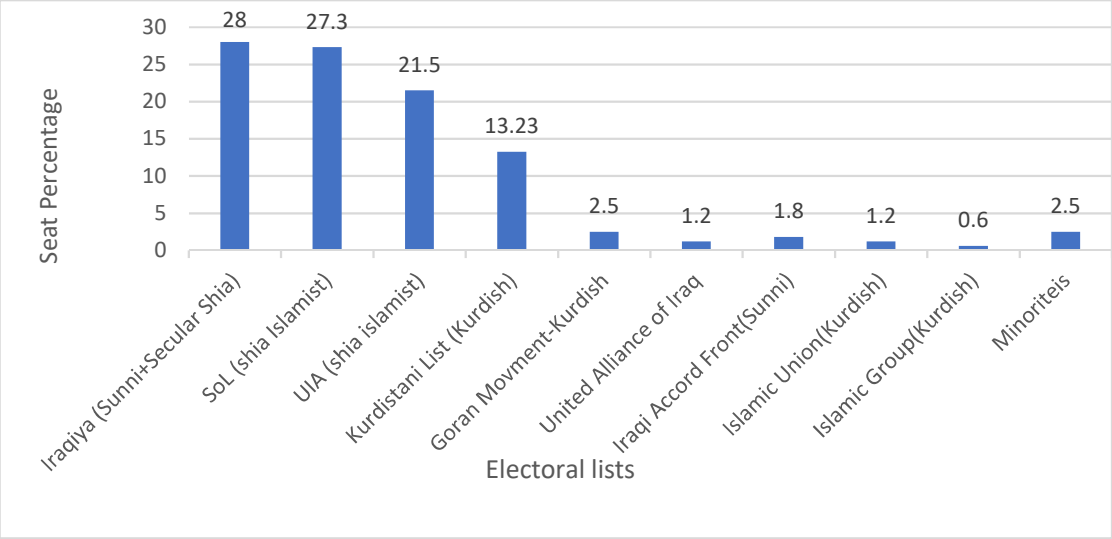
Electoral district/province	Allocated seats in three elections		
	Dec 2005	2010	2014
Anbar	9	14	15
Babil	11	16	17
Baghdad	59	68	69
Basra	15	24	25
Duhok	7	10	11
Dhiqar	12	18	19
Diyalah	10	13	14
Erbil	13	14	15
Karbala	6	10	11
Missan	7	10	10
Muthana	6	7	7
Najaf	8	12	12
Mosul	19	31	31
Qadisiya	8	11	11
Salahaddin	8	12	12
Sulaimaniya	15	17	18
Wasit	8	11	11
Compensatory seats	45	7	0
Quota for minorities	0	8	8
Total	275	325	328

Source: (IHEC, 2005d, IHEC, 2010c, IHEC, 2014d)

The third change was to shift from a closed list to an open list. In this system, voters can select a list, and one candidate within the list, on the ballot paper. The candidates in the list must then be rearranged based on votes. If an electoral list has, for instance, 20 candidates in a district and wins only five seats, the seats obtained go to the five candidates who have the most votes within the list. This system gives more freedom to the voters to choose their candidates and reduce the control of the party over the

candidates. Most of the MPs supported this change, as candidates can collect more votes depending on their sectarian and tribal support in their community and regardless of their rankings in the electoral list, as set up by the parties (Barwari, 2015). The elections in 2010 were held under this system. It was a significant election because most of the ethnic and sectarian lists were split into smaller lists before the election. Sunnis united with the secular Shia Ayad Allawi to form the Al-Iraqiya List. This coalition won the most seats, exceeding the Shia State of Law (SoL) list by two seats. This was because the Shia lists split into two major lists: the UIA and SoL. However, as shown in Chart 6.2, Shia lists altogether secured the majority of seats.

Chart 6-2 Winning electoral lists in the 2010 election

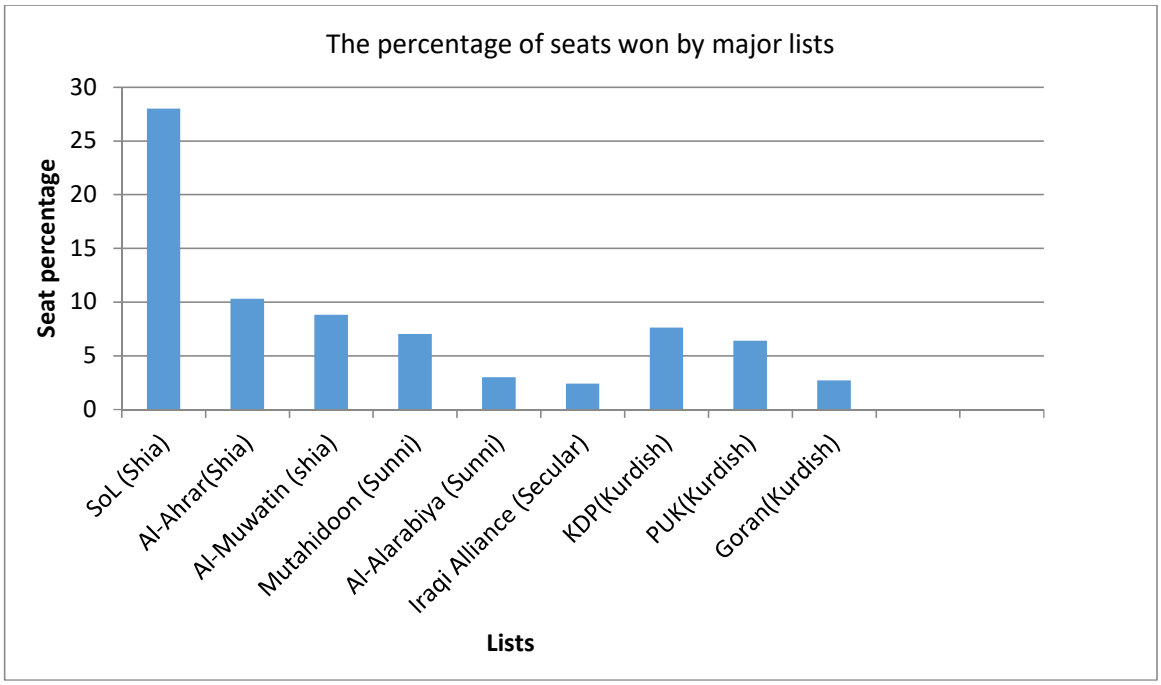


Source: (IHEC, 2010a)

The electoral law was amended again in 2013, but the amendment did not change the main character of the PL. The only noticeable changes were that the seven compensatory seats were re-allocated to increase the seats of provinces (Article 11 of Law 45 in 2013) increasing the seats from 325 to 328 for the 10 districts where their registered voters had increased (Table 6.3).

The 2014 election result did not significantly change the percentage of ethnic and sectarian seats for Shias and Kurds. As shown in Chart 6.3, Shias remained the overall winners, followed by the Kurdish and Sunni lists.

Chart 6-3 The 2014 election results for the main winning lists



- Source: (IHEC, 2014a)
- Chart only include lists which won more than 2% of seats.

Two major developments occurred in this election. Firstly, in contrast to the 2010 elections, the major Sunni parties and elites separated from the Iraqiya list - which was a coalition between the Wifaq Movement headed by Allawi (secular Shia) - and formed their own electoral lists. Secondly, in contrast to the first and second elections, the ethnic and sectarian lists from all three main groups broke down to form smaller lists. These amendments over the four national elections from 2005-2014 provide an opportunity to examine the viability of electoral designs across Iraqi ethno-sectarian divisions in pre- and post-election politics.

6.4 The impact of Iraqi electoral designs on ethno-sectarian politics

This section discusses six issues regarding the relation between Iraqi electoral design and identity conflict, which are: (1) the relationship between one national district and ethnic polarisation; (2) disproportionality between vote percentage and seat percentage in different types of PL and its impact on competition between winning lists; (3) the impact of electoral change on the breakdown of one ethnic list and on intergroup conflict; (4) the impact of electoral design on cross-sectarian coalitions; (5)

the impact of electoral design on the voters' preferences; and finally (6) the role of the voters (masses) on limiting the success of cross-sectarian coalitions.

6.4.1 One-national district and Identity polarisation

The one district closed party list was constructed to suit Iraqi conditions in the first election in January 2005. Lijphart (2004) believes that the closed party list helped in organising the conflict within ethnic parties and facilitated the process of negotiation in the post-election government, mainly among Kurds and Shias. It also helped the exiled political parties[1], which had mainly worked outside of Iraq and had a weak base under the Ba'ath regime, to build a strong relationship with their communities.

However, the implementation of the closed party list had some drawbacks. It enabled, for instance, those parties to control the state and its resources, particularly Shia political parties such as the Dawa Party, SCIR, and the Badr Brigades, which gained advantages from the closed list. Moreover, many of the above-mentioned Shia parties have militias, such as SCIR, Hezbollah, Assayib Al-Haq and Badr Brigade, which have also enhanced their political and paramilitary positions within society as a result of the democratic gains (IHEC, 2005e, 2005b, 2010a). In contrast, secular and moderate parties such as the Wifaq and The Iraqi National Conference INC, which did not have militias, could not establish these bases.

Along with this, one national district led to the polarisation of identity groups under grand mono-ethnic lists. For instance, Shia parties were all united under the United Iraqi Alliance; this coalition was composed not only of radical Shia parties, but also of secular Shia parties such as Ahmad Chalabi in the December and January 2005 elections (IHEC, 2005e). In this regard, although Sunnis largely boycotted the election, their absence as competitors to Shias and Kurds did not lead to depolarisation. The only exception was the Wifaq Movement - headed by former Prime Minister Ayad Alawi at the time - which participated in the first election 2005 as an independent secular list (IHEC, 2005c).

[1] Exiled parties refer to all opposition parties that were established and worked outside of Iraq due to the one party system in Iraq.

However, in addition to the one national district design, there were several factors which contributed to polarisation among ethnic lists in the first election. Firstly, the fear of the past was one of the reasons for intensified polarisation. For example, the Shia's fear of Sunni rule had led them to unite under one grand list. The second reason was that for the main groups, the Shias and Kurds, the election was a proxy for their population size; therefore, the first election was represented as an ethnic referendum for identity groups.

It is of note that the fear, uncertainty and historical memory of oppression that led to polarisation was not only motivated by political elites but also by religious elites. Notably, the Grand Ayatollah Sistani issued a fatwa that demanded all Shia parties and movements join together under one grand coalition (Al-Awsat, 2004). Simultaneously, the majority of junior clerics who had a link with the public encouraged the population to vote for the Shia Islamic coalition. This encouragement was supported by the fact that abstinence from voting was deemed a religious sin for Shia followers, and voting for other lists was regarded as infidelity (Twufaili, 2010).

Likewise, Kurdish political elites and their populations saw the first election as a test of their size and a chance to enforce their rights. All the former rival parties were united under one ethnic Kurdish list. As with the Shias, at the societal level, voting for any other groups was tantamount to treason (People, 2010). Hence, apart from the national district system, the fear of their past and their ambition for the future in the new Iraq were the main causes for Kurds and Shias to unite under one grand coalition.

6.4.2 The impact of disproportionality on the competition among Identity lists

Disproportionality between the percentage of votes and seats[1] is one of the key controversial issues in Iraqi electoral designs, particularly under the multi-district PL

[1] This point only focuses on the wasted votes for winning lists (disparity between seat and vote percentages), not those lists that won no seat.

(in the December 2005 and 2010 elections). However, it has a limited impact on the overall ethno-sectarian conflict.

Table 6-4 Disproportionality between seats and vote percentage

Groups / Elections	Shia Seat	Shia vote	Sunni seat	Sunni Vote	Kurd Seat	Kurd Vote	Iraqiya Seat	Iraqiya Vote
Jan-05	52.72	49.53	2.54	2.58	28	26.44	14.54	13.82
Dec-05	47.27	41.67	21.45	20.18	21.09	22.58	9.09	8
2010	48.92	42.37	3.07	5.24	17.53	22.16	28	24.72
2014	54.87	53.63	15.85	14.89	18.9	23.56	6.4	6.1

- Data from the IHEC: (IHEC, 2005e, IHEC, 2005b, IHEC, 2010a, IHEC, 2014a)

1- This table only shows the disproportionality between seat and vote percentages for winning lists.

As shown in Table 6.4, the Shias gain from this system. Their seat percentage is higher than their voter percentage in all elections. For instance, in the 2010 elections, the disproportionality between seat and voter percentage was 6.5%. In contrast, the Kurds were disadvantaged by these systems: their percentage of votes was higher than their percentage of seats, except in the January 2005 elections. This is mainly due to the electoral denominator, which changes according to the percentage of participation in each district. The threshold, for instance, in the 2010 elections for one seat was only 27,281 in Missan whilst in Erbil it was 48,600 (IHEC, 2010a). Likewise, in the 2014 elections, the threshold for one seat in two of the Kurdish districts, Erbil and Sulaimaniya, was highest at 49,632 and 49,623 respectively, but in Anbar was only 24,840 (IHEC, 2014a). This means that the quota for one seat in provinces that had a high level of participation was higher than provinces that had a low level of participation.

The focal key point here is how this affects the ethno-sectarian equation. Under the one national district system, disproportionality is most likely to be small, particularly for Kurds, as in the first election. However, neither Kurds nor Sunnis are able to

compete with Shias over the premiership, as Shias are the majority. Additionally, the one national district system leads to significant identity polarisation.

The second issue which results from having an absolute majority as a result of disproportionality between winning seats and vote percentage, is the challenge of inclusion. The Shia lists, for instance, obtained more than 50% of the seats in January 2005, assisted by disproportionality between their seats and votes, but they still could not form a government without obtaining consensus from other ethnic groups such as the Kurds. Moreover, despite the Sunni boycott, the key Shia elites and the US led-coalition could not form a government without including some Sunnis in the cabinet. Likewise, disproportionality benefited the Shias in 2010, leading them to gain around 49% of the seats. Although they required only three seats to form a government constitutionally, the formation of government was delayed by seven months until the Shias obtained wide-scale consent from the Kurds and Sunnis. The same scenario occurred in the 2014 election, where the Shias had an absolute majority of both votes and seats (IHEC, 2014a), but could not take any steps without obtaining consensus from the Sunnis and Kurds. In this case, the Shias' first candidate for the premiership was rejected by the Kurds and Sunnis. Therefore, the impact of electoral disproportionality was constrained in terms of government formation.

However, disproportionality does have significant effects on identity conflicts between Arabs and Kurds in disputed areas such as Kirkuk. The form of disproportionality that has the greatest impact is the wasted votes of a certain community in the mixed district. This occurs when a significant percentage of votes of a community are shared among smaller lists that win no seats in a district. In this case, their seats do not match their votes in the disputed areas[1].

This happened to Sunnis in Kirkuk in the 2014 elections, when the Sunni lists won only 16.7% of the seats in Kirkuk because Sunni votes were shared among the smaller lists. In contrast, the Kurdish won 66.7% of the seats in Kirkuk (IHEC, 2014b). Although the Kurdish had seven lists, the Kurdish voters mostly voted for the PUK and the PDK (IHEC, 2014b). This contrasts with the 2010 election, when the Turkmen and Sunnis voted for the Al-Iraqiya list, which won half of the seats in Kirkuk. In contrast, Kurdish votes were

[1] In the other ethnic dominated districts, this effect is latent because one ethnic group dominates, and therefore, other ethnic lists either are too small to compete or are absent.

shared among smaller lists who won only half of the seats. This demonstrates how voter choice affects the number of wasted votes, particularly when they vote for bigger lists rather than for smaller ones. The 2014 election result in Kirkuk strengthened the Kurdish position on incorporating Kirkuk into the KRG (Taifur, 2014). It also strengthened Kurds at the micro level, who insisted that the key provincial position in Kirkuk should remain under their control. This increased conflict with other identity groups, such as the Turkmen and Arabs, who refused any kind of incorporation of Kirkuk into the KRG and demanded more power sharing within provincial key posts (Mahdi, 2005c, Turkmaniz, 2013, ITC, 2012). Therefore, the delicate matter of the status of the province is not related to any form of electoral design but rather to the need for a comprehensive settlement between the KRG and central government on the one hand, and the three main groups in the city (Turkmen, Kurds and Arabs) on the other. Without settlement, any form of electoral system can trigger mobilisation within the city.

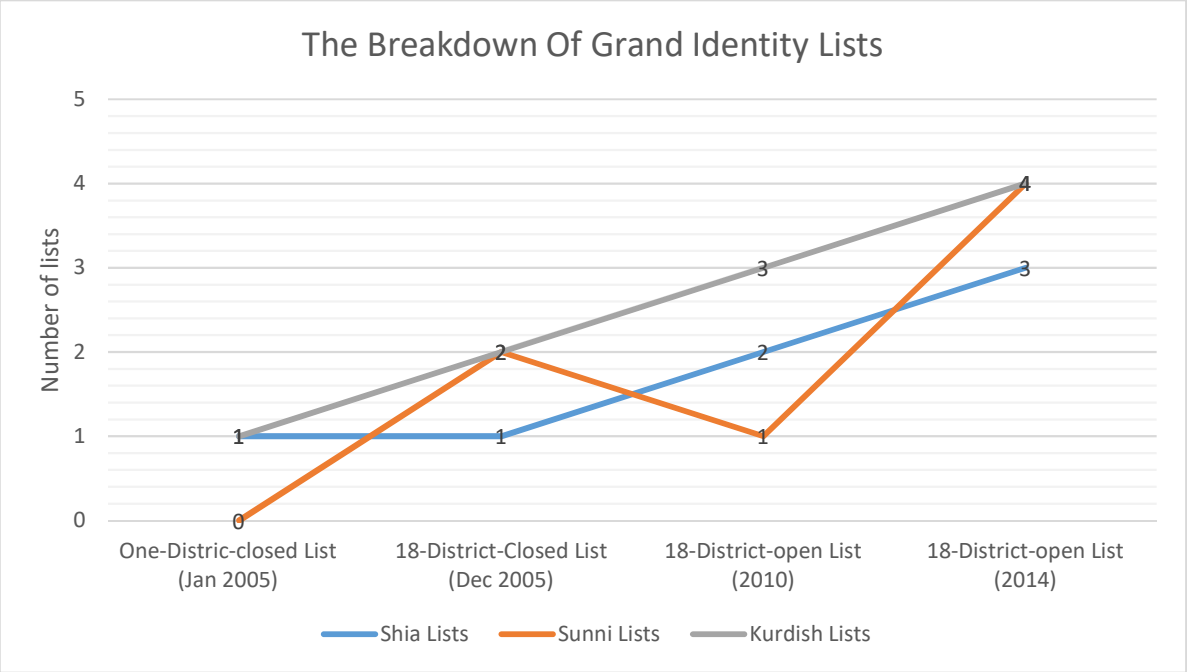
6.4.3 Electoral change and the breakdown of one ethnic list

The change of electoral design from one national district to 18 districts in the elections in December 2005, 2010 and 2014, contributed to the breakdown of grand identity lists into multiple lists. This breakdown of major lists did not occur in a straightforward manner. After the creation of multiple districts (December 2005), the grand identity lists remained united. However, the continuous employment of multiple districts led to a gradual breakdown of ethnic lists in the elections of 2010 and 2014. As shown in Chart 6.4, the Shias from one list (UIA) in the elections of January and December 2005 split into two main electoral lists in 2010, and into three in 2014. Similarly, the Kurdish lists split into two, three and four lists in the elections of December 2005, 2010, and 2014 respectively.

Sunni lists generally followed the same trajectory, with the exception of 2010. The reason is that the vast majority of Sunni elites united with the Shia secular Ayad Allawi. This was because both had, to some degree, a similar agenda regarding the unity of Iraq and Pan-Arabism. More importantly, their opposition to the hard-line Islamic Shia lists united major Sunni parties and the secular Shia list Iraqiya to form a grand cross-

sectarian coalition. However, this coalition could not survive and in the 2014 elections, the Sunni community split into four major lists. One of the reasons for this was the intensification of sectarian conflict between the Shia ruling elites and Sunni elites within the Iraqiya list in the second national cabinet of 2010-2014. Hence, the cross-sectarian coalition could not reduce the sectarian based conflict between groups, which left the cross-sectarian coalition ineffective. Along with this, the role of multi-district constituencies cannot be disregarded. The continuity of multi-district constituencies correlated with the breakdown and localisation of electoral lists in each constituency.

Chart 6-4 The number of lists for each of the three main groups (Kurdish, Sunni and Shia)



- Data adopted from previous elections: (IHEC, 2005e, IHEC, 2005b, IHEC, 2010a, IHEC, 2014a)
- The chart focuses on the breakdown of grand lists; in this case, it excludes small lists that consist of less than 5% of the total seats obtained by the major identity lists.
- The chart shows the breakdown of one ethnic list according to changes in the party list designs:

The key question here is whether this fragmentation and the intra-group competition that resulted from change in electoral design has led to ethnic and sectarian depolarisation. For this purpose, two aspects require further examination: firstly, the

degree of conflict at the national (macro) and district (micro) levels, and secondly, the stage of the election process: during and after the elections.

With regard to the first point, this fragmentation under the multiple districts system shifted competition from between identity lists (intergroup) to mostly between lists from the same ethnic and sectarian groups (intra-group), at least within districts. In this sense, in the 2014 election, within Shia dominated provinces, competition gradually changed to being between three main Islamic lists: SoL, Ahrar (Sadrists) and Muwatin (ISC). Similarly, within the Kurdish and Sunni populations, the electoral competition, to some degree, became organised around intra-group conflict. In the KR, for instance, three main lists (Goran Movement, PUK and PDK) competed in elections in 2010 and 2014. Even in the mixed provinces, which are divided among identity groups, there was a fragmentation of identity lists. For instance, in Kirkuk, the Kurds had more than six electoral lists, the Turkmen three, and Sunni Arabs seven (IHEC, 2014c). As a result, the changes to the PL system contributed to pre-election political fragmentation and intra-ethnic competition at the micro-level within districts.

However, the strong intra-group competition at the micro-level in Iraq in the two last elections of 2010 and 2014 did not depolarise ethnic and sectarian divisions at the macro-level. This can be observed in the southern provinces, where the three main Shia lists, SoL, Muwatin and Ahrar, competed and campaigned against each other. At the same time, the SoL and its candidates, the first winner in the election of 2014, intensified their ethnic and sectarian mobilisation against both Kurds and Sunnis (Al-Maliki, 2014a). Therefore, the breakdown of major lists due to electoral changes has had a limited impact on the de-intensification of identity mobilisation.

Similarly, intra-group competition occurred in Kurdish provinces at the micro-level between the three main lists: the PUK, PDK and Goran in the elections of 2010 and 2014. However, these lists competed for votes by raising the fear of domination by other groups. This was also the case for most of the Sunni lists. For instance, in the Salahaddin Province, the Arab Coalition list intensified its rhetoric against the Kurds (Al-Jboori, 2013). Therefore, for intra-group competition, ethnic and sectarian mobilisation was used, although there was no active rival ethnic list in their district at the time.

In terms of post-election arrangements, the breakdown of lists and the increased intra-group competition did not lead to inter-group coalitions. In all three elections under the multi-district design, fragmented ethnic lists formed one large ethnic and sectarian list after the election in parliament, rather than forming coalitions across groups. For instance, the major Shia lists, pro-Sadrist (Ahrar), Muwatin (ISC) and State of Law SoL, united as one grand Shia coalition against the other ethnic groups after the 2010 and 2014 elections (Al-jafari, 2014). In the first meeting of parliament, despite their political disputes, all major Shia lists, Ahrar, Badr, SoL, and Muwatin represented themselves as one parliamentary bloc with the priority to form the government. Likewise, Kurdish lists all crystallised into one bloc in parliament in all four of the elections. Hence, it can be said that intra-group competition at the micro level in ethnic dominated districts did not depolarise inter-group competition at the macro level.

The only exception here pertains to the Sunni lists. Although they had had reasonably large Sunni parliamentary blocs in previous elections, they could not bring together all major Sunni lists. In the 2010 elections, for instance, most of Sunnis united with the Iraqiya list. However, post-election, the Iraqiya coalition eroded. Even those who remained within the list had different political directions and aims. The reason for this is that, as mentioned in chapter three, the Sunnis' political agendas are divided among Sunnism, moderate Islamism, radical Islamism, and Pan-Arabism. In this sense, the identity of the Sunnis was not sufficiently strong to overcome all of their political and ideological differences (at least prior to the Sunni protests in 2012 and the fall of Sunni cities to ISIS in 2014)[1]. In contrast, Shia and Kurdish identities are more stable, despite antagonistic political agendas between their political parties. Thus, it can be seen that the breakdown of ethnic lists did not lead to depolarisation. In this sense, political fragmentation within one ethnic group does not lead to longstanding cross-ethnic coalitions.

[1] This will be discussed in the next chapter.

6.4.4 The impact of electoral design on cross-sectarian coalitions

The advocates of the AV argue that the PL is an attempt to institutionalise ethnic division, which undermines the chance for cross-group coalitions. When it comes to the case of Iraq, this argument is hard to substantiate, at least for cross-sectarian coalitions. Under the PL system, Iraq has experienced both polarisation and cross-sectarian coalitions. The Al-Iraqiya List is a particular example of this. In the January 2005 election (one national district), the ethno-sectarian lists, such as the UIA and Kurdistan Alliance, received the lion's share of seats, with 50.9% and 27.3 of the total seats respectively, while the Al-Iraqiya, as a cross-sectarian list, had 14.5% of the seats (IHEC, 2005e). The Sunnis had only 2.2% of the seats, as they had boycotted the election. With the change of the PL system from one national district system to a multi-district one in the December 2005 election, the polarisation remained the same, even after the Sunnis participated in the elections.

Under the multi-district open list in the 2010 election, the Al-Iraqiya List formed the biggest cross-sectarian coalition and won 91 seats, beating SoL (the biggest Shia list) by two seats (IHEC, 2010a). At first glance, this could be related to the change from a closed list to an open one. However, under the same form of open list in the 2014 election, Al-Iraqiya broke down into many smaller lists (IHEC, 2014a). This illustrates that the electoral design (PL) in Iraq neither prevented the formation of the grand cross-identity coalition nor determined it.

Another notable contributing factor is that polarisation, particularly among Shia lists, did not occur as a reaction to extremism in other lists, such as Sunni lists, but because of the fear of moderate lists. In this regard, all the Shia lists in the 2010 elections crystallised and formed one big Shia bloc to prevent the secular Shia Ayad Allawi from forming a government. The Shias saw the Al-Iraqiya list as a critical threat to the primacy of Shias in the new Iraq. Moreover, the Shias saw it as an attempt to return Sunnis to power (Rahma, 2010). This fear arose as eight of the ten main parties in the Iraqiya coalition in 2010 elections were Sunnis, and 66% percent of the seats won by the Iraqiya list were for Sunni lists within the coalition (IHEC, 2010a).

This fear of secular lists, as mentioned earlier, comes from the historical memory of oppression. The Shia had suffered under the former secular and anti-Islamist regime.

This secular dictatorship was monopolised by Sunnis. Thus, for Shia Islamists, the secular lists as a threat, despite being headed by a Shia, Ayad Allawi.

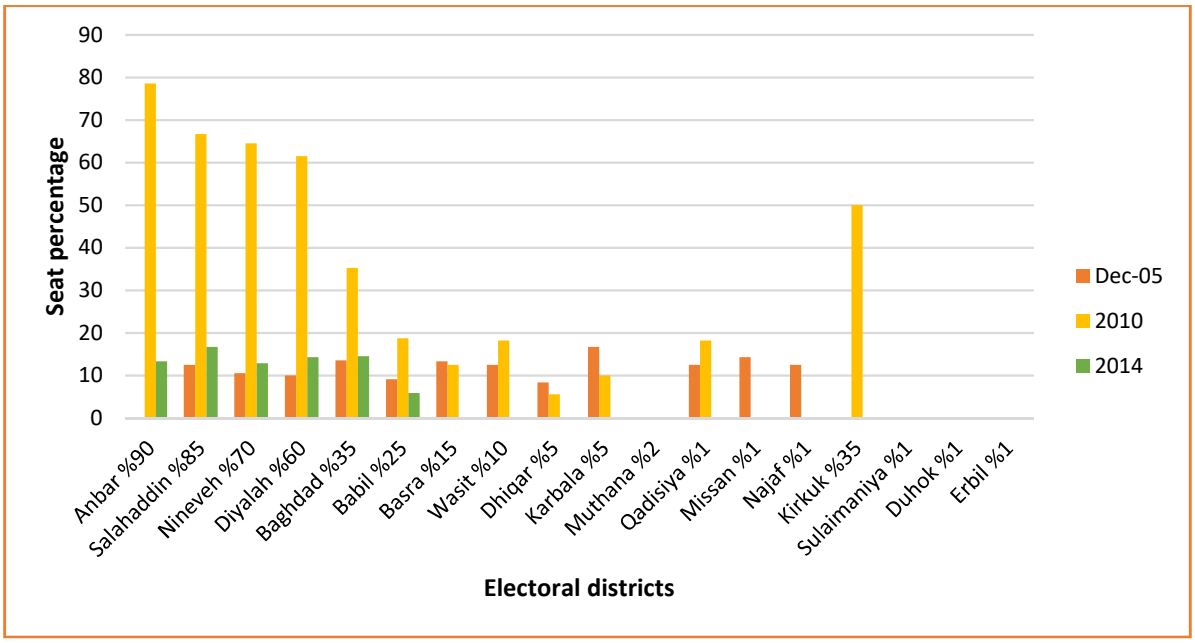
Likewise, for the Kurdish community, the Al-Iraqiya represented Arab nationalists. Furthermore, it supported strong central government during the 2010 election (IHEC, 2010b). This explicitly conflicted with the stance of Kurds, who had an increasing tendency to seek secession or wider power devolution. Therefore, for both Shias and Kurds, the Al-Iraqiya is an undesirable list for the future of Iraq.

6.4.5 The impact of electoral changes on voters' attitudes

Voters have as strong an impact on ethnic polarisation as elites have. In this sense, Iraqi voters determine the fate of cross-sectarian lists. This can be scrutinised through the election results in ethnically dominated districts.

Chart 6.5 shows a dramatic decline of votes from 2005-2014 for the Al-Iraqiya in Shia dominated provinces. In the December 2005 election, Al-Iraqiya had some support in Shia dominated provinces and won limited seats. It can be observed in those provinces, where the Shias constitute 99% of the population (such as in Najaf, Missan, and Qadisiya), that Iraqiya still had around 10% of the seats. In the 2010 election, Iraqiya's seats dramatically decreased until the 2014 elections, when it has won no seats across eight Shia dominated districts. Similarly, it has won no seats in the Kurdish dominated provinces, Erbil, Sulaimaniya and Duhok, in all of the elections held thus far.

Chart 6-5 Seat percentage for the Iraqiya list (as an example of a cross-sectarian list) in 18 districts (provinces) in the elections (December 2005, 2010 and 2014)



Source: (IHEC, 2005b, IHEC, 2010a, IHEC, 2014a)

1- The percentage next to each province refers to the Sunni Arab population size.
2- The type of elections: Closed list 18 district (December 2005); open list 18 district (2010 and 2014).

The key question here is whether this dramatic decrease of seats for the Al-Iraqiya List was related to a particular electoral design, particularly when the closed list in December 2005 changed to an open list in the elections in 2010 and 2014. At first glance, it appears that the open list under the multi-district system could be helpful for moderate candidates to compete in districts dominated by one ethnic group, the reason being that candidates from other groups do not exist to trigger mobilisation against them. In this case, moderate candidates from the same ethnic group may have an equal chance to win compared to the extremists. However, the decline of parliamentary seats for Al-Iraqiya could be a coincidence and this decline can be attributed to other reasons than changes in electoral design.

The reason for Al-Iraqiya winning some seats in Shia dominated provinces in the December 2005 election is that Shia voters looked upon Al-Iraqiya at the time – before making coalition with the Sunni lists- as the Shia secular list. This shows the importance of voters' attitudes towards ethno-sectarian divisions in elections.

In contrast, in the election in 2010 when Al-Iraqiya formed a grand coalition with Sunnis, Shia voters saw the list as no longer representative of secular Shias, and more as a cross-sectarian list dominated by Sunnis. This distrust by Shia voters of the Al-Iraqiya list intensified after the 2010 election, contributing to the conflict over who had the right to form a government (Ayad, 2013a). As a result, this affected Al-Iraqiya in 2014 (under the name National List), which did not win a single seat in eight Shia dominated provinces, despite Ayad Allawi being one of the most prominent members of the Shia secular elites (see Chart 6.5). The only logical explanation for this decline is that voters, as well as elites, saw the cross ethnic coalition as a sign of the reinstatement of Sunni dominance.

6.4.6 Voters from one group for cross-identity coalitions

The abovementioned point concerning voters' attitudes reveals an important point; cross-sectarian coalitions do not have cross-ethnic votes. Al-Iraqiya is supported by the Sunni community rather than Shia or Kurdish voters. As shown in Chart 5.8, in the last elections of 2014, the Wataniya Coalition (former Iraqiya) did not even win one single seat across eight Shia districts and in the Kurdistan Region (three provinces). However, in four Sunni districts, it had 10 seats.

In Shia dominated provinces, where Sunnis made up around 20% of the population, cross-sectarian lists won seats. For instance, in Basra, where Sunnis comprise 15%, the Civil Alternative List won a seat, and in Baghdad, it won three seats. Similarly, the Wataniya Coalition (former Al-Iraqiya) won a seat in Babil where Sunnis constitute 25% of the population, and in Baghdad it won ten seats (IHEC, 2014a). This demonstrates that the cross-sectarian list was mainly supported by Sunnis rather than other ethnic groups, as these lists won no seats in the six districts where the Shia population is above 95%. This shows how voters, not only elites, have a significant role in the effectiveness of electoral design or the success of cross-sectarian lists.

The question arises of why Sunnis, among other ethnic groups, are supportive of cross-sectarian lists. There are two main reasons for this which can explain identity affiliation and the security dilemma. Firstly, the Iraqiya list, as nearly the only example of a

secular cross-sectarian coalition, has a national agenda that focuses on centralism with strong support for Iraqi identity. This motto was attractive to most Sunnis on both the elite and societal level, at least before the second term of Al-Maliki's premiership, as Sunnis had historically held power in Iraq and ruled in the name of strong pan-Arabism and centralism, wherein the unity of Iraq was considered as an unquestionable issue. This was not only the doctrine of the state and the former ruling elites, but was rooted at the societal level, at least among Sunnis who had benefited from the former regime. The second reason is that the minority Sunni voters and elites in Shia dominated provinces fear for their identity. As a result, they vote for, and participate in, cross-sectarian lists to reduce the pressure exercised by both the Shia dominated security apparatus and Shia militia groups.

Conclusion

Two issues arose from examining the Iraqi electoral design and its impact on the ethno-sectarian equation: the suitability and fairness of elections, and the effectiveness of electoral design in ethno-sectarian conflict. With regard to fairness, the open party list based on the multiple district system with compensatory seats at the national level is fair for minorities and other lists. It also promotes proportionality, which is significant for promoting an effective power sharing democracy. However, in relation to the effectiveness of electoral design in mitigating identity conflict, none of the designs - party list, STV, or AV - can create significant changes in the short and medium term, due to the fact that the source of ethno-sectarian insecurity stems from factors outside of electoral politics. The territorial concentration of identity groups, unsettled problems such as disputed areas among groups, lack of federalism, lack of inclusiveness in decision making posts and the security dilemma fed by hatred, fear and by the historical memory of grievance between Iraqi components, all contribute to the ongoing instability. Therefore, the effectiveness of any electoral design must depend on settling these problems.

7 The role of elites in the failure of power sharing governments

Iraq has experienced two national power-sharing governments (2006-2014). However, neither of them could bring about long-term stability, reduce tensions within the society, nor promote democracy.

This chapter examines the main variable of the SSD theory: the role of elites in explaining the failure of the power sharing government. It focuses on explaining the conflict between ruling elites within the power sharing cabinet that was supposed to increase cooperation. It also focuses on the impact of elite conflict on interethnic relations at the mass level.

This chapter comprises six sections. The first section reviews the power-sharing arrangements during the transitional period and discusses a theoretical framework concerning the role of political elites in designing power-sharing models in divided societies. Section two discusses the relationship between the inclusion of different groups within the first cabinet and its stability. Section three examines the role of disproportionality within the military institutions and the politicisation of these forces by the ruling elites in ethnic and sectarian conflict. Sections four discusses the limited role of parliament and the judicial system in curbing the power concentration of the ruling elites. Section five examines the increasing concentration of power within the second cabinet and the role of the military apparatus in undermining the objectives of the power-sharing model. The final section discusses the possible solutions for improving the prospect of power-sharing democracy as a viable political form, which would assist in reducing identity-based violence, which has been detrimental to political stability in Iraq.

7.1 Power sharing in the transitional period: 2003-2005

Debates on power sharing designs come to the fore in nearly all war-torn divided societies such as Bosnia, Northern Ireland, Iraq, Afghanistan, and Lebanon. However, in divided societies that have been or are still being affected by violent conflicts, the role of elites during and after the process of designing the post-conflict form of state institutions is of utmost importance. Bargaining and political bickering are commonplace amidst the process of negotiating between rival elites to transform the situation from one war to one of peace, or from a dictatorship to a power-sharing democracy.

As argued in Chapter 5, the fundaments of the Iraqi power-sharing system originated in the formation of the Iraqi Governing Council (IGC) in 2003, which was formed by the Coalition Provisional Authority (CPA). The IGC consisted of 25 members; 13 Shias, five Sunnis, five Kurds and one member for each of the Christian and Turkmen communities (Bremer, 2003d). This allocation was based on the estimated population size of the three main groups.

After handing power to the Iraqi Transitional Government (ITG) in 2004, the power-sharing arrangements continued. However, the US administration wanted to elevate the position of secular elites. Ayad Allawi, a secular Shia, was appointed by the IGC and coalition forces to be the Prime Minister, and Yawar, a Sunni moderate, became the president for a year until the general election could take place. A Shia Islamist, Al-Jafari, and a Kurdish senior politician, Rozh, became the vice presidents, with the rest of the ministerial posts being distributed among the three main groups. Christians and Turkmens each received one ministerial post.

After the first election in January 2005, the Interim Government (IG) was formed. As in the previous governments, three key posts – the presidency, premiership and the speaker of the parliament – were allocated among Kurds, Shias and Sunnis. Based on the election results, the premiership was given to a Shia Islamist (Jafari); the president of the Republic was a Kurd (Talabani), and the speaker of parliament was a Sunni (Al-Hasani). Each of the three-abovementioned posts had at least two deputies from different identity groups. For instance, Jafari the Shia Prime Minister had two deputies,

a Kurd and a Sunni; the Sunni speaker had Shia and Kurdish deputies, and the Kurdish president had Shia and Sunni vice presidents.

Similarly, the ministerial posts were allocated between winning lists, which were the Kurdistan Coalition (Kurdish list) and the UIA (Shia list). Due to the boycott, Sunnis had only 2.5 percent of seats in the parliament; however, they were given six ministerial posts out of 32, a vice president and a deputy prime minister (Mahdi, 2005b). Sunni participants from the 'Iraqis' list (Al-Iraqiyoon) headed by former president Yawar were unsatisfied, as most of their candidates for the posts were not approved [1]for being Baathist or allegedly having relations with insurgent groups (Al-Jazeera, 2005, Abdul-Wahid, 2005).

The inclusion of the three main groups in the government cabinet did not prevent identity-based violence continuing. Many factors contributed to the continuation of violence and instability; e.g. the power vacuum after the regime's collapse, the spread of identity based militias, and the existence of long-standing grievances. However, this chapter focuses on three key issues concerning the power sharing government at the elite level; firstly, the coherence of elites (the ability to deliver effective leadership/the unity of elites); secondly, the lack of agreement between the three main groups; and finally, the efficacy of the inclusion of different groups in the cabinet.

Discussing the abovementioned points requires a brief literature review. Fearson (2007, p40-41) argues that power sharing is more likely to occur when two key conditions are fulfilled. First, an agreement is normally reached after a period of fighting has clearly demonstrated the relative military capabilities of the two or more sides of the conflict in divided societies, whereby each side has reached the conclusion that its objectives can no longer be achieved by using violence. Second, a power-sharing deal tends to uphold only when each side projects a certain degree of cohesiveness (Burton et al., 1992, p8-9). Put simply, it might be difficult to expect that one party will trust another party to deliver on its promises if it cannot even effectively control its own members. Similarly, Allawi argues that in order for elites to be effective

[1] The main ministerial posts allocated for Sunnis were in the Defence, Electricity, Trade, Industries and Culture ministries and the State Minister for Women's Affairs.

decision-makers it is crucial to represent the interests of their communities (2007, p.8), whether during the process of negotiating what form the new institutions will take or as representatives of post-election governments.

In addition, the inclusion of the main groups is the key for all proponents of consociationalism. In this regard, two main types of elite bargain can be identified: an inclusive and an exclusive bargain. The inclusive elite bargain integrates a large section of elites into a power-sharing government or into a process of negotiation; therefore, it is usually better at facilitating stable coexistence. In contrast, the exclusive elite bargain integrates a narrower group of elites. This type is more vulnerable to a recurrence of violence (Lindemann, 2008, p17-19). The inclusiveness of political elites, referred to by Lijphart (1977) as 'a grand coalition' within the cabinet, together with the quality of these elites' leadership of their communities'/ cohesive leadership (Allawi, 2007, p.8) constitutes the key determinant of the success of post-negotiation governments. Despite his support for inclusiveness, Dodge (2014) argues that one of the factors that contributed to the instability in Iraq was so called Muhasasa, which refers to the Iraqi power sharing cabinet between the main political parties. However, he does not propose any other alternative to the Iraqi power sharing model. The main problem is not with the power sharing design per se but rather the lack of effective power sharing, which is discussed in the next sections.

As argued in Chapter 4, none of the abovementioned conditions for the success of the processes of state building and democratisation existed. Dodge (2012c, p.41) indicates that in Iraq, the political settlement assumed the form of an exclusive elite bargain. Therefore, he believes that the factor that led to instability was the exclusion of some of the key elites from the process due to deBaathification. Although the exclusion of former Baath elites from the process of bargaining had had profound consequences, this was part of the problem. However, Dodge's statement falls short regarding the inclusion of non-Baathist Sunni elites. The US in this regard not only assisted in facilitating inclusiveness of a broader spectrum of political elites, but also exerted significant efforts to bring Sunnis into the process, with the exception of the Baath elites. However, the boycotting of the political process, particularly the IGC 2003, ITG

2004, IG 2005 and constitutional process in 2005 by a majority of Sunnis was one of the main factors for the lack of the effective power sharing/inclusiveness.

The second determinant of successful post-conflict power sharing governments was also missing in the case of Iraq, insofar as the Sunni elites who participated in the post-invasion political process during 2003-2005 did not represent the majority of Sunnis, and more importantly, could therefore not deliver leadership of their community. For example, only two out of five Sunni members in the cabinet were members of Sunni political parties - Mohsen Abdul-Hamid and Nasir Chadirchi. Furthermore, Mohsen, who was the head of the Iraqi Islamic Party, was a Kurd. Hence, the two participating parties could not represent the majority of the Sunni population or persuade them to withdraw their boycott and join the political process.

They lacked legitimacy and this meant that the community lacked direction in the following tumultuous years. Sunni voters in two general elections (Dec-2005 and 2010) voted for a different set of elites each time. This further demonstrates the lack of coherent leadership of the Sunni elites. As a result, this encouraged Sunni voters to seek political alternatives that could meet their expectations better. In contrast, the Kurdish and Shia communities/voters remained, to a considerable extent, supportive of their political parties in the elections of Jan-2005, Dec-2005 and 2010[1].

The lack of leadership also put Sunni elites in a significantly weaker position vis-à-vis the process of designing the power-sharing agreements. This was most evident in the case of the Iraqi Governing Council (IGC) 2004 and the Iraqi Interim Government IIG 2005. For instance, in the Jafari cabinet (IIG), Sunnis were not an effective party in allocating the posts. Most of the sovereign ministerial posts, such as for the interior, foreign affairs and oil, went to Kurds and Shias. In contrast, Sunnis were given non-

[1] Shias mainly voted for four main parties, either separately or within the Shia coalition; these were the Dawa party, Badr, Sadrists, and Islamic Supreme Council. Similarly, the Kurds voted for two main parties or their successors: the PUK (including Goran, which was part of the PUK) and PDK. In contrast, Sunnis did not vote for the IP in the first election; in the second election, they voted for Tawafuq, an Islamic Party which was the main force within the Tawafuq, though in the third election Tawafuq only got six seats. Instead, they voted for Iraqiya (Iraqi National Accord was one of the main components led by secular Shia Ayad Allawi) which had 28 seats, AL-Hadba (the former Parliament Speaker Usama Nujaifi) who had 9 seats, the Dialogue Front (the former Deputy Prime Minister Mutlaq) with 13 seats, Al-Hal with 9 and Sunni tribal forces in Anbar with 13 seats.

sovereign posts in, for example, the ministries of Culture, Trade, Electricity Industries and Women's Affairs. Furthermore, most of the candidates suggested by Sunni participants for non-sovereign posts were rejected. The only sovereign ministerial post that was meant for Sunnis was in the Defence Ministry; however, it was run by an acting minister as Shias had rejected Sunni candidates (Abdul-Wahid, 2005, Al-Jazeera, 2005).

Finally, it is of importance to highlight that the negotiation and bargaining processes in Iraq did not occur at a point where all three sides were convinced that a one-sided victory was nearly impossible, which could have made them more willing to negotiate peace planning and power sharing arrangements with the help of international actors. During the transitional period there was not a comprehensive negotiation and peace process. Shias and Kurds cooperated in the political process, while Sunnis divided into three groups. The first group who participated lacked the ability to deliver leadership, as mentioned before; the second group boycotted the political process, and the third chose armed rebellion against the coalition forces and New Iraqi government. Furthermore, the US-led invasion resembled a one-sided victory, or as Dodge (2012c, 2012a) called it "victor's peace", where Sunnis considered the invasion a manifestation of their defeat and at the same time a triumph for Shia and Kurdish groups.

All of the above-mentioned factors substantially diminished the opportunity to establish a successful power-sharing arrangement during the two transitional governments.

7.2 Power sharing in the first national cabinet (FNC) 2006-2010

The first national cabinet, which was formed in the aftermath of the elections in December 2005, was a participatory power-sharing cabinet. The main ethnic and sectarian lists had posts in the cabinet according to their number of seats in the parliament. Shias were given the position of the prime minister. The speaker of the parliament position went to Sunnis, whilst Kurds received the post of the president of

the republic[1]. In the same way, as shown in Table 7.1, the ministerial posts were allocated mainly among three groups based on their seats in Parliament.

Table 7-1 The percentage of ministerial posts for identity-based lists in the first national cabinet

Identity groups	The percentage of ministerial posts	The percentage of State ministers	Seat percentage in Parliament
United Iraqi Alliance (UIA) list (Shia)	49	64	46.5
Kurdistan Alliance	19	9	19
Tawafuq (Sunni)	19	18	19
Others (4)	15	9	12

- *The small ethnic and sectarian lists that have less than 2 percent of votes are not included.*
- *Others include small minorities like Turkmen, Christian, Yezidis and secular members of Iraqiya.*

Source: (IHEC, 2005b, Times, 2006, Zowaa, 2006)

This section discuses two main challenges that limited the efforts of building a stable power-sharing executive in the first national cabinet. Firstly, the cabinet can best be understood as a hegemonic power sharing arrangement. This term refers to the fact that Shia Islamists wanted a type of power sharing which meant that they would retain significant power while leaving other groups, and particularly the Sunnis, weak enough within the power sharing arrangement that they could not pose a threat to Shia primacy. This can also be called ''marginalisation within a power sharing cabinet''. The second challenge facing the cabinet was civil war, particularly in the central provinces of Baghdad, Babel and Diyalah (the Triangle of Death) in 2005-2008. This challenge, which came from the societal level, affected the power sharing cabinet.

The first challenge that faced the first national cabinet was that of the power sharing being converted into hegemonic power sharing. Other groups were effectively

[1] Similar allocation was followed in the second national cabinet.

marginalised in the cabinet by the Shia elites with regard to wealth and military based-posts such as those in the oil, interior and defence ministries.

Therefore, despite nominally wide inclusion in the cabinet, to satisfy the main blocs in parliament, Iraq created 37 ministerial posts (Times, 2006, Zowaa, 2006)[1]. This increased the number of ineffective, extra bureaucratic posts. However, the interior and oil ministries went to Shia groups. Despite an agreement for the ministry of defence to be allocated to a Sunni, no agreement could be reached on a Sunni candidate for the post (Ahmad, 2011). In addition, although the Shia Prime Minister Al-Maliki was the commander-in-chief of all armed forces (Article 75), Shias were concerned about losing control of the defence ministry. Contrary to the post-election understanding, the defence post was run by an acting minister Sa'adoun Dulaimi who was a Sunni appointed by Al-Maliki.

This fear of handing over the Ministry of Defence to a candidate appointed by the Tawafuq Bloc was related to the historical memory of fear of the Sunnis who ruled through controlling the military institutions. As discussed in Chapter 4, the Shias re-established the army, after it had been disbanded by the CPA, and reintegrated most of the Shia radical militias, namely Badr Brigade and Hezbollah members. In contrast, most of the Sunnis boycotted the new Iraqi army. Despite this domination of the new Iraqi army by the Shias, Shias sought to increase their security still further by occupying most of the posts in military institutions, including the defence ministry.

As shown in Table 7.1, Sunnis were allocated a fair percentage of civil and administrative ministries, which was 19 percent of the ministerial posts[2]. This percentage is equal to their seat percentage in parliament. Hence, inclusion within the power sharing cabinet was implemented in a way that guaranteed Shia control over security and wealth, while limiting power for Sunnis. On the other hand, managerial and non-sovereign posts were more flexible to compromise or being shared with the other groups.

[1] Ten ministers, called state ministers, did not have ministries.
[2] Excluding the oil, defence, interior and (to some extent) foreign ministries, all other ministries are regarded as administrative or non-sovereign.

The Kurds fared better in the negotiations over cabinet positions. Although they had only one sovereign ministry, that of Foreign Minister, they had an influential role in the council of ministers. One of the main reasons Kurds were able to negotiate this key ministry was that the Kurds had their own de facto semi-state, with independent military institutions. This demonstrates that power and military capacity still play a pivotal role in the political process of Iraq.

Despite the hegemonic power sharing in the cabinet, coercive exclusion against Sunni elites by the Shia ruling elites did not occur[1]. This was because of pressure from the US, which had a military presence in Iraq (2003-2011)(Oliker, 2007, Visser, 2014) that worked most of the time to bring the rival groups together and to minimise the political conflict between them. Moreover, their presence in the cabinet was necessary after the boycott for legitimising the post-Saddam regime and stabilising the war-torn society. Above all, maintaining stability was a crucial test for the first Shia-led national government since the creation of Iraq in 1921. Finally, the country's first priority was the security issue and ending the wide range of sectarian violence in Sunni-dominated and mixed areas, particularly in the so-called triangle of death: Baghdad, north Babel, Anbar and Diyalah provinces (Pirnie and O'Connell, 2008). For this purpose, the wider inclusion of the Sunni community was vital to decrease violence and the feeling of marginalisation.

The second main challenge that contributed to destabilising power sharing was the high level of sectarian violence between 2005 and 2008. The impact of this violence at the societal level was discussed Chapter 4, in terms of increasing the fear, distrust and grievance between communities; here, the emphasis is on its effect on the relations between elites in the cabinet. Although the violence was not directed against the elites in the cabinet; many militias and warlords had governmental posts and were involved in the sectarian war. In addition, many of the members of the new Iraqi security forces that were dominated by Shias were involved in sectarian violence[2].

[1] Apart from hegemonic power sharing, the exclusion widely occurred in the second cabinet; this discussed in the next section.
[2] This point is discussed in detail in chapter4; therefore, it is only briefly referred to here.

The key issue here is that elite-led violence by militias and paramilitary forces against the communities affected the conflict between elites within the cabinet. In reaction to the sectarian violence, which many perceived to be state sponsored, the Tawafuq bloc persistently boycotted the parliament meetings and the cabinet for one year, from 2007 to 2008 (Kalaf et al., 2007, Habib, 2007).

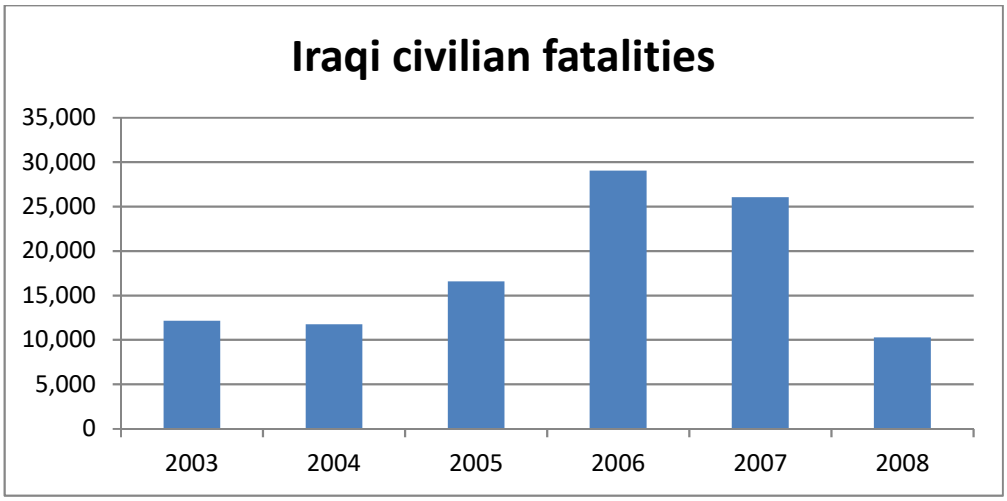
Another issue which contributed to the Sunni's increasing fear and the boycotting process was the disproportionality in the military and security forces[1]. Shias overwhelmingly dominated the new Iraqi army and security forces. As argued in Chapter 4, two reasons were behind this disproportionality; firstly, Sunnis boycotted the process at both societal and elite levels in the most important period during the state building process from 2003-2005, when the new Iraqi army security forces were rebuilt. Secondly, since the Shia Islamist parties occupied most of the posts, they were responsible for building the new Iraqi forces using their members and community by integrating their militia members into the new Iraqi army. Since the Iraqi army and security forces consisted overwhelmingly of Shias, the Sunnis considered them as a sectarian army (Hattam, 2013). This distrust and fear of the new army can be seen during the sectarian war 2005-2008, when the militias alongside or under the watchful eye of government forces - were involved in sectarian based violence against the Sunni community (Rasheed, 2012, Aljazeera, 2009, Amnesty, 2014b).

However, during the second part of the first cabinet, security had improved and sectarian violence decreased. During this period, Al-Maliki, to some extent, was seen by some Sunnis and the Shia community as a person with a national agenda, who fought against both al-Qaeda and some Shia militia groups in Basra, such as the Shia Mahdi Army, in the second part of his first term (Hussein, 2008). He reduced the sectarian war with the assistance of coalition forces in 2008 in Baghdad (see Chart 7.1). Although Shias still dominated the main cabinet positions, the decrease in violence had an impact on the elite participants in the cabinet. In this period, no noticeable collective boycott by the Sunnis occurred. This shows the relationship

[1] This point is discussed in the next section.

between improving societal security and the improvement in the relations between elites in the power sharing cabinet.

Chart 7-1 Iraqi civilian fatalities



Source: *(IBC, 2015b)*:

Based on the aforementioned information, three conclusions can be drawn. Firstly, the widespread inclusion of Iraqi ethnic and sectarian groups in the cabinet posts did not decrease fear, distrust, and feelings of marginalisation, as the inclusion and proportionality in the cabinet did not extend to sovereign posts, particularly security and military posts. Secondly, the sectarian violence increased fear and distrust between elites in the cabinet; thus, Sunnis regularly boycotted the cabinet. This was an indication of the failure to establish an effective power sharing cabinet. Finally, the inclusion and balance in the cabinet did not extend to the lower levels, particularly the security and military forces, which were Shia dominated[1]. This has led to the politicisation of military institutions, intensification of societal insecurity, and recurrence of identity-based violence in the second cabinet[2].

[1] This point argued in more detail in chapter 4.
[2] This is discussed in the next section.

7.3 From hegemonic power sharing to exclusion 2010-2014

The hegemonic power sharing that existed in the first cabinet increased in the second cabinet. Conflict and instability intensified not only over key ministries but also over the premiership. It was a turning point in the Iraqi ethno-sectarian conflict when Al-Iraqiya defeated the biggest Shia list, the State of Law SoL, by two seats in the 2010 elections (IHEC, 2010a). Al-Iraqiya was a coalition between Sunnis and secular Shias. Its leader, Al-Allawi (2012), claimed that it had the right to form the government. However, Al-Maliki (2014b) rejected this claim, arguing that Shia fractions altogether made up the majority. Shia parties feared losing the premiership to a secular candidate supported by the Sunnis. Therefore, the different Shia fractions formed one big bloc in Parliament. The Federal Supreme Court interpreted the constitution in a way that the biggest parliamentary bloc has the right to form the government, not the first winner in the elections (Al-Mahmood, 2010). This shows that the majority Shia Islamists only accept power sharing when they play the strongest part in it.

Along with this, disagreement over the distribution of ministerial posts continued for eight months. Eventually, the main parties signed an agreement that was encouraged by the US and known as the Erbil Agreement (Cordesman and Khazai, 2012, p37-38). According to this agreement, key elites agreed that Al-Maliki would be prime minister, Talabani president, Osama Al-Nujaifi the speaker of Parliament, and Allawi the head of the Council of Strategic Policies (CSP) (Katzman, 2011, p13). The cabinet consisted of 42 ministerial post in order to ensure the wider inclusion of all identity based winning lists in the cabinet (Mahdi, 2010, IBN, 2010). With regard to the sovereign ministerial posts, the interior and oil went to Shia, while defence was initially allocated to Al-Iraqiya and foreign affairs remained in Kurdish hands.

At first glance, the ministerial posts seemed to fulfil some sort of balance by dividing control over the security institutions between the Shias and Sunnis. In addition, the CSP was significant in that it supported the prime minister's post by participating in formulating Iraq's general policies. However, in common with the first cabinet, the Shia-dominated government, led by Al-Maliki, did not agree on any candidates proposed by Al-Iraqiya to head the Defence Ministry (Ahmad, 2011, Al-Duri, 2012).

The main reason for this was that the Shias distrusted Sunni lists in controlling the military institutions, particularly as the military and security forces still played a dominant role in Iraqi policy due to the weakness of the democratic institutions. This could be the case in most war-torn divided societies, according to Horowitz (1985, p.443), who states that the ''control of the military is a significant symbol of ethnic domination''.

In a similar way, Al-Maliki and his Shia allies in parliament obstructed the establishment of the CSP. This shows that Al-Maliki wanted Sunni dominated Iraqiya to be a marginal player in the power sharing cabinet. This hegemonic stand of the Shias was driven by their long-standing grievance against the Sunni ruling elites. One of the key Shia elites stated that ''they [Shias] had been oppressed during the Abu-Bakr realm [the first caliph of Islam] until Bakr's Party [Baath regime]'' (Ahraji, 2010).

What makes the second cabinet different from the first one is that this hegemonic power sharing headed dramatically towards excluding rival elites and then towards power concentration, especially with the withdrawal of coalition forces at the end of 2011. Al-Maliki gradually excluded most of the Sunni members on the Iraqiya list from decision-making posts.

This exclusion took place mainly through the judicial system. Thousands of Sunnis were accused of supporting terrorism under Article 4 (the anti-terrorism law) (HRW, 2014, Boghani, 2014). Sunnis at both the elite and mass levels believed that this article was targeting them on the basis of identity, and termed it, the "Article 4 on Sunnis/anti-Sunnis" (Yahya, 2013). This shows the distrust, fear and insecurity towards the rival ruling group. In less than a year after the US withdrawal, the prime minister attempted to exclude four major Sunni elites: the Vice President Al-Hashmi, the Speaker of Parliament Al-Nujaifi, the Deputy Prime Minister Al-Mutlaq, and the Minister of Finance, Isawi.

On the 19th of December 2011, a week after the US withdrawal, Al-Maliki issued warrants for the arrest of Al-Hashmi and his bodyguards (Cordesman and Khazai, 2014a, Al-Hashimi, 2013). However, he let Hashimi leave Baghdad through Baghdad

Airport[1]. Under torture, Hashimi's bodyguards confessed that they had been ordered by him to conduct terrorist attacks against politicians and civilians. Two of them died during interrogation. Later, Al-Hashmi was accused of committing 150 acts of terrorism, all of which he denied. He was sentenced to death in absentia. Since then, he has been in exile in Turkey.

The process of excluding eminent Sunnis continued. Similar accusations were made against MP Al-Alwani, who had been the strongest opponent of Al-Maliki and supported the Sunni demonstration in Anbar in 2013. The security forces attacked his house, killing his brother and bodyguards and ignoring his immunity as an MP. Later, he was sentenced to death for supporting terrorism. Al-Maliki was also constantly trying to force the resignation or dismissal of the speaker of Parliament (Al-Nujaifi), the Deputy Prime Minister (Mutlaq), and the Minister of Finance (Isawi)[2], all of whom are Sunnis (Cordesman and Khazai, 2014a).

Another contributing factor to the failure of power sharing was the regular boycott of the cabinet by the Sunni parties as a protest against the marginalisation, underrepresentation, and exclusion of the Sunni community in the state institutions. Sunnis boycotted the cabinet at least two times. The first boycott of the cabinet and parliament occurred from December 2011 until January 2012, after Hashmi's case. The US embassy made efforts to end this boycott (Cordesman and Khazai, 2014a). A similar boycott occurred in 2013, in response to and in solidarity with the mass demonstrations in Anbar and Kirkuk against power concentration, human rights violations by Shia-dominated security forces and other institutions, and the exclusion of Sunnis (Cordesman and Khazai, 2014a). The prime minister, for instance, filled their posts as an acting agent during the boycott of the Sunnis in his second term (Al-Jazairi, 2013). Hence, he was the prime minister and a minister at the same time. This assisted him in concentrating power further.

[1] This implies that the accusation was more likely to exclude him from the process rather than lead to his prosecution.

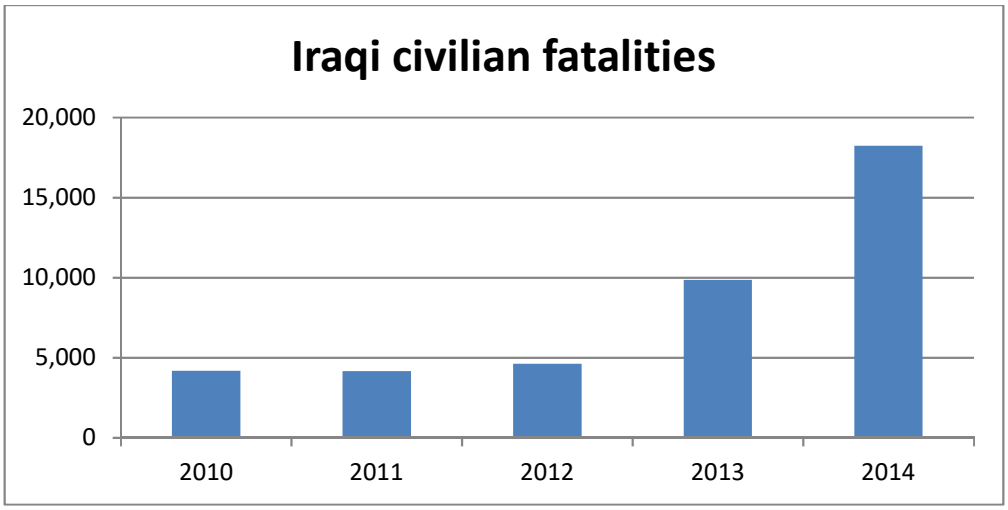
[2] Isawi resigned as the minister of finance in 2013; he was also accused of terror attacks. However, he was not prosecuted, unlike Hashimi.

Along with this, he systematically increased the rate of power concentration in the midst of his second term, through linking the independent institutions to his office. He brought the Integrity Committee, Central Bank, and the High Commission of Elections under his control (Sa'edi, 2012). Moreover, he formed extra-constitutional offices and committees with large authorities to bypass the ministries. For instance, he formed the office of the general leader of the Iraqi army, headed by himself (Dodge, 2012c). All the security forces and operations in Iraqi provinces were run under his direct command (Sullivan, 2013, p11) and through his new established office, except for the KRG , which had its own armed forces. He commanded and headed all operations, included those in Sunni areas.

This concentration of power increased fear and distrust not only among Sunnis but also among Kurdish elites. Barzani, the president of the Kurdistan Region, constantly expressed his distrust of Al-Maliki and threatened that this would escalate the secession of the Kurdistan Region (Barzani, 2012c, 2012a).

In conclusion, three points can be summarised. Firstly, hegemonic control and power concentration increased in the second cabinet. Secondly, in contrast to the first cabinet, hegemonic power sharing escalated towards excluding key rival elites. Finally, the marginalisation and exclusion of Sunni elites contributed to increasing polarisation, fear, distrust and grievance, not only between rival elites within the cabinet, but also at the societal level. The failure of power sharing led to renewed violence. If the sectarian war between Sunni and Shia communities contributed to the failure of power sharing in the first cabinet, exclusion in the second cabinet led to re-emerging violence and polarisation at the societal level. This can be seen in the mass protest in Sunni populated cities, which started in 2012 (Yahya, 2013), as well as in the recurring insurgencies in the Anbar province and Fallujah later on. Chart 7.2 shows the increase in fatalities and violence in the second half of the second cabinet.

Chart 7-2 Iraqi civilian fatalities



Source: *(IBC, 2015b)*

The main instrument that was used and which contributed to reigniting polarisation was the politicisation and misuse of the Shia dominated military apparatuses by the Shia prime minister. Therefore, it is necessary to highlight the role of military apparatuses in increasing fear, distrust, and polarisation, and in intensifying the societal security dilemma at both elite and societal levels.

7.4 Politicisation of security forces: (using military forces to destabilise societal security)

As argued in Chapter 3, the security and military apparatuses are highly significant in Iraqi politics[1]. Since the collapse of the monarchy in 1958, the military institutions have played an important political role. During the thirty years of its rule, the Baath regime militarised nearly the entire society through official and paramilitary forces linked to the party, and used them to suppress any opposition. This heritage of militarisation continued after the fall of Saddam. The role of the security and military institutions is vitally important in understanding the de-stabilisation of societal security and power-sharing democracy in Iraq. As argued in the theoretical literature, it is vitally important for a state building process to build security and military institutions to guarantee

[1]Since the DDR plan is discussed in chapter 3, the focus here is on the role of the military apparatus in the post DDR stage.

security. However, these institutions, to a significant extent, contributed to destabilising societal security, the re-emergence of identity-based violence, and then the failure to establish a stable power sharing democracy. Furthermore, most of the aforementioned problems, particularly marginalisation and exclusion of rival elites in the government, and control over the independent institutions, to some degree occurred due to the hegemony over the military forces by Shia ruling elites.

Therefore, in this section highlights three key issues which contributed to destabilising the power sharing cabinet and intensifying ethnic and sectarian tension: the imbalance in the military apparatus; the use of this institution in political disputes; and expanding the government-led militias that were based on sectarian affiliation.

Concerning the first point, the lack of balance in the armed forces existed on two levels: disproportionality in the national armed forces, and lack of regional military forces in the Sunni-dominated areas.

As argued in Chapter 4, one of the main factors for this imbalance was that militia members mostly integrated into the new Iraqi army, particularly Shia militias, who were installed in high-ranking military positions. In contrast, prior to and even after the regime had collapsed, the Sunnis did not have militias[1], while the Kurds kept their armed forces Peshmerga under the control of their regional government. Hence, Iraqi security forces largely consisted of Shias, while less than 5 percent of the Iraqi army were Sunnis (Mutlaq, 2012). This percentage is not compatible with their size, which is around 20 percent of the population. Likewise, the proportion of Kurdish in the Iraqi army amounted to 8 percent (Yawar, 2010). The percentage of both Kurds and Sunnis dramatically decreased. Specifically, a significant number of Kurdish armed members left the army under constant pressure from the Shia-dominated centre and joined the paramilitary Peshmerga. The percentage of Kurdish forces had thus decreased to around 2 per cent by the end of 2013 (AIN, 2013). By the end of 2011, the Iraqi armed and security forces reached around 700,000 (O'Hanlon and Livingston, 2013), which is one for every forty civilians. Shias comprise more than 87 percent of the total armed

[1] Here, what is referred to are not insurgent groups that were outlawed and labelled as terrorist groups fighting against the government, but rather there was an absence of militias that would be allowed to operate in parallel with other Iraqi forces.

force population, taking into consideration the above-mentioned percentage of Kurds and Sunnis even before the decrease.

In the second national government (2010-2014), Al-Maliki and his allies assumed even more control over the armed forces. Seventy-seven out of seventy-nine high-ranking posts in the security and armed forces were held by Shias (Al-Dulaimi, 2014)[1]. In addition, Al-Maliki appointed generals who were close to him from within the circle of Shias, based on nepotism and party affiliation. For instance, his son was placed in charge of security forces in the International Zone in Baghdad (Crompton, 2014), and Sabah Fatlawi, who had a party affiliation with Al-Maliki, was made the head of the federal police forces (Kirkpatrick, 2014). In addition, he appointed acting generals to the army in order to circumvent the need to secure a parliamentary majority to appoint any military ranks from general and above.

The second part of the military imbalance was the lack of localisation of the armed forces. Due to the fact that Sunnis did not have their own local regional forces and their own regions, they were underrepresented at both national and regional/ local level in the military and security forces; thus, there was disproportionality and lack of localised security forces under the control of a provincial government. The only community that possessed local armed forces were the Kurds. The Peshmerga was constitutionally recognised as responsible for the security of the Kurdistan Region under the control of the elected regional government. Hence, Kurds balanced the Shia dominated national forces at the regional level by having their own forces.

This imbalance created an opportunity for the ruling elites to politicise this institution and use it to concentrate power, and to exclude and marginalise the other groups, particularly after the withdrawal of the US forces in 2011.

Hence, this imbalance and power concentration in military and security forces contributed to the situation that led to the politicisation of military institutions and their use against Al-Maliki's Sunni opponents. This targeting of political opponents led to the re-emergence of violence at the societal level. In addition, violations of human

[1] These high-ranking military posts are Lieutenant Generals, First Major Generals and Major Generals.

rights by security forces occurred on the basis of identity. Thousands of Sunnis were detained without trial, prisoners were tortured (Amnesty, 2010), and more than a thousand Sunni women were detained, most of whom had been arrested because their relatives were wanted by the security forces. Based on Human Rights Watch reports, the majority of these women were raped by members of the security forces, and were kept in jail for more than three years without trial (HRW, 2014)[1]. The protestors' primary demands were the release of detainees, the abolition of DeBaathification, and that Sunni regions should have their own regional forces to protect them from Shia-dominated security forces (Yahya, 2013, Khamees, 2013a).

The protest was widely supported by different Sunni groups, such as Herak Al-Shaabi (Popular Movement), religious scholars and tribal forces, and Sunni politicians such as former Finance Minister Isawi, Deputy Prime Minister Mutlaq, and MP Al-Alwani (Yahya, 2013).

However, the Shia-led government accused the protestors of harbouring terrorists, acquiring weapons, and attempting to topple the regime (Al-Maliki, 2014b, 2013a). As a result, armed forces under the prime minister's command cracked down on the demonstrations in Anbar and Hawija, killing more than 40 demonstrators in the latter city (ICG, 2013).

This violent response by security forces transformed the protest into an armed rebellion, particularly in Anbar in 2013, where some tribal elites announced that the time for peaceful demonstration had ended (Khamees, 2013a, 2013b). The concentration of power within one group, and the politicisation of the military institutions left the armed forces with no support or trust in Sunni provinces. As violence, fear, and distrust escalated to the highest levels since the sectarian war of 2005-2008[2], Sunni insurgent groups and ISIS took control of Sunni dominated areas in 2014. The Iraqi army collapsed in less than two weeks. More than 30,000 security and armed forces caved in to a few thousand insurgents in Mosul (Chulov et al., 2014). The

[1] Despite the fact that these violations against the Sunni community had existed before the exclusion process against key Sunni elites, this did not cause the mass protest. The protest was only triggered in the aftermath of the exclusion of Sunni figures. However, this violation contributed to the intensification of sectarian grievances.

[2] See Chart 7.2

distrust and fear towards the Iraqi army were two of the factors that led the Sunni community to accept Sunni insurgencies as an alternative to the Iraqi army. For most Sunnis, the Shia ruling elites and security forces are considered foreigners or Safavid army[1] (Hattam, 2013), which they believe to be worse than ISIS (Mashadani, 2015). This demonstrates that a large military apparatus cannot keep the peace and guarantee stability when it is dominated by one group and used for concentrating power.

Hence, if the identity based violence against communities contributed to the failure of effective power sharing at the elite level in the first cabinet, the conflict and exclusion at the elite level in the second cabinet contributed to intensifying the societal security dilemma, refuelling sectarian violence, and to the widespread re-emergence of militias and insurgent groups.

Al-Maliki also used the politicised military against the KRG. The prime minister authorised the formation of Dijlah (Tigris) operations in disputed areas such as Kirkuk and Diyalah. The aim of these operations was to reduce Kurdish influence in areas they had claimed. The Kurdish political elites interpreted this step as an attempt by the Shia government to neglect the implementation of Article 140 of the constitution and to impose a de facto situation by force (MEO, 2012). In response, the Kurdistan Region deployed Peshmerga forces. Although no armed clash occurred, Kurdish fear and distrust intensified, in some part due to growing militarisation (Barzani, 2011).

Another example of the minorities' fear and distrust of the national army is evident in the fact that the Kurdish President Barzani claimed that the Iraqi army had weapons developed by the US. Kurds demanded guarantees from the US that these weapons would not be deployed against them. This fear had its root in a leaked conversation between the prime minister and military generals, in which it was stated that the Iraqi army would limit Kurdish ambitions once they had obtained jet crafts (Barzani, 2012a, 2012c). While the Shia dominated government tried to increase their security through equipping the national army, the Kurds interpreted this step as an aggressive one.

[1] Safavid, which was medieval Persian Empire, refers to Iran.

However, it can be observed that the misuse of military apparatuses as an instrument was used only against Sunni elites and their community, not against Kurdish elites. This is partially because Kurds have their own federal region, constitutionally recognised institutions, and local security forces under the regional government, which provided a balance to the growing politicisation of military institutions.

The third factor that destabilised societal security and intensified sectarian violence was the re-emergence and increase of state-sponsored militias in 2012. Reviving militias came as a response to the increasing number of insurgencies in some Sunni provinces, after the Shia government had responded violently to their protests[1]. In this regard, six major militia groups should be mentioned: the Badr Brigade, Saraya Salam (former Jaish Mahdi), Jaish Mukhtar (Divine Chosen Army), the Abu Fathil Abbass Brigade, Assayib Ahl Al-Haq, and Hezbollah. The threat posed by these militias was greater than before, since they were supported and funded by the state (Batat, 2013, CoM, 2014).

These militias mainly targeted the Sunni community. Legitimising [2]sectarian paramilitary forces has a long-term impact on stability, since these groups operate military actions independently of the Iraqi army, and are driven by a sectarian ideology. Additionally, in the Iraqi post-ISIS situation, the Shia militias will cause a dilemma for the government, since they need to be incorporated into Iraqi military institutions, which increases sectarian imbalance and disproportionality in the army. This scenario occurred in the aftermath of the 2003 invasion when Shia militias integrated into new Iraqi army without vet.

In contrast, since 2005, the Iraqi government has refused to arm the Peshmerga forces, which are constitutionally part of Iraq's security forces (Barzani, 2014a, 2012a). Likewise, Al-Maliki not only stood against arming and funding the Awakening (Sunni

[1] The increase in Shia militias, which was a consequence of the Sunni mass protests and instability in the region after the Arab-uprising and instability in Syria, contributed to exacerbating the instability further. The Shia-led government could have prevented such an increase; instead, it assisted their rival, firstly to get support from the Shia community through sectarian polarisation and the depiction of the Sunni protest as a threat to Shias, and secondly to face the threats from the Sunni community.
[2] This legitimisation can be seen more explicitly after the ISIS assault in 2014, The parliament considered all the Shia militias under the Popular Mobilisation Forces, which was formed by the Iraqi government and blessed by Shia Marjah and Iran, as a regular Iraqi army.

tribal forces) to fight Al-Qaeda in 2007-2009, after the withdrawal of the US military in 2011, but also worked to eliminate such groups (Cigar, 2014, p21-24). The reason for this is that the Shia ruling elite did not want to support any non-Shia forces that could have limited their primacy or become the core of regional security forces for a future Sunni region, similar to the Peshmerga, which stood against constant Shia attempts to centralise.

In conclusion, the relative increase of security and stability in Iraq from 2008-2012 did not coincide with the establishment of an effective power-sharing democracy. Instead, it coincided with the concentration of political and military power in the hands of one ethnic group, and the increasing exclusion of other ethnic groups[1]. This concentration of power resulted in the politicisation of the security forces, which increased societal instability and the societal security dilemma, particularly among Sunnis who did not have their own regional security or political institutions. Thus, the concentration of power resulted in an increase in conflict and societal instability.

7.5 The role of oversight institutions in reversing power concentration

Theoretically, a power-sharing cabinet is supposed to reduce the authoritarian tendencies of ruling elites, since all the parties are in power. Exclusion and power concentration in the cabinet were the main challenges for the parliament. However, since 2006, the Iraqi parliament had failed to exercise one of its main imperatives, which was monitoring the government's performance. It remained feeble due to the charged sectarian atmosphere. Though the parliament held the key to establishing a government, monitoring its actions, questioning and dissolving the cabinet, it remained the most ineffective body (Cordesman and Khazai, 2014a).

Sunni, Kurdish and even Shia Sadr blocs could not question the prime minister in 2012-2014. Al-Maliki (2013b) refused to be questioned over deteriorating security, using violence against Sunni demonstrations, and identity based exclusion. As parliament could not halt his attempts for power concentration and the increasing exclusion of

[1] the power concentration occurred mostly during a period of relative stability.

his rivals, the rival groups - such as the Iraqiya bloc, which consisted mostly of Sunnis - and Kurds threatened him with a vote of no confidence. Ayad Allawi, Sadr (Shia) and Barzani agreed in Erbil to stand up to power concentration (Barzani, 2014a, Sabiri, 2013). Ultimately, they decided to take steps towards a no confidence vote. This was significant, as the Sadrists (Shia) supported this step (Ayad, 2012). At first glance, this seems to be an indication of sense of national identity among main groups, which crossed the ethnic and sectarian divisions.

However, the Sadrists later withdrew from the no confidence vote (Al-Sumariya, 2012). This shows that the sense of national identity is weak compared to sectarian and ethnic affiliations. It also shows that the Shias' inner conflict (the conflict between Sadrist and Al-Maliki) was not so powerful as to affect their primacy. Without the Shia parties, the Sunnis and the Kurds could not guarantee enough votes for the no confidence vote. Contrary to Dodge' view (2012c, 2012b), this the shows that the constant attempts by the Shia-led government for power concentration were not driven by one person, the prime minister. It is more likely to have been a sectocracy, in which the wealth and power is concentrated in the hands of one ethnic group.

The judicial system, and particularly the Federal Supreme Court which remained vulnerable to political pressure, was an example of increasing/misusing power concentration. The Court did not rule on most of the cases against Al-Maliki during his two terms in power in 2006-2014. When it did so, it generally found in favour of the prime minister, thus giving him a more unrestrained hand. One of the most significant cases was the decision to give Al-Malik the opportunity to form the government in 2010 (Cordesman and Khazai, 2014a, p86, Ayad, 2012). In addition, Al-Maliki used the judiciary to bring cases against his Sunni rivals, as previously discussed. Accusations of terrorism were also widely used against Sunni detainees, and hundreds of Sunnis were accused under Article 4 (Hattam, 2014). Judicial institutions also remained silent on the large-scale human rights violations against Sunnis (Amnesty, 2013a, 2010, HRW, 2014) [1], as well as the growing Shia militias and their explicit threats and provocations

[1] Torturing, detaining without trial and human right violation all banned in Iraqi constitution (Articles 37 and 19), however, the constitution, parliament and judiciary institutions could not prevent them from occurring at the hand of executive authority.

against the Sunni community. For instance, the head of Hezbollah Brigades and Assayib Ahl Al-Haq frequently threatened the Sunni elites and their community and provoked sectarian violence without any prosecution by the government or the judicial system (Ayad, 2012, Qais, 2013, Al-Mulla, 2015).

All these actions (or inactions) weakened the trust in the judiciary and other state institutions in the eyes of the Sunni community. Many key Sunni elites refused to trust the judicial system, accusing them of being politicised against Sunnis (Al-Hashimi, 2013, Hattam, 2014). This deepened the Sunnis' fear and feelings of marginalisation[1]. It can therefore be seen that, instead of limiting and monitoring the government, institutions which should have had oversight of the government, in fact intensified the sectarian differences.

7.6 Does the institutional design matter

The key argument concerning the impact of institutional design on the political elites in Iraq is that without effective multi-region, backed up by local security forces, power sharing was less likely to be successful. To be more specific, territorial autonomy for ethnically homogeneous areas, backed by independent and institutionalised regional forces under the elected regional government, was necessary to counterbalance the Shia-dominated national army. This would have mitigated identity-based violence, and made a stable democracy more viable in Iraq. Constitutional design alone cannot secure and implement the formation of regions for minorities if it is not accompanied by regional security forces, at least for Sunni and Kurdish minorities.

As argued in previous sections, Sunnis have been targeted by security forces and excluded within the cabinet by the Shia ruling elites. The potential reasons for conflict or antagonism between Sunnis and Shias are less pronounced than those between

[1] However, for non-Sunni opposition, he used the judiciary for non-terror-related accusations. For instance, he issued arrest warrants on 22nd of September 2011 against the head of the integrity commission Sabah Al-Sa'adi for defaming the prime minister. The head of the integrity commission resigned under pressure from the prime minister and because of interference in his work (ICG 2011. Failing Oversight: Iraq's Unchecked Government. Brussel: International Crisis Group.

Kurds and Shias since Shias and Sunnis share an ethnic background, as they are both Arab. Moreover, members of both communities often belong to the same tribal background. At the political level, Sunni and most Shia elites (except for SCIR) both favoured a centralised Iraqi government during the constitutional drafting process, the transitional governments from 2004-2005, and the first national government from 2006-2010[1]. The main dividing factor between them is sectarian antagonism due to a long history of grievance.

In contrast, the potentially conflictual factors between Arabs and Kurds are theoretically more tense and complicated. Kurds have a different ethnicity, language, and culture. Due to these differences, Kurds have experienced long struggles in the Arab-dominated region, which has created grievance, distrust, and fear. In addition, Kurds have sectarian differences with Shias, because Kurds are predominantly Sunnis. Politically, Kurds have had protracted problems with every Iraqi government, including the Shia government since 2005. The distribution of wealth, management of oil resources, Peshmerga (Kurdish local armed forces), and disputed areas (inner borders) are the source of the Kurds'[2] most intense problems with Shia-led governments[3].

In spite of these inherent and political conflictual elements, since 2003, violence, civil war, and exclusion have been inflicted upon Sunni Arabs, not Kurds, at the hands of the Shia ruling elites. The main issue is what makes violent conflict and instability between groups that are more similar (Shia and Sunni Arabs), to be more pronounced than that between Kurds and Shia Arabs.

If we disregard, for a moment, the international support and legitimacy that Kurds have enjoyed since 1991, the factors that prevent conflict and violence between Kurds and the Shia-led government are firstly, the local military and security forces of the

1 However, the motivation behind this centralisation was somehow different. Sunnis, since the creation of Iraq, had ruled and had a strong Pan-Arabic position, while Shias wanted a strong Shia-centralised Iraq that would enable them to secure their primacy. Thus, both supported centralisation, but with different agendas.

[2] Kurdish areas adjoin Sunni-dominated areas; therefore, the disputed areas were Arabised mostly by Sunnis. However, at the political level within the Iraqi government, the dispute is with the Shia-led government which is supported in this case by Sunni elites as well.

3 The only mutual interest between Shias and Kurds is the shared historical memory of oppression by the Iraqi Baath regime, which led them to have some form of political understanding within the cabinet against any reversion of the new state quo after the invasion.

KRG, which existed prior to the invasion, and which have balanced out the central forces in the post-invasion years. Secondly, the legitimacy of their independent institutions was codified in the Iraqi constitution. This shifted the conflict from a violent one to a political one with the Shias[1].

Although Kurds have benefitted from their regional government, Sunni political forces have been unable to implement territorial autonomy for their provinces [2]. In the Diyalah province, the majority of the provincial council voted to form a region and demanded the necessary steps from the government. This demand was strongly rejected by the Shia-led government and the government deployed security forces and arrested some members of the Governorate Council of Diyalah (Mahdi, 2011). Furthermore, Shia dominated districts in the governorate particularly in Khalis and Abu Sida threatened to separate from the province (League, 2011). A similar demand by the members of the Governorate Council of Salahaddin was opposed by Al-Maliki, who stated that these demands would lead to the disintegration of Iraq (KRP, 2012). Hence, by using or threatening to use government force and militias, Al-Maliki impeded efforts to form a region. Thus, the steps taken by Sunnis towards demanding to implement the articles of the constitution regarding power division were rejected.

Similar attempts by the speaker of parliament, Nujaifi, and his bloc to establish the Mosul Region were unsuccessful. To prevent their creation, the prime minister cut off some Shia areas within the Mosul province to form a new province, Talafar (Nujaifi, 2014).

The most significant demand for a Sunni region was made during and after widespread Sunni protests against the exclusion of Sunni elites, and violations of their rights by security forces in 2012 and 2013. Key Sunni forces, like the tribal forces, such as Herak and Mutahedoon, demanded the formation of a region and their own security forces

1 The power devolution/having a region prevented ethnic violence with Kurds, but fear, distrust and uncertainty still exist between both the centre and KRG, though with less violent episodes than between Sunnis and Shias.

2 As discussed in Chapter 5, Sunnis had a mainly strong antagonistic stand against Kurdish demands on federalism. This stand continued until 2011. As a result of the Shias' constant centralisation efforts and attempts to exclude Sunnis, Sunnis gradually demanded to have their own region.

(Yahya, 2013, Mutlak, 2014b). Sunni forces came to realise that the only effective way to increase their security, promote their rights, and prevent exclusion by the Shia-led government was to form their own region(s). However, this demand was not implemented by the Shia-led government. This led to the collapse of security in Sunni areas after the Shia-dominated forces cracked down on Sunni demonstrations. The Shia-led government saw a Sunni region as a threat to the security of the Shias. This confirms the point made by the SSD that any step by a community to increase its own security leads to an increase of insecurity in another community.

However, the option of establishing a Sunni region(s) faces challenges. Some of them is related to the ethnofederal design in general, while others are related to its implementation for Sunnis. Perhaps the most two common challenges highlighted by opponents of ethno-federalism are that ethnofederalism escalates ethnic conflict by creating nations within a nation, state within a state, and increases the likelihood of secession (Roeder, 2009, Nordlinger, 1972, Cornell, 2002). In this regard, Horowitz (2006) believes that ethnofederalism for the main Iraqi groups increased the likelihood of ethnic violence and civil war. He attributes most of the Iraqi problems to ''the Kurdish-Shia attempt[1] to carve the country into a confederation of three regions with a very weak central government''. Going further, he states (2006) that ''regionalisation [ethno-federalism] may bring partition and then consequently bring horrific bloodshed... as minorities are targeted and forced migration purifies territories''.

These challenges can be addressed in the case of Iraq. Regarding the escalation of conflict and ethnic polarisation, Iraq is already polarised along ethnic and sectarian lines under the unitary state. As argued in Chapter 3, almost all of the uprisings and societal unrest during the previous regimes illustrate that Iraq has always been divided and polarised. Table 7.2 shows that the most violent and political unrest in the country correlated with ethnic and sectarian divisions. None of the events in the table transcended identity lines. In other words, all of the actors were from one ethnic group against the government led by another ethnic group.

[1] This claim by Horowitz is not accurate, as most of the Shias did not attempt to establish federalism except for the SCIR during the constitution making process; this is discussed in Chapter 5.

Furthermore, as mentioned in all previous chapters, sectarian violence increased even with the lack of ethnic regions for Sunnis. Nevertheless, the establishment of a region is proposed as a response to existing sectarian violence, in order to increase the feeling of security among Sunnis. This feeling of security has not been obtained under the direct rule of the Shia led centre over the Sunni cities.

Table 7-2 Main violent societal events in Iraq from1920-2014

1920	Shia uprising against the British Army
1919-1930	Kurdish Rebel (Sheikh Mahmoud) against the British Army and Iraqi government
1931-32	Barzani Rebel (Kurdish) against the Iraqi government
1935-1936	Shia rebel against Iraqi government and its British ally
1943-1945	Barzani rebel (Kurdish) against Iraqi government
1961-1975	Kurdish armed rebel against Iraqi government (the September Revolution)
1959	Sunni (nationalists) unrest/coup in Mosul, against Qasim's regime who was supported by Shias (Shawaf Revolution)
1976-1988	Kurdish armed rebel against Iraqi government
1991	Kurdish mass uprising against Baath in four Kurdish dominated cities.
1991	Shia mass uprising in all nine Shia provinces against Sunni dominated Baath regime
2003-2008	Sunni insurgencies against coalition forces and Shia led government/ Shia-Sunni war
2013-2014	Sunni mass protest against Shia-led government in all Sunni dominated cities
2014	ISIS (Sunnis) control of Sunni cities against Shia dominated government

Another challenge mentioned by Horowitz and other opponents of ethnofederalism is that ethnofederalism creates protonations within a nation and states within a state. Leaders promote institutions which run parallel to the common state institutions. This increases the capacity of the groups to formalise rules for secession (Roeder, 2009, Nordlinger, 1972, Cornell, 2002).

In the Iraqi case, this challenge increases since the proposed solution to de-escalate identity-based violence in Iraq is territorial autonomy for homogeneous areas, with each region having not only it is own political institutions but also an independent

security apparatus (localisation of security armed forces). This could lead to a more fragmented Iraq in terms of security and armed forces. However, the cost of independent regional forces is much lower than that of centralised national armed forces, which are dominated by the majority group. Thirteen years of post-invasion experience has demonstrated this reality. As argued previously, the existence of strong national forces and the power concentration by Shia ruling elites increased the risk of disintegration (for the Kurds), violence, instability, and societal security dilemmas among ethnic groups (particularly for the Sunnis). At the same time, the experience of the KRG shows that having semi-institutionalised, localised security forces under the control of an elected local government brings more stability by creating a balance against the ethnically dominated security forces at the centre. By the same token, regional forces can reduce sectarian violence, distrust and fear for Sunnis if they feel that Sunni local forces protect their security and identity within their region from politicised armed forces or militias. This has been the explicit demand of all major Sunni forces and their community since 2014 (Mutlak, 2014a, Withaj, 2015).

The option of Sunni region(s)/ethnofederalism faces another challenge is the boundary of Sunni region(s). Despite most of the three main groups are territorially concentrated, some of the areas are mixed areas, and some sacred Shia places are located within the heart of the proposed Sunni region. For instance, in Diyalah, Sunnis make up slightly over 60 percent of the population, the majority of whom are located in the Baquba, the centre of the province. In contrast, the Shias make up the majority in most of the towns within the province, namely Khalis and Abu-Sida. Similarly, the sacred Shia shrines are in Samara, where Sunnis are the majority. Thus, the creation of a Sunni region leaves the Shia minority and their sacred places under the control of the Sunni region. To increase security, the Shia ruling elites took two courses of action. Firstly, as mentioned before, Shias impeded any Sunni effort to form their own region from 2012-2014. Furthermore, since the beginning of the sectarian war in 2006, Shia militias have been enacting demographic changes in mixed areas (Hattam, 2016, Al-Rufahi, 2016, HRW, 2015a, Al-Khalidi, 2014, Rasheed, 2008). The reason for this is that, in the case of disintegration or forming a Sunni region, Shias will be able to keep these areas; thus, even after the territorial gains of ISIS, the formation of a Sunni region is

possible[1]. However, the possibility of disputed areas between Sunni and Shia communities emerging in Diyalah, Baghdad, Babel, and Salahaddin is high. In this case, Sunnis would have twofold disputed areas, the first with the Shia community in central and eastern provinces, and the second in the north with the KRG.

On the other hand, the displacement and distinctive growing inner border between Sunni and Shia communities since the post invasion and sectarian violence has contributed to increasing ethnic homogeneity (COI, 2016, Tavernise, 2006, Cordesman and Davies, 2008, Rubin and Nordland, 2014), which could facilitate the process of establishing regions that are more ethnically concentrated[2].

Another challenge that the Sunni region faces is wealth distribution. Since the majority of Iraqi oil income comes from Basra, where Shias are the majority, the Shia government may not be ready to fund the Sunni region. The lack of a significant oil resource is one of the main challenges for the Sunni region. For some (Glanz, 2007), this issue is one of the reasons that Sunnis supported a centralised Iraq during the post-invasion constitutional process. However, Sunni areas may not have sufficient oil resources but can still claim other natural resources such as natural gas (Leland, 2010), particularly in Anbar province. Moreover, Sunni areas could be regarded as the breadbasket of Iraq, since most Iraqi central areas contain good farmland. Secondly, this lack of resources does not stop Sunni elites from demanding their own region. Sunnis are increasingly concerned about the security of their community after being continuously excluded and having experienced sectarian violence at the hands of militias and the Iraqi army.

Finally, the argument of ethnofederalism increases the likelihood of secession, particularly in the Iraqi case, as argued by Horowitz. In the previous chapters, it has

[1] Since ISIS took the major Sunni provinces, such as Salahaddin, Mosul and Anbar, there have been increasing demands by most of the Sunnis for their own security forces to fight against ISIS in their provinces instead of Shia militias (PMF), which are accused of committing violence against Sunnis. These demands are also strongly supported by the US, who believe that Sunni forces have to be armed and funded to remove ISIS from their provinces as using the PMF only intensifies sectarian retaliation. In this case, these forces are more likely to be the core of a Sunni region that balances the Shia-dominated army and militias in Sunni provinces. Therefore, this step is highly suspicious for Shia ruling elites.

[2] See Appendices 6, 7 and 8.

been argued that the escalation of ethnic and sectarian conflict and the recurring cycle of violence under the centralised government has increased the likelihood of the disintegration of Iraq more than ethnofederalism could.

Nevertheless, the creation of a Sunni region does not mean the disintegration of Iraq; Sunnis still have allegiance to a united Iraq. The Sunnis unlike the Kurds have not claimed their own homeland within part of Iraq. Both Sunnis and Shias regard Iraq as a whole as their homeland. Moreover, Sunnis have not demanded independent economic resources, similar to the Kurds. They simply prefer that their politically independent region has its own cultural, educational, and security forces (Withaj, 2015).

In contrast, the Kurdish demands for power devolution are more strident. As argued in previous chapters, for the Kurds is true that anything rather than ethnofederalism will not be accepted and increases the secession from their side. Furthermore, Kurds have their own oil resources, which give them a measure of economic independence. For instance, the Shia government stopped funding the KRG in 2014, as the Kurds refused direct central government control over their oil resources (Al-Maliki, 2014b, KRG, 2014). Since then, Kurds have been exporting their oil without Baghdad's permission. Moreover, Kurds maintain semi-independent diplomatic relations with the international community without Baghdad's oversight. Tax income, borders, and security forces all operate independently, without Baghdad having any information or oversight. Thus, the relationship between the KRG and the centre is more akin to a confederation than federalism. Kurdish political elites have repeated that the cost of their remaining with Iraq is maintaining this de facto situation/confederation (Barzani, 2014a, 2014c, 2012c).

Sunni and Kurdish regions would differ in the nature and degree of authority with regard to wealth distribution and independence of their institutions[1]. An asymmetrical federal relationship would therefore need to be created. However, both regions must be allowed to maintain their own regional forces. Although this would not solve every challenge, it would significantly reduce the possibility of the recurrence of identity-

[1] This point is discussed in chapter 5.

based violence and reduce the spread of rival militias, which is one of the main challenges to the stability of a power-sharing democracy and societal security in Iraq.

For instance, since 2003, the KRG and the centre have experienced protracted constitutional and political conflict concerning disputed areas, oil management in Kirkuk and the KR, and funding and arming Peshmerga forces by the centre. However, despite the unsolved problems that have affected the performance of the power-sharing government, they did not turn to violent conflict. Hence, the power sharing cabinet is more likely to work with the existence of regions (for three groups) with an asymmetrical relationship with the centre. This would reduce identity-based violence and societal security dilemmas within regions that are ruled by local governments.

Conclusion

Iraq's power-sharing government failed to provide stability and reduce societal insecurity. In this regard, four main conclusions can be drawn:

1- The widespread inclusion of ethno-sectarian minorities in the two national cabinets (37 and 42 ministerial posts in the first and second cabinets) did not diminish fear, distrust, and societal insecurity among groups. Marginalisation and exclusion existed within the so-called power sharing cabinets, particularly in finance and military posts. In other words, the Shia-led centre did not share effective decision-making power.

2- At the lower level, particularly in the military-based institutions, the imbalance of armed and security forces (disproportionality at the national level and lack of localisation at the regional level) led to the politicisation of the national army and increasing the militarisation of political parties. This, consequently, led to the re-emergence of identity violence, reversing the state-building process.

3- Based on the Iraqi experience of identity violence over the past 13 years, it can be concluded that the constitution has had a limited impact on preventing Shia ruling elites from power concentration, politicising military institutions, marginalising others and sponsoring militias.

4- Thus, any solution must begin with reducing the impact of politicising and misusing the security and military institutions. This can be achieved by forming institutionalised local security forces for each Sunni, Shia, and Kurdish region, under the control of democratically elected regional governments.

In this regard, despite the undeniable role of elites in the failure of Iraqi power sharing, institutional design can still play a significant role if it is backed by the balance of power, and this is especially true of military and security apparatuses. In this sense, the more security is devolved, the more likely it is that power sharing and stability will be effective.

8 The role of regional forces in explaining Iraq's continuing ethno-Sectarian conflict

This chapter discusses the role of neighbouring countries and their contribution to the Societal Security Dilemma. The core premise of the SSD is that fear, distrust, grievance, and hatred are the main causes of the escalation of ethnic conflict or violence. Therefore, this chapter examines the role, according to the SSD theory, of regional forces as intervening variables in intensifying identity-based violence between groups in Iraq, and their impact on the stability of the power sharing democracy established there.

The chapter assumes that, in order to achieve greater influence, neighbouring countries mostly rely on their ethnic and sectarian affinity with Iraqi communities. This affinity also incites regional forces to intervene in Iraq's ethnic and sectarian conflict in order to further their national interests. These regional forces can play a greater role when, firstly, there is distrust, fear and hatred between groups, and secondly, when there are armed groups, which have ties with neighbouring countries. The focus of this chapter is on militias and armed groups which have an identity affiliation with neighbouring countries' forces.

In contrast to Horowitz's (2006) view, which assumes that ethnofederalism increases the likelihood of the intervention of neighbouring countries (Iran, Saudi Arabia and Turkey), one of the arguments of this chapter is that, based on the SSD theory, securitising ethnofederalism through localising armed forces and drawing distinct borders between groups reduces the impact of militias sponsored by the neighbouring country. When the main groups feel that their identity is secured through having their own federal entities, the movement of ethno-sectarian militias and their operation, which depends on the neighbouring countries, will reduce in opposed ethnically dominated areas. In contrast, a decrease of security of each group or the increase of their fear, distrust and uncertainty under the Shia dominated government, along with the lack of local governments for minorities that promote their security and identity, increases the likelihood of intervention by neighbouring countries, as the rival groups seek refuge in those neighbouring countries that have identity affiliation.

In order to examine the role of regional forces, this chapter adopts a chronological approach. The first section briefly reviews the current literature on obstacles to democracy, while section two outlines the role of regional forces on societal security (mass level) through identity-based militias (2003-2008). Section three discusses the impact of regional forces on the power-sharing cabinet between 2008-2011, while the final section discusses the de-institutionalisation of Iraqi security institutions and the return of militias which paved the way for a return to direct intervention by regional states (at both elite and mass levels) (2011-2014).

8.1 Literature review:

8.1.1 Theoretical literature

Most of the existing literature on the regional power balances underscores the role of state actors in democratic or non-democratic transitions (Cox et al., 2013, Youngs, 2001, Lavenex and Schimmelfennig, 2013, Dobbins, 2003). For instance, Huntington highlights the role of external actors in democratic transition, citing two factors as crucially important. The first of these is their role as promoters of democracy; the EU and the US have often played this role, exemplified by their presence in Turkey in 1987, in East European countries after the collapse of the communist regimes, and in the Caribbean and Central America (Huntington, 1991, p14-15). In addition, with reference to the military invasion of Germany by the US in 1945, in Afghanistan during 2001, and in Iraq throughout 2003, the processes of state building and democratisation can also be considered aspects of this role.

The second factor highlighted by Huntington is what he termed 'snowballing democratisation' (Huntington, 1991, p16), which can be described as a process in which one country is likely to trigger democratisation in neighbouring countries, for example, the effect of snowballing democratisation in Bulgaria, leading to democratisation in Romania, Slovakia, Mongolia and Albania in 1990 (Huntington, 1991, p16). Similarly, the impact of snowballing can be seen from the events of the so-called 'Arab Uprising', which began in Tunisia, spreading quickly to Egypt, Yemen, Libya

and Syria. This differs from the first factor in that the great powers, such as the EU and the US, do not necessarily directly involve themselves in this process.

However, not all external interventions promote democracy. Firstly, so-called 'black knight forces' are those state actors which are considered to undermine the efforts of democratisation in a given country, or those which support authoritarian regimes (Levitsky and Way, 2010). For instance, in the post-cold war period, Russia supported the authoritarian regime in Belarus, providing diplomatic and economic assistance (2010, p.41). Secondly, Huntington (1991, p18) refers to so-called 'reverse snowballing', a process through which the impact of the collapse or overhaul of a democratic system may trigger similar activity in other countries, particularly in states where democracy is fragile or weak. A notable example of this was the second reverse of democracy (1960-1975) in Indonesia, Pakistan, Greece, Turkey, Nigeria, and many Latin American countries. Reverse snowballing was also observed during the Arab uprising in Egypt, Yemen and Libya, during which undemocratic forces used aggression to incite civil war - in the case of Yemen and Libya - or attempted to reverse the democratic process, as was the case in Egypt (Bowen, 2013, Davis, 2016, Greffrath and Duvenhage, 2014).

External interventions and demonstration effects can therefore be important in explaining regime change. However, in deeply divided societies, the role of external forces not only affects democratic or undemocratic processes, but can extend to affect relations between communities. Lijphart considers the influence of foreign threats as one of the favourable conditions inciting political leaders to maintain internal solidarity within consociational democracy in small divided countries. However, he (1977, p.67) qualifies this when he agrees with Lehmbruch (1975, p.382) in that "When the internal divisions between the subcultures/ segments correspond with cultural conflict between neighbouring political units, this results in the internal replication of international conflict, especially in the case of religious and ethnic conflicts". Along with this the collapse of authoritarian rule can exacerbate conflict between groups (Horowitz, 1985, p.530-531, Brown, 2001, p.14). When there is a power vacuum or a weak state, it can bring to prominence the prevailing hatred between groups, as in the case of the former Yugoslavia. Consequently, intervention by external state-actors

may lead to ethnic mobilisation, in the process of providing aid to regions or ethnic groups beyond the state's borders (Garment and James, 2000, p179), if there is a 'trans-border of ethnic affinity' (Horowitz, 1985, p274)[1]. This is why the SSD literature highlights the important role that foreign patrons can play in exacerbating ethnic violence. Kaufman (1996b, p110) argues that foreign patrons can provide the means and resources for belligerent elites from ethnic groups to trigger violence. One particular example is Russia, which played a significant role in supporting secessionist Russian-speaking groups in the Moldavian ethnic war in 1991-1992. Similarly, Russia supported Russian separatists in Crimea and East Ukraine in 2015, after the election results that brought EU supporters to power. Foreign support may also encourage national governments to marginalise minorities further or, alternatively, to help them rise to power, as in the case of Croatia after the 1990 elections (Kaufman, 1994, p168-169, 1996a).

The focus is therefore heavily on the role of the great powers, such as the EU, Russia, and the US. However, this chapter widens this focus and discusses regional and non-state actors. In order to examine the nature of intervention by these forces, it is important firstly to understand the identity map of neighbouring forces.

8.1.2 Ethnic and sectarian map of neighbouring countries

Iraq has six neighbouring countries: Iran, Turkey, the Kingdom of Saudi Arabia (KSA), Syria, Jordan, and Kuwait. These countries have ethnic or sectarian ties with Iraqi communities, which potentially represent a reason for them to become involved in Iraq. In this regard, Stansfield and Anderson (2004, p.188) opined that ''[O]ver time, [Iraq] has become progressively more difficult [to govern], not just because of internal divisions, but also because external powers have found it increasingly difficult to resist

[1] The concept is taken from Horowitz; however, in contrast to the argument for the Iraqi case, he claims that, in the case of trans-border ethnic affinity with the neighbouring states, they are more likely to refrain from supporting ethnic separatists or intervene on behalf of a central government to suppress separatists.

interfering in the internal affairs of Iraq''. Due to the extent of their influence, the only neighbouring countries to be discussed here are Syria, Iran, Turkey, and Saudi Arabia. Iran is an ethnically diverse country; the main ethnic groups are Persian, Azari, Kurd, Baluch and Arab (Elling, 2013, p25-40, Hassan, 2008, Gheissari, 2009, p299,311). However, the majority of the population is Persian. In terms of religion, the majority of the Iranian people are Shia, while Iranian Kurds are predominantly Sunni.

Iran supported Kurdish rebels in Iraq during the Shah's regime until 1975, and after the Islamic Revolution in 1979. However, this support was carefully managed to ensure it did not encourage the Kurdish case in Iran. After the Kurdish uprising of 1991, and during the Kurdish civil war between the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), Iran mostly supported the PUK (Kagan et al., 2012, p68), though sometimes mediated between them.

Similarly, Iran supported both the Shia parties and Shia armed forces, i.e. the Supreme Council of Islamic Revolution (SCIR), during and after the Iran-Iraq war in 1980 (Kagan et al., 2012, p63). Iran's support for Shia organisations in Iraq began following the Iranian revolution in 1979. To conclude, Iran has had, and still has, a huge influence over Iraqi identity groups, from Shias to Kurds.

Syria is ethnically a majority Arab state, while Kurds are a minority, mostly settled in north-east Syria; religiously, Syria has a majority Sunni population with minority Shia Allawite and Christian communities. The Allawite community[1] mostly lives in the west of the country. Assad's family, which has ruled the Baath party and state since the 1960s, is from a minority Allawite background [2].

The Kingdom of Saudi Arabia has a Sunni Arab majority with a Shia Arab minority in the east of the country. Since both the birthplace of the prophet of Islam and the two sacred places of Mecca and Medina are in the KSA, it has significant influence on the Muslim population of the world, including Iraqi Sunnis. However, the Saudi version of Sunni Islam is based on the teachings of 'Wahhabism', which is a puritanical and

[1] Allawite is one of the Shia branches.
[2] Saddam was similar to Assad, in that they were from a minority community ruling over a majority. However, they were from different sectarian groups.

orthodox movement conceived by the preacher Muhammad bin Abdul-Wahhab two centuries ago to restore monotheism (Tawhid) and to purify traditional and common Islamic beliefs which contradict the orthodox version of Islam (Darwesh, 1980, p20-24). Wahhabism has an antagonistic view of Shi'ism and argues that Shia rituals contradict Islamic monotheism; this has led to a historical hatred between the Shias and Sunni Wahhabism.

Jordan and Kuwait: Jordan is a relatively homogeneous Sunni Arab state. However, the Jordan monarchy has had a relatively harmonious relationship with former and current Iraqi governments. During the 1990s, Jordan allowed the Shias who had fled the Baath regime to remain in their country. Similarly, after 2003, most of the Sunni clerics who had opposed the change, namely the Association of Muslim Scholars (AMS), tribal leaders and former Baathists - particularly Saddam's family – went to live in Jordan. After the regime change, Jordan preserved a good relationship with the 2004 Allawi and 2005 Jafari governments. Despite hosting Iraqi opposition to former and current regimes, Jordan did not adopt an interventionist policy towards Iraq, particularly with regard to supporting insurgencies or armed rebels. Kuwait is a small Sunni dominated country. Kuwait supported the US-led invasion of Iraq as it had been invaded by the Iraqi former regime in 1991. Due to the fact that Kuwait has no noticeable role in Iraqi ethno-sectarian conflict compared to Iran, Saudi Arabia and Syria, its role is not discussed here.

Turkey is predominantly an ethnically Turkish country, although religiously it has a Sunni majority. However, Turkey has a much larger Kurdish minority when compared to neighbouring countries. Indeed, there are around 20 million Kurds in Turkey, who have mostly settled in the east and southeast (Çalislar, 2013, p.30, Barkey, 2000, p.62, Gunes, 2013, p.1). Since it was established as a modern state in 1924, Turkey has adopted extreme pan-Turkish secularism (Kemalism), denying the ethnic and cultural rights of Kurds until the end of the 1990s. Turkey has also experienced a long-standing war against Kurdish rebels over the last century (McDowall, 2004, p194-211). However, the most organised armed rebellion was by the outlawed PKK, the Partiya Krekaren Kurdistan, which has been fighting with Turkey since the 1980's (McDowall, 2004, 420-428). However, Turkey promoted good relations with the KRG, or more

precisely with the KDP, in Erbil and Duhok (yellow zone). Hence, it mostly supported the KDP in its war with the PUK in 1994-1998. Turkish relations with the KDP was to use it to contain the PKK influence in Northern Iraq.

8.2 State building process and civil war 2003-2008

As argued in Chapter 3, the state-building process in Iraq, which started in the aftermath of regime change in 2003, was crucial.

In this regard, Iran was, arguably, the most important actor. Its support for militias, namely the Badr Brigade, continued after the American invasion of Iraq in 2003 (Rogers and Holt, 2006, p18-19). Moreover, after the invasion, Iran supported newly established militias such as the Mahdi army led by Muqtada Al-Sadr (Katzman, 2005). This support included both the provision of training and funding. Iran reportedly provided around 100-200 million dollars a year to these forces in Iraq between 2003-2009 (Cordesman and Khazai, 2014a, p7).

Furthermore, as argued in chapter 3, most of the warlords and militia leaders loyal to Iran were involved in the Iraqi political process and often occupied the highest-ranking posts, particularly in the military and security institutions. For instance, Bayan Jabr, a senior member of the Iranian backed 'Badr Brigade', became the interior minister in the first elected cabinet in 2005 (ICG, 2007, p13). He reintegrated most of Hezbollah and Badr's members into the new Iraqi security institutions as officers, without any official training or scrutiny (Baqir, 2006b, 2006a). During Jabr's term as interior minister, the Badr Brigade and the Mahdi Army were notoriously involved in the killing, torture and imprisonment of Sunnis (Cordesman and Davies, 2008, pp 306,344, 468, Katzman, 2005, ICG, 2008). Moreover, on behalf of Iran, they conducted a widespread campaign of assassinations of Baathists, military officers and pilots who had participated in the Iran-Iraq war from 1980-1988 (ICG, 2007, p13-14, Aziz, 2009).

Somewhat ironically, Iran also supported a number of Sunni extremists, though to a lesser degree (O'Hanlon and Campbell, 2007, p16). Similarly, Iran harboured the Kurdish terrorist group Ansar Al-Islam (linked to Ansar Al-Sunna after the invasion)

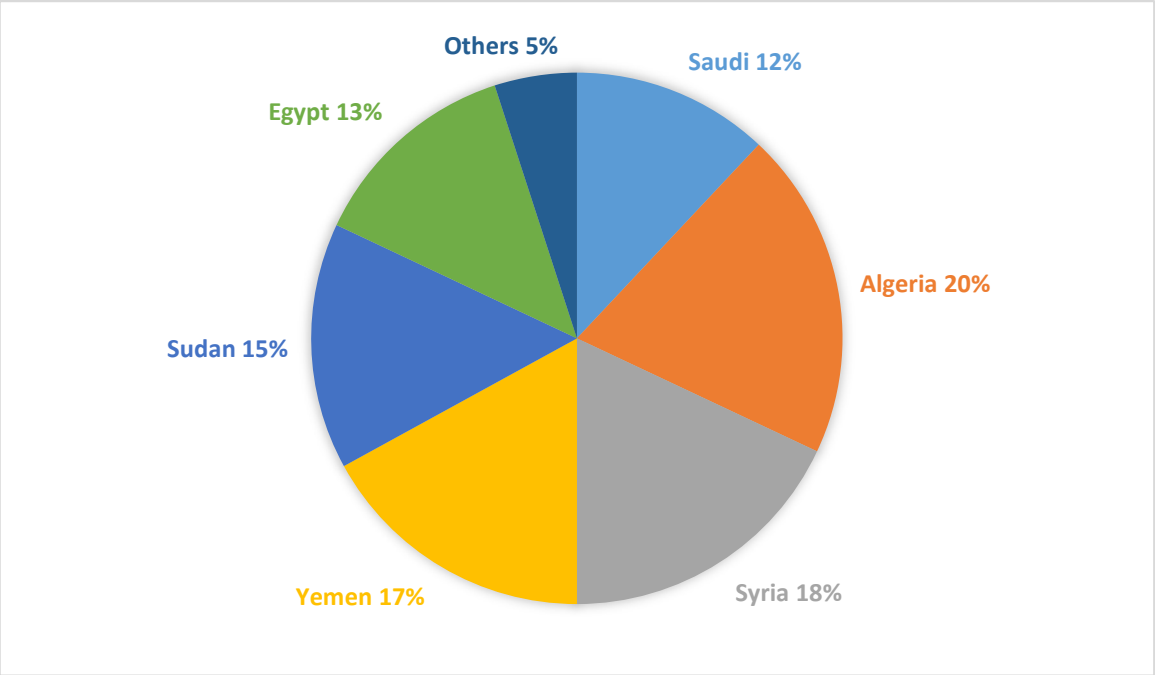
months before the Iraq invasion (Schanzer, 2004). In the aftermath of the U.S invasion, Iran allowed an influx of Kurdish and non-Kurdish Islamic fighters into Iraq, where they were involved in fighting against both the coalition forces and the Shia community. At first glance, Iran's support for Sunni extremists seems at odds with its apparent interests, as these groups consider Iran's regime non-Islamic and could pose a threat to the stability of Iranian-backed Shia parties. However, a deeper look at its support for these groups does not show a conflict of interests in the area for Iran but a completion of its overall goals.

There were three main benefits for Iran in supporting these Sunni groups. The first is that Iran had concerns about the presence of the US military in neighbouring countries; such military activity was a major obstacle to its influence in the area. Sunni groups could pose a significant threat to the US military and possibly contribute to expediting its withdrawal. In this sense, they wanted to bog the Americans down in as much insurgent violence as possible inside Iraq. It was a strategy designed to create as much chaos for coalition troops as possible. Secondly, Sunni extremist groups unintentionally helped Iran to increase its influence through increasing sectarian enmity and hatred. Iran's main instrument of influence depends on sectarian mobilisation. In this regard, Sunni extremist groups were critical. Their involvement led to an increase in the role and size of the Iranian backed Shia militias in fighting against Sunni extremists. For instance, Shia militias, the Mahdi Army and Badr fought against Al-Qaeda in Baghdad and beside the Iraqis during the civil war, which peaked in 2007 (C-2, 2011). The third reason that the Iranians sponsored some radical Sunnis, as well as Shia groups, is that they wanted to bog the Americans down in as much insurgent violence as possible inside Iraq. It was a strategy designed to create as much chaos for coalition troops as possible

This also led to the US-led coalition forces focusing their attention on fighting the Sunni insurgent groups and, to a certain extent, overlooked the threat posed by the Iranian backed Shia militias: the Badr Brigade in particular. Thus, Iran's policies undermined the USA's goal of establishing a stable and secure democracy in Iraq in order to maintain Iran's influence, which feeds on sectarian mobilisation.

However, Iran was not the only propagator of identity-based violence. Sunni non-state actors, with the assistance of neighbouring countries such as Syria, were also critical in escalating identity-based violence and derailing the state-building process. It has been confirmed that Syria often facilitated the passage of Sunni foreign fighters to Iraq (Al-Ruba'ee, 2015); in 2007, it was reported that 40-60 percent of foreign fighters who crossed the border to Iraq did so via Syria (O'Hanlon and Campbell, 2007, p16). Furthermore, an estimated 90% of suicide bombers were found to be foreign fighters, who mostly came to Iraq through Syria (O'Hanlon and Campbell, 2008, p24). Chart 8.1 illustrates the percentage of foreign fighters from Sunni countries that crossed, predominantly from Syria, during 2005.

Chart 8-1 Foreign fighters (until September 2005)



Source: *(O'Hanlon and Campbell, 2007, p27)*

Syria also aided the senior Baathists who moved there and re-organised themselves, establishing a new headquarters to raise funds and train insurgents for operations in Iraq (DeYoung, 2007, Naylor, 2007, Tanter and Kersting, 2009). Sunni Islamic insurgents were more effective than secular nationalists, and many of the former Baath members either joined or coordinated with Sunni insurgents (Chulov, 2015, Katzman, 2008). However, the role of Syria mostly focused on supporting insurgents;

its influence over the political process, particularly over the decision-making process in the government and over senior officials, was small-scale.

Perhaps the most controversial role among neighbouring countries, after Iran, was that played by the KSA. The KSA was concerned that the Shia majority would turn Iraq into a Shia country, which consequently leads to a substantial increase in Iran's influence in the area, as well as threatening the Sunni minority within Iraq. However, the KSA were conscious of the risk that supporting Sunni extremists in Iraq could have on internal security and to the Saudi monarchy. At the same time, the KSA was trying to maintain good relations with the west.

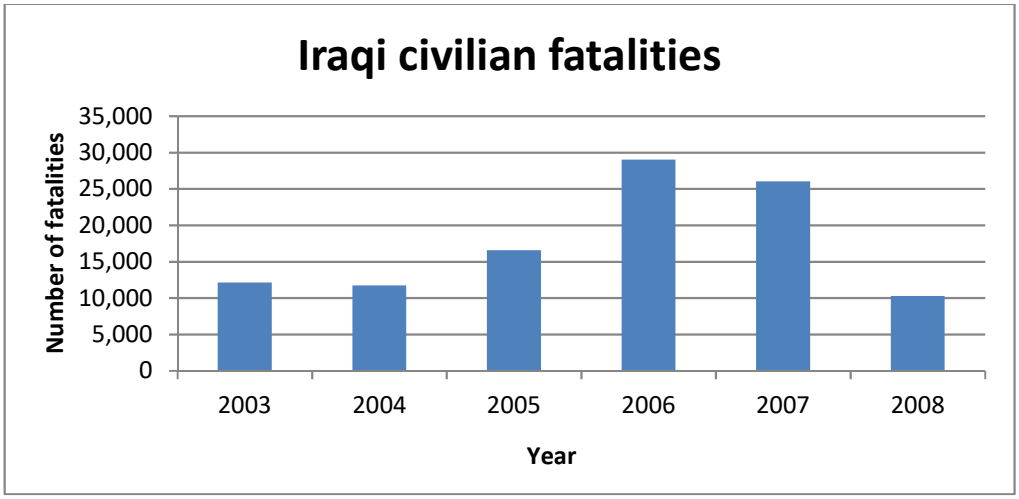
As far as the challenge of societal security is concerned, the reported data do not indicate that the officials from KSA played a major role in supporting Sunni insurgents in Iraq. On the contrary, the Saudi government spent $1.2 billion on securing its borders to prevent its citizens from crossing to Iraq (Obaid and Cordesman, 2005, p13). Moreover, officials campaigned to crack down on extremist teachings by clerics who were encouraging young people to join the insurgency in Iraq (2005, p15). Furthermore, Sunni politicians, expecting Saudi Arabia's support, complained that the KSA did not provide political support for their fellow Sunnis in Iraq (CFA, 2007, p130).

However, the influence of Saudi *non-state* actors was more noticeable in exacerbating the sectarian violence; some Saudis provided financial support in the fight against Iranian-regime sponsored Shias in the region (CFA, 2007, p130). Likewise, Saudi clerics had a role in supporting the Sunnis in terms of their religious rhetoric. For instance, 26 Saudi clerics, only weeks before the January election in 2005, signed a petition stating that Iraqis should rise against the US occupation, which was interpreted by some Saudis as a call for jihad (Obaid and Cordesman, 2005, p15, ICG, 2006, p.10). Furthermore, according to some reports, the number of foreign fighters of Saudi nationality rose from 12 percent in 2005, which was lower than those of other countries such as Algeria, Sudan, Syria and Yemen in Iraq (Obaid and Cordesman, 2005, p5,6), to 41 percent by mid-2007 (O'Hanlon and Campbell, 2008, p24).

In brief, five conclusions can be drawn from the involvement of state and non-state actors in the region. Firstly, for a consolidated democracy to emerge, it is necessary to

control mass violence. The impact of regional forces on the increase in violence was palpable, as supporting militias and armed organisations were the main instrument influencing events in Iraq. Chart 8.2 illustrates the extent of civilian fatalities as a result of identity-related violence; it is clear that during the period of sectarian war, particularly in 2006 and 2007, fatalities were at their highest.

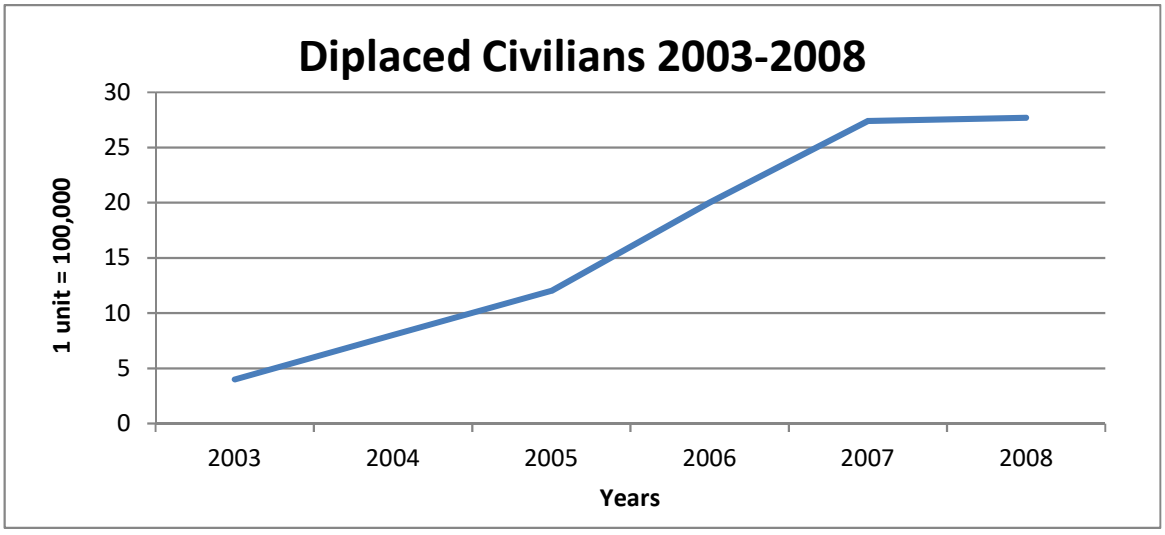
Chart 8-2 Iraqi civilian fatalities



Source: *(IBC, 2015a)*:

Likewise, Chart 8.3 indicates that the degree of identity based violence conducted by militias during the civil war from 2006-2008 caused mass displacement. Chart 8.3 shows the total number of displaced people; this displacement was a result of mass violence that mainly caused by Sunni insurgencies, Al-Qaeda and Shia militias.

Chart 8-3 Displaced people between 2003 and 2008



Source: (O'Hanlon and Livingston, 2012, p6)

Secondly, identity-based violence and displacement increased the hatred, grievance and fear towards Shias among the Sunni community (Aljazeera, 2009, Al-Dainee, 2009). Similarly, groups linked with Al-Qaeda increased the hate-based violence towards Sunnis by targeting Shia communities and their religious icons. For instance, by destroying sacred Shia shrines in Samara city in 2006, Shia extremists greatly contributed to mass retaliation against Sunnis in Shia dominated cities, particularly in Baghdad (Rasheed, 2012, Cordesman and Khazai, 2014a, p.144); as shown in the previous charts, the displacement and fatalities increased dramatically after the Samara incident in 2006[1]. According to SSD theory, the intensification of fear, hatred and distrust increases the likelihood of societal insecurity and ethnic violence. In this regard, the distrust and fear felt by Sunnis extended to the state institutions when these institutions failed to prevent or, worse, became involved in such violence[2]. Hence, the violence decreased societal security, exacerbating already polarised relations and leading to spiralling violence.

The third conclusion is that the power sharing cabinet had no impact on reducing the fear, distrust, and violence generated by regionally backed militias. On the contrary, the violence degraded the effectiveness of the power sharing government at the elite level, particularly when the Sunni bloc (Tawafuq Front) frequently boycotted the parliament and cabinet in 2006 and 2007 as a reaction to violence against Sunnis (Kalaf et al., 2007). This boycott drained the concept of power sharing of its meaning.

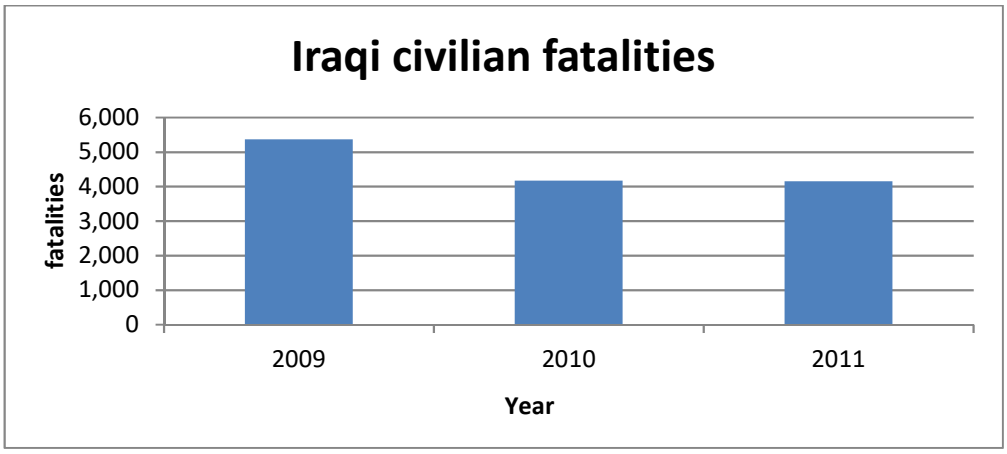
Finally, the attempt to guarantee security was a one-sided process, in that it focused on destroying Sunni insurgencies while Iranian backed militias mostly remained intact. Hence, through the activity of militias and their occupation of high profile posts in the state institutions, Iran increased its influence in the Iraqi political process. This implication is examined in the next section.

[1] For more see the Appendices 6, 7 and 8, which shows the demographic map of Baghdad before and after the invasion.
[2] For more details, see chapter 3.

8.3 Post-civil war 2008-2011

The coalition and Iraqi forces reduced sectarian violence/ civil war to a significant degree in Baghdad in 2008. In Anbar province, the US effort was vital in funding and supporting local communities, especially Sunni tribes, to defeat Al-Qaeda in 2006-2008 (Connable, 2014, p2, Gompert et al., 2009, p44-47). They also assisted the Iraqi government in taking action against the Mahdi army (Shia militias) in 2008 (Cordesman and Ramos, 2008, p 18-19). By demobilising some Shia militias, the US attempted to promote security and to confront Iran's influence. Since mass violence against communities decreased in 2009-2011, as shown in Chart 8.4, one of the essential conditions for promoting democracy in Iraq was met. Hence, this section will focus on the role of neighbouring forces in affecting the operation of the power sharing cabinet and how this has affected societal security.

Chart 8-4 Iraqi civilian fatalities



Source: (IBC, 2015a)

- *The chart shows the decrease in civilian fatalities during the period 2009-2011, indicating a reduction in identity-based violence committed mostly by militias and insurgent groups.*

Since political parties are a key element of the democratic process, it is necessary to highlight the influence of regional forces on Iraqi political parties. Iran exerts influence on the major Shia political parties, which can be generally categorised into two groups. The first group includes those parties which do not have large militias but are politically

close to Iran (Dawa party). The second is parties and organisations that have militias with political wings, which are often ideologically or organisationally linked to Iran, such as the Ahrar bloc (Sadrist), Assayib Ahl Al-Haq (Sadiqoon), and the Badr Brigade (ICG, 2007, Kagan et al., 2012, p.64, Katzman, 2007, p.2, Cordesman and Khazai, 2014b, p.147-148).

Table 8-1 Seats won by Shia Islamists in 2010

Shia Islamist seats in the 2010 Elections				
List	**Parties Within the List**	**Ideology**	**Relation to Iran**	**Seats**
Iraqi National Alliance INA	SCIR & Badr Organization	Shia Islamist	Established in and by Iran	18
	Sadrist Movement	Shia Islamist	Supported by Iran	39
	Islamic Virtue Party	Shia Islamist	Independent	6
	National Reform Trend	Shia Islamist	Supported by Iran	2
	Others	Islamists	-	5
State of Law SoL[1]	Mainly Dawa Party	Overwhelmingly Shia Islamists	Close relations with Iran	89
Total	-	-	-	159 out of 228

Table 8.1 shows the major Shia parties[2], which won nearly all seats in Shia dominated cities and have parliamentary blocs that are either organisationally or politically close to Iran. This election was crucial in the Iraqi political process, due to the fact that major secular and Sunni nationalists united as one electoral list (Iraqiya), headed by secular Shia Ayad Allawi against Shia Islamists. Shia Islamists participated in two major lists: the State of Law (SoL) and Iraqi National Alliance (INA); Al-Iraqiya won by two seats over the SoL and could therefore have been expected to form the government. To counter this, Iran pushed Shia lists to unify against Iraqiya (Cordesman and Khazai, 2014a, P83, Fayath, 2010a, Eisenstadt et al., 2011, p4). However, despite uniting as one parliamentary bloc after the elections, Shia fractions disagreed on their candidate for the premiership. The Ahrar list (Sadrists) within the Shia united bloc initially refused

[1] SoL also included many parties, most notably Dawa Part, the Dawa Party Iraq organisation and other Shia Islamists, such as Shia Turkmen and Shahristani (Independent Bloc). However, the coalition mainly focused on loyalty to the Prime Minister and the head of the Dawa Party, whereas the parties were less important in the coalition. In contrast, in INA, the loyalties were to parties that had a strong presence.

[2] Only 11 out of 91 MPs within the secular Iraqiya list in the 2010 elections were Shia. However, in post elections, the Shia MPs within Iraqiya separated from the list (for more, see Chapter 5 on election results).

to back Al-Maliki (Fayath, 2010b); however, Iran's intervention ensured they subsequently accepted him. Iran also intervened to prevent a cabinet being formed by Allawi (2013a). Allawi stated that he had asked US officials to support him as the winner in the elections against Iran's decision. However, US officials informed him that Iran would not approve him in that role (Ayad, 2012, Barzani, 2014c); Allawi could not prevail against Iranian influence, which rested on Shia Islamic parties and their armed groups.

The key point here is that Iran's political intervention after the election result diminished the role of local elites in promoting the process of negotiation and compromise in order to reach agreement on a consociational cabinet on their own terms. The key external actors - the US and Iran - determined Al-Maliki would be the prime minister for a second term.[1] A process of negotiation and the agreement of Iraqi elites on candidates and the allocation of cabinet posts could have contributed to reducing fear and distrust with the help of the US and Iran as mediators, not as imposers, in case the rival parties reached stalemate. In contrast, the externally influenced arrangements could not overcome the distrust and fear between them. Al-Maliki (as the candidate of compromise between the external actors for the premiership) was persona-non-grata to the Kurds, Sunnis (Iraqiya), and even some Shia lists (the Sadrists in particular). His premiership had a destabilising effect on the power-sharing cabinet, which intensified distrust and increased violence, most keenly after the withdrawal of the US in December 2011[2]. For instance, the relationship between Kurds and the central government deteriorated only a year after the Erbil agreement in 2010; the president of the Kurdistan Region, Barzani, accused Al-Maliki of not fulfilling the conditions of the agreement (Barzani, 2011). The agreement stated that the Supreme Council of Strategic Policies (SCSP) must be established and would be led by Allawi (Barzani and Maliki, 2010). However, the SCSP was never established. Likewise, the distrust, fear and uncertainty re-intensified between Shia and Sunni

[1] However, this does not deny the role of local elites and their engagement. The re-election of Maliki as Prime Minister for a second term was the result of the Erbil Agreement between the Shia Coalition and KRG, but as stated above, the agreement in the first place resulted from the understanding between the US and Iran; then, the rival parties negotiated and compromised with Maliki on allocating cabinet posts. This can be called the localisation of an externally compromised candidate.
[2] The outcome of this is discussed in the next section.

elites within the power sharing cabinet. Two weeks after the US withdrawal in December 2011, Al-Maliki excluded many Sunni senior elites from the power sharing cabinet, including Vice President Hashimi, as discussed in previous chapters. All of this shows a lack of trust building between local elites. However, despite the fact that external support for Al-Maliki increased distrust, the presence of the US in Iraq at the same time prevented this distrust escalating into violence. Its withdrawal precipitated the descent into violence.

Iran's influence also extends to other groups, even Sunni nationalists. An example was in the 2010 elections, during which one of the Sunni nationalists, Saleh Mutlaq (the head of the Dialogue Front and former deputy Prime Minister), was banned from nominating himself due to a de-Baathification policy. His representative visited the Iranian ambassador in Baghdad to exempt him from de-Baathification, waiting three hours to meet the ambassador (Salman, 2010). He was unsuccessful. This was a big humiliation for Sunnis, demonstrating Iranian influence over Iraqi decision-making.

The Kurdistan Region (KR) is also not exempt from Iran's influence. The KRG has official representatives in Iran who deal directly with Iranian officials. Furthermore, Iran pushed Kurdish political parties to keep Iranian Kurdish armed rebels under control. In return, Iran promotes economic relations with the KRG, refrains from military operations or from bombarding northern areas of the KR (Interviewee-S-1, 2015).

In 2010, Iran urged Kurdish political parties in parliament to agree to the Shia coalition forming a power-sharing cabinet (Kagan et al., 2012, p70). Initially, Barzani rejected the nomination of Al-Maliki (Fayath, 2010b). However, after an Iran-USA compromise, Barzani approved him for the premiership in the so-called Erbil Agreement.

Iran's role in the Iraqi political process was therefore not all negative, especially with regard to the power sharing cabinet and intergroup cooperation. The relationship between the KRG and Iran was friendly, or less tense, compared to Iran's relationship with Iraqi Sunnis. Iran's intervention contributed to de-intensifying tensions between Kurds and Shias. In contrast, its intervention intensified fear, distrust and hatred within the Sunni Arab community. This can be observed from the discourse of the wide spectrum of the Sunni community, from tribal, political and religious elites, who

explicitly expressed this fear when the escalation of violence occurred with the Shia government and/or with Iranian backed-militias (Attam, 2014, 2013, Yahya, 2013, AL-Lihebi, 2014, AMSI, 2015, Thari, 2016). Iran's involvement in power sharing negotiations had less violent implications in the short term than its support for militias but paved the way for the disillusionment of Sunnis and the aggravation of sectarian tensions after the US withdrawal.

8.4 The revival of militias and collapse of societal security 2012-2014

Just as the violence in 2005-2008 had widened the gap between elites, the exclusion and marginalisation within the government between 2011-2013 negatively affected societal security by leading to a recurrence of identity-based violence. In other words, in the first period, mass violence by militias and insurgent groups led to distrust and fear between elites in the power sharing cabinets, while the conflict between elites and the exclusion of Sunni officials in the cabinet after 2012 triggered mass mobilisation of Sunnis. However, in addition to the internal factors, this section discusses two points: firstly, the withdrawal of an important external actor, the US, which had been promoting democracy, and secondly the increasing role of regional forces in reigniting identity-based violence via regionally backed militias and re-intensifying distrust, fear and violence among Iraqi communities according to the SSD.

The presence of US forces in Iraq was vital. Firstly, it contributed to preventing large-scale identity-based violence, particularly after 2008. Furthermore, the US was a deterrent against authoritarian rule by the Shia Prime Minister Al-Maliki in this period and encouraged the inclusion of identity groups in the power sharing cabinet. Its withdrawal paved the way for Al-Maliki to increase his grip on power and to persecute his Sunni opponents, as discussed in previous chapters.

This elite exclusion within the cabinet led to the mobilisation of the Sunni community at the societal level. For instance, in Anbar, Sunni senior officials (MPs and ministers), Sunni clerics and tribal leaders, who were inspired by the events of the Arab uprising, participated in demonstrations against the prime minister's new authoritarian

ambitions (Yahya, 2013). As the demonstrations continued in Sunni cities, Shia-led government forces killed more than 40 Sunni protestors in Hawija (ICG, 2013). Similarly, in Anbar, Al-Maliki forces used violence against protestors and attacked MP Allwani in his house, killing his brother (Namaa, 2013), who had been sentenced to death after accusations of terrorism (Al-Hurra, 2014); Sunni tribal men, particularly in Anbar, reacted violently against the government.

Hence, the marginalisation and persecution of Sunni elites (the failure of power sharing and exclusiveness) in 2012 caused a recurrence of identity-based violence and intensified fear and distrust amongst the Sunni community against the Shia-dominated government.

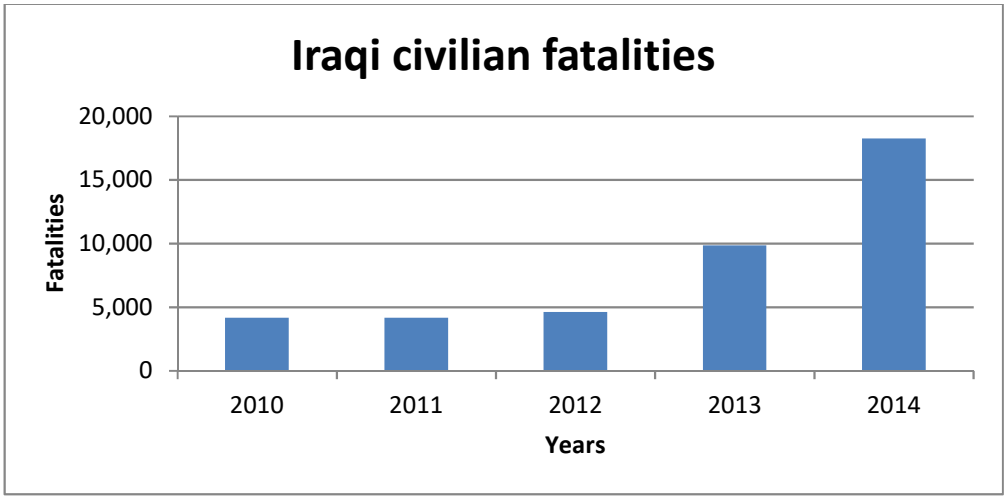
Another implication of the withdrawal of the US is that Iran became the main player in town. This enabled the Iranian-backed militias to re-emerge and increase their influence after the Sunni demonstrations and the Syrian civil war. These militias contributed to the deterioration of societal security in two ways: firstly, through the so-called 'militiafication' of sectarian conflict or de-institutionalisation of security forces; and secondly, through the regionalisation of sectarian violence by engaging and exporting members to Syria.

With regard to the first point, the Shia-dominated government had played a large part in supporting Iranian backed militias such as Assayib Ahl Haq and its political wing in parliament, allied with Al-Maliki and his militiamen, while other Shia militias were given government identification cards and weapons (Cordesman and Khazai, 2014a, p52). Similarly, Batat, the head of *Iraqi* Hezbollah, proclaimed on state sponsored media that he was under the command of Imam Khamenei and that, on the issue of war with Iraq, he would support Iran (Batat, 2013). Khazali, the head of Assayib, also on state TV, threatened to kill Sunni elites if they continued their demonstrations (Ayad, 2012, Qais, 2013, Al-Mulla, 2015). By 2013, Assayib and the Sadrists, who were backed by Iran, had established checkpoints in Baghdad, Hilla and Diyalah, and were conducting the extrajudicial killings of Sunnis (Cordesman and Khazai, 2014a, p76).

This situation led to a vicious circle. First of all, it re-intensified fear and mobilised the Sunni community. Some Sunni tribal forces, particularly in Anbar, escalated their

armed violence against government forces (Hatam, 2013a)[1]. As shown in Chart 8.5, the fatalities related to violence dramatically increased from 2012 until 2014, after being at their lowest recorded level in 2010 and 2011.

Chart 8-5 Iraqi civilian fatalities



Source: *(IBC, 2015a)*

The increase of militias and armed groups is an unambiguous indicator of the failure to establish a stable democracy. Indeed, the existence of militia-led violence contradicts the main elements of a stable democracy, namely the monopoly of the legitimate forces by the state, controlling violence, and the rule of law (Linz and Stepan, 1996a, p14-16, Diamond, 1997b, p24, Lijphart, 1977)[2].

The situation also changed the dynamics of intergroup conflict. Prior to these developments, from 2008-2010, some Sunni elites moved towards supporting Al-Maliki against the Kurds when he stood against the Kurdish military presence in Kirkuk and other disputed areas in Mosul and Diyalah. However, since 2012, major Sunni parties such as Mutahedoon - which governs Mosul, the largest Sunni city – have promoted closer relations with the KRG against the Shia dominated centre. The Speaker of parliament, who was from Mosul, stated that they wanted to solve all the

[1] The Safavid is the name of the Iranian empire in the middle ages. This is widely used by Sunnis for the Shia dominated Army.
[2] See chapter one.

problems with the KRG (disputed areas, oil investment and power sharing within Mosul's Provincial council) (Sotaliraq, 2012). In this regard, Atheel the governor of Mosul from the Mutahedoon list, agreed with the KRG to manage the oil wells located in disputed areas (Al-Nujaifi, 2012). Furthermore, the Kurdish Brayati List broke the boycott of the Mosul provincial Council, which had continued for three years against the majority Mutahedoon (Sotaliraq, 2012). These actions de-intensified ethnic tension between Sunnis and Kurds to a significant degree. Furthermore, many of the tribal elites and Sunni nationalists resettled in the KR due to threats to their safety by government bodies and militias. Hashimi, the former Sunni vice president, also fled to the KR when Al-Maliki prosecuted him for having a link with terrorism (Cordesman and Khazai, 2014a, 152). This suggests that, although the re-emerging sectarian violence intensified the Sunni-Shia division, it simultaneously de-intensified ethnic mobilisation between Sunni Arabs and Kurds.

Deteriorating societal security among communities not only paved the way for Iran but for other neighbouring countries to intervene in the relations between communities, including Turkey. The relationship between Turkey and Iraq deteriorated after Turkey supported the Sunni dominated Iraqiya list in the 2010 election against Al-Maliki. Furthermore, Turkey harboured Iraqi Vice President Hashmi, who had fled there in 2012. This further exacerbated tensions between Al-Maliki and Turkish President Erdogan. Iraq called Turkey a ''hostile neighbour.'' In response, Turkey warned that it would not remain silent in the case of erupting sectarian violence (Malone, 2012). Benefiting from sectarian and ethnic tensions between communities, Turkey increased its influence in Iraq, allowing the Kurds to export and sell Kurdish oil via its territory, despite the fact that Baghdad had repeatedly demanded that Turkey stop Kurdish oil exports (Rudaw, 2014, Natali, 2014).

Table 8-2 Economic relations between Turkey and the KRG

Economic relation	Before 2010	After 2011	Note
The number of Turkish companies working in KR	485	1500	Mostly working in infrastructure and services
Turkish export market to KR	$1.4 billion a year	$ 8-12 billion a year	KRG is third largest Turkish export market
Exporting Kurdish oil	No oil export through Kurdish pipelines	300-600 thousand barrels per day	Planned to increase to one million barrels a day
Number of Turkish citizens entering KR	481,371	1,298,319 a year	
Number of flights weekly between Turkey and KR	Less than 40	78 (in 2014)	
KR food imports from or through Turkey	Not available	90% of total imported food comes from Turkey	
Future plans Turkey plans to build an industrial zone, a railway between Turkey and the KR, two more border crossings, and additional oil and gas pipelines. Turkish sees Kurdish oil and gas resources as a way to reduce its dependence on Iranian and Russian gas.			

Source: (Cagaptay et al., 2015, Adli, 2014)

Turkey gained significant economic benefits as well as energy supplies and the improved relations facilitated Turkish investment in the KR. Furthermore, Turkey saw improving its relations with the KRG as assisting it in limiting the activity of the PKK. Thirdly, the Kurds represented the most significant, if not the only, means for Turkey to increase its influence and engagement in Iraq. To support the Sunnis, Turkey needs the KRG, since the KR is the only contiguous territorial area which links the Sunni areas to Turkey. Moreover, relying only on the Sunnis, who are in a fragile political situation, could not guarantee Turkish influence. However, the de facto military and political power of the KRG increases Turkish influence in the Iraqi political theatre.

Hence, if Turkey's support of Sunni Arabs contributes somehow to sectarian affinity, supporting the KRG is at odds with this aim as these relations are mostly motivated by political and economic objectives. Nevertheless, this relationship with the KRG is beneficial in terms of identity conflict. Thus, assuming that Turkey supports Arab Sunnis against the Shia majority and Iran's influence because of sectarian affinity, maintaining support for the KRG led by Barzani, which suffers from long-standing

tension with the successive Shia-led government, is regarded as an extension of such conflict.

Turkish engagement not only escalated tensions between Shia ruling elites and Turkey but also intensified the Shias' fear and distrust of other groups, particularly Kurds and Sunnis, in a similar manner to how Iran's influence increased the distrust of the Sunnis.

In terms of the regionalisation of militias as non-state actors and their role in re-intensifying fear between communities, the Syrian civil war led to Iraq becoming part of a regional conflagration. This point differs from the previous one in that in the first one, particularly during 2003-2008, Iran supported mainly the activities of Shia militias in its conflict with the other forces within Iraq, while in the second one, Iran supported Iraqi Shia militias and exporting them to neighbouring countries[1]. The conflict between sectarian armed groups outside Iraq had a reverse impact on the conflict within Iraq, particularly engaging in Syrian civil war.

Iran, as a driving force of the Shia axis, showed support for the Allawite regime, while Sunni countries (Qatar, the KSA and Turkey) supported Sunni opposition groups. It is essential for Iran that the Allawites remain in power in Syria in order to continue and extend Iran's influence in Lebanon as a regime change could bring the Sunnis to power and this would disrupt Iran's hegemony on the Levant.

Iran's support for the Syrian regime has also impacted on Iraq's ethnic relations. Iran's intervention in regional sectarian conflict has risen to an unprecedented level in three distinct ways: using Iraqi airports to support the regime, transporting Iraqi militias (Al-Arabiya, 2012, Charbonneau, 2013), and pressuring the Shia-dominated government to be a part of the Shia axis during the war. Taking these factors into consideration, the Quds Brigade, one of the main wings of the Iranian Revolutionary Guard (IRG), has been explicitly involved in mobilising, directing, arming and organising Iraqi militia to fight in Syria since 2012 (Smyth, 2015b, p37-40, Fulton et al., 2013, p23-26). As shown in Table 8.3, 6 out of 10 Iranian proxy militias that are funded, armed and trained by

[1] The term 'Shia crescent' is a practical implementation of the regionalisation of militias, which is widely used to refer to the influence of Iran on the Shia populated areas, militias and regimes in Syria, Lebanon, Yemen, Bahrain and Iraq.

the IRG to fight in Syria are from Iraq. Those groups are not only politically linked to the IRG but also ideologically adopt the Iranian style of Wilayat al-Faqih.

Table 8-3 Foreign Shia militias in Syria

Group's name	Nationality of the group	Area of influence
Assayib Ahl-Al-Haq	Iraq	Iraq-Syria
Liwa Abu Fadhil Al-Abbas (Sadrist members)	Iraq	Syria, (in Iraq Mahdi Army)
Kataib Hezbollah	Iraq	Iraq-Syria
Badr organisation	Iraq	Iraq Mostly, Syria
Al-Yaum Almauwd	Iraq	Syria
Haidar Al-Karar	Iraq	Syria
Lebanon's Hezbollah	Lebanon	Lebanon-Syria
Zulfiqar Brigade	Afghanistan	Syria
Liwa Fatimiyoon	Afghanistan	Syria
Zainabiyoon Brigade	Pakistan	Syria

Source: (Hesse, 2015, Smyth, 2015a)

The direct impact of such a step is that those militias not only exacerbated sectarian violence in Syria but also re-escalated violence in Iraq. As mentioned earlier, Assayib was already involved in escalating violence in Syria and Iraq[1]. The Sunni minority in Iraq increasingly felt threatened by re-emerging Iranian backed militias; Sunni tribes bordering Syria threatened Shia militias and government, claiming that they would target military and logistic convoys travelling through their territory to support Assad's regime (Hatam, 2013b). Moreover, members of the Sunni community, including proponents of the Popular Movement, joined Sunni rebels against the regimes supported by Shia militias in Iraq and Lebanon (Cordesman and Khazai, 2014a, p94). In addition, Al-Qaida re-emerged after the crackdown on Sunni protests and the escalating violence against Sunnis by Shia militias (Cordesman and Khazai, 2014b, p.171-80). Hence, this proxy war between Shias and Sunnis outside of Iraq intensified sectarian tensions within Iraq.

In response to Iran's interventionist policy, Sunni countries, including Saudi Arabia, Qatar and Turkey are fighting to limit Shia Crescent activity in the region. Although the role of Saudi Arabia and Turkey in supporting the Sunni insurgency in Iraq is unproven,

[1] See Chart (1)

their support for the Syrian Sunni insurgents has been widely reported (Hassan, 2013, p21-24, Yilmaz, 2013, p67-68). The abovementioned countries agree on the need for a regime change in Syria and for diminishing Iranian influence and its proxies, the Hezbollah and Iraqi militias. However, they are divided over supporting different rebel groups. In this regard, the KSA supports moderate groups, namely the Free Syrian Army (FSA), while Qatar and Turkey focus on a regime change at any cost (Hassan, 2013, p21-24, Yilmaz, 2013, p67-68). Furthermore, Turkey used its borders to provide wider logistical support for the opposition in 2012 and 2013. It has also hosted defectors and allowed the FSA to set up its headquarters in the country (Yilmaz, 2013, p67).

In brief, the aforementioned implications of this section can be reiterated according to three levels. Firstly, at the elite level, the marginalisation and exclusion within the power sharing cabinet strongly intensified fear and distrust between groups. Secondly, at the societal level, the conflict at the elite level has triggered mass mobilisation and increased identity-based violence against communities since 2012. The regionally backed militias were one of the main instruments for increasing such violence and for widening the gap between communities. In response to this, Sunni insurgencies and their violent reactions increased. Furthermore, the re-emerging of militias and insurgencies after a decade of democracy in Iraq, which can be termed the ''Militia-fication'' of societal security, has degraded the stable power sharing government.

Finally, at the regional level, this identity-based polarisation between communities provided a chance for the increased involvement of regional forces. In this regard, the Syrian civil war had two outcomes. The first is that the Syrian civil war in itself triggered fear and distrust between elites. Sunnis felt that the collapse of the Shia Allawite rule would change the sectarian equation in the region and improve their position in Iraq. Similarly, Shia elites felt that the regime change in Syria would weaken their primacy in Iraq (AL-Maliki, 2016). This fear and distrust led to the second outcome, which was the engagement of Iraqi militias in the Syrian civil war backed by regional forces.

The elite conflict and mass-level violence occurred mostly between Shia and Sunni communities, whereas the nonviolent conflict with the KRG remained only at the elite

level. As concluded in Chapter 7, the implementation of autonomy arrangement for Sunnis similar to that of the KRG, or multi-region solution [1] is more likely to reduce violence and limit the militias, as the relatively homogeneous populations of these regions would have fewer elements for ethnic or sectarian violence. This could reduce the movement of rival militias across the regions because of the local security forces of the regions and their inner borders. This consequently could reduce regional intervention, at least at the level of militias, which are the main instrument of deteriorating societal security. It could also reduce using military and security institutions by ruling elites against other communities, which have been another source besides militias for the societal security dilemma. Hence, the formation of regions with localised security forces creates a balance against using national forces that are dominated by Shias.

Conclusion

Three main points can be concluded concerning the role of regional forces in Iraq. The first is an acknowledgement that regional forces did not create the identity-based violence in Iraq; rather, they acted as an intervening variable. One of the principal sources of regional forces' influence was their affinity with groups in Iraq, particularly Sunnis and Shias. On that basis, Iran has arguably had the most influential role due to the fact that Shias make up the majority of the Iraqi population; they also have the lion's share of sovereign posts in Iraqi decision-making circles. In contrast, the role of neighbouring Sunni countries is relatively limited.

The second point is that the engagement of neighbouring countries was more critical, in terms of societal security and the stability of democracy, in the first (2003-2008)

[1] Multiple regions for Shia and Sunni communities could also be another solution. In this case, each Shia and Sunni community will have more than one region in provinces where they form a majority. This could de-intensify the polarisation between rival groups since one ethnic or sectarian group has more than one region. This could also create intra-group competition among regions from the same ethnic and sectarian groups and could increase the likelihood of cooperation across regions from different groups, which may de-intensify polarisation. However, the multiple regions for Kurds at this stage are not practical due to the fact that the sense of Iraqiness is weak among Kurds, while their insistence on one ethnic dominated-region is strong. In contrast, the sense of pan Iraqism is present among both Sunnis and Shia Arabs, which could be encouraging for implementing multiple regions.

and third periods (2011-2014) than in the second one (2009-2011). This is because in the first and third periods, neighbouring forces engaged in supporting militias and insurgencies that intensified hatred and violence at both the elite and societal levels. However, in the second period, their intervention in power sharing arrangements did not directly destabilise societal security. Due to the fact that sectarian civil war was largely contained, Shia militias were mainly frozen and Sunni insurgent groups diminished. This shows that militias were the main instrument of both identity based violence and then the failure of stable, power-sharing democracy in Iraq. Finally, identity conflict in Iraq's neighbouring countries increased the snowballing violence and insecurity between groups in Iraq, particularly because of the marginalisation and persecution of different identity groups.

9 Conclusion

In an attempt to analyse the impact of ethno-sectarian division on the stability of a power sharing democracy, this research has investigated the role of elites and external actors in understanding the democratisation process in Iraq. The reason for focusing on Iraq as a single case study was the three-fold nature of the ethno-sectarian division: the nature of the conflict and its operation (quadruplet-conflict)[1]; the behaviour of groups, and the constitution that was adopted.

The research has investigated the events and political changes that occurred in the period from April 2003 until April 2014. This period covers five governments: the Coalition Provisional Authority 2003, the Interim Government 2004-2005, the Transitional Government 2005 and two national governments 2006-2014. It covers four parliamentary elections and five main topics, starting with the role of external actors in promoting democracy and state building. The second topic was the process of constitutional design in managing conflict between groups, followed by one of the main institutions of democratic practice, which is the elections and their relationship to increased (or decreased) ethnic conflict. After the elections, one of the main elements of consociation is inclusiveness and power sharing in the cabinet. The final topic is the role of the neighbouring countries.

The theory used to investigate the failure to build a stable power sharing democracy was the societal security dilemma. The core of the theory focuses on ethnic and sectarian division in conditions of fear, distrust, uncertainty, grievance and hatred among communities as an explanation for identity-based conflict, violence or civil war. The theory was used to examine the main elements regarded as essential for the stability of Iraqi power sharing. These elements can be divided into four levels. The first level focused on controlling violence and stability, and the prevalence of militias or undemocratic forces that did not abide by the rule of law. The second level focused on the extent of inclusiveness, marginalisation and cooperation in the cabinet. The third level emphasised the lack of proportionality and balance in the most important

[1]Shias versus Sunnis; Shias versus Kurds; Sunnis versus Kurds; and Arabs (as an ethnic group) versus Kurds.

state institutions, namely the security and military institutions, which played a significant role in the conflict. Finally, federalism/regions its relation to accommodation and conflict between elites was investigated.

Taking into consideration the difficulties of measuring the qualitative data, this study identified two scalable values: low and high. In this regard, the research found the following results:

Table 9-1 Dependent and independent Variables

Independent Variables	Dependent variable			
	Stability of power sharing democracy (elements)			
	Inclusion in the cabinets	Controlling violence/stability	Proportionality	Federalism
The US role	High	Low	Low	Low
Elites	High	Low	Low	Low
Neighbouring countries' roles	Low	Low	Low	Low
Masses	n/a	High	Low	High

This study reached some key findings regarding the failure of the power sharing democracy in Iraq. In light of the SSD, the role of the US as an intervening variable was investigated; the thesis concluded in Chapter 4 that the US had a mixed role in the process of democratisation in Iraq. On the one hand, it supported free, fair and competitive elections and promoted the inclusion of the main groups in the political process. On the other hand, the US undermined the power sharing democracy in Iraq. It created and increased the impact of a power vacuum, which is one of the elements of the SSD contributing to conditions of ethnic mobilisation, by disbanding military and security institutions and destroying the infrastructure. This contributed to increasing the number of militias and paramilitary groups led by belligerent elites, expanding their influence across communities and, consequently, to increasing identity-based violence. Secondly, the state building process diminished the long-term potential for

the consolidation of power sharing, particularly in terms of rebuilding the security and armed forces to provide order as a precondition for a stable democracy; the process was dominated and directed mainly by Shias. The US did little to control the hegemony of Shia elites and militiamen during the process.

According to the SSD, the power vacuum and the collapse of the state institutions contribute to a situation where belligerent elites mobilise their groups and seek to increase their security, whether through armed groups or by dominating the state, particularly military based institutions, which consequently creates a feeling of insecurity among others. Hence, as concluded in Chapters 4 and 7, this thesis found that one of the key issues for the failure of democracy started with the state building process with regard to security and military institutions, and particularly the lack of proportionality therein, as well as with the lack of localisation of the armed forces. Due to the boycott by the Sunnis in the early stages of the process from 2003-2005 and the retention by the Kurds of their Peshmerga, the Iraqi security and armed forces overwhelmingly consisted of Shias. The key Shia heads of the militias directed the process of rebuilding the army, which consisted of the Shias and their militiamen. This created disproportionality within this vital institution, which remained loyal to a sectarian agenda. The second issue, which is more important, was the lack of localisation of the security and armed forces. From the SSD's point of view, the Kurds, through having their own institutions and localised forces, felt that their security was assured; therefore, they experienced low levels of identity violence within the Kurdistan Region, while Sunnis increasingly felt their security decreased in favour of other groups after losing power and due to the lack of localised Sunni forces to undertake the security of their community against the Shia dominated army and Shia led militias.

The US, as one of the key actors, did not promote the localisation of the security and armed forces in ethnically dominated areas in order to reflect their communities[1]. In terms of providing security and order, the localisation of armed forces would have

[1] However, the US is not entirely to blame for promoting the localised forces in ethnically dominated groups, so that each group could promote their security. The other part of the problem was that most Sunnis boycotted the process, including joining the security forces and opposing federalism.

been a key mechanism for reducing the fear and distrust of 'others' in a situation where elites engaged heavily in identity mobilisation. In contrast, the Shia-dominated national forces under the Shia hard-line elites that undertook security and order in Sunni cities increased fear, distrust and violence. This research found that the US did little to address this issue. Indeed, from 2010, when Iraqi elites had full control over the political process, both the disproportionality and the lack of localised security forces became key factors that led Shia elites to politicise the armed forces and use them as an instrument for a sectarian and political agenda. This contributed to a sharp increase in societal instability, marginalisation and the failure of power sharing. Thence, the process of state building as a precondition for democratisation, instead of creating a stability and order, contributed to destabilising the process and societal security.

Consistent with the role of external actors as an intervening variable, this thesis found, particularly in chapter 4 and 8, that neighbouring countries contributed to deteriorating the societal security. In light of the SSD theory, the neighbouring countries as spoilers supported belligerent elites and sectarian militias increased the power vacuum and identity based violence, which consequently contributed to the failure of building a stable power sharing democracy.

As for the constitution making process, from the SSD point of view, the thesis in chapter 5 concluded that under the prevailing circumstances of fear, distrust, and uncertainty, the lack of inclusion was not the main factor behind the limited success of the constitutional process; rather, it was the conflicting identity-based demands of the main groups; for example, some groups played a zero-sum game rather than trying to reach a compromise or consensus. Later, a shift in the identity-based demands created another stalemate for the implementation of the constitution. In other words, the different groups wanted different things at different times, which could not be fulfilled by the constitution. For instance, during the constitutional process, Sunni elites who held pan-Arabic discourse refused any sort of ethnofederalism and multi-identity in Iraq, while from 2011 onwards, as a result of shifting identity discourse from pan-Arabic to Sunnism, they demanded ethnofederalism. The main obstacle for implementing asymmetrical regions for the Sunnis during the constitutional process

from 2005 until 2009 was the Sunnis themselves. This led to the constitutional design having a limited success, despite including federalism, decentralisation of oil and gas management and multiculturalism, which are regarded as the necessary mechanisms for accommodation according to this research. However, in the post-constitutional stage from 2011 onwards, the Sunnis demanded the implementation of the constitutional articles on forming regions, though these demands were not fulfilled by the Shia majority, which stepped towards power concentration, and the marginalisation of minorities.

Similarly, Kurds refused to hand over some of their jurisdictions, such as tariffs, taxes, the KR's revenue, oil management and the KRG borders to the Iraqi federal government in accordance with the constitution. Hence, the fear and distrust between groups was also the main driving force behind the political ambitions of ethnic and sectarian groups, which depended on the role of de facto power rather than the constitution (especially over the military and security forces) in managing relations between groups.

Another example of the limited impact of the constitutional design is that although the Iraqi political system constitutionally is a majoritarian one, all of the government cabinets were based on power sharing, in practice. Hence, this thesis found that the power and de facto situations had a bigger role in the relationships between groups than the constitutional design. Hence, the constitution only legalised or constitutionalised the de facto situation in the post-Iraqi invasion in 2003.

Regarding the impact of electoral designs on the behaviour of elites and moderation, this research found that electoral design had a limited impact on the ethnosectarian conflict in general. Firstly, due to the fact that Iraq is, to a significant degree, ethnically concentrated, the appeal for cross-ethnic votes diminished. Secondly, in a war torn, divided Iraqi society that had little experience with democracy, the exclusion of rival elites in favour of moderation could not be accepted by the various elites. Finally, unsettled issues between groups left by the constitution are one of the main sources for elite-led mobilisation. The impact of electoral design, particularly the preferential vote as a mechanism for increasing moderation on account of ethnic mobilisation,

depends on the settling of these issues. However, the current form of electoral design, which is the party list, contributed to creating proportionality for the main groups upon whom the consociation depends. As for moderation, the party list neither prevented nor encouraged a cross-ethnic coalition. Under the party list system, both polarisation and cross sectarian coalitions occurred in the four Iraqi elections. However, in all cases, the post-election period experienced significant identity polarisation with the elected elites.

Concluding from chapter 7, regarding elite mobilisation as the main element of SSD theory, this thesis also found that there is a correlation between identity-based violence at the societal level and the failure of the power sharing cabinet at the elite level. Two periods of violence explain this correlation. Violence at the societal level and during the period 2005-2008 led to the failure to establish an effective and stable power sharing cabinet when Sunni elites regularly boycotted the government and parliament in protest against sectarian violence. However, the marginalisation and exclusion of Sunni elites at the cabinet level from 2012 led to the re-emergence of sectarian violence and the emergence of insurgencies. The Shia-led government excluded or marginalised most of the prominent rival Sunnis in the cabinet; this led to widespread protests and demonstrations in Sunni cities. A crack down on these demonstrations was one of the causes of recurring insurgencies and the increasing activity of state-sponsored militias that created a vicious circle of violence and counter-violence. As Sunnis saw the government and its military and armed forces as unwelcome forces, this contributed to the flood of ISIS members into Sunni cities and the collapse of Iraqi forces, which in turn caused another wave of de-institutionalisation and the Militiafication of the Iraqi army.

Hence, from the SSD perspective, and contrary to the power sharing argument regarding the inclusion and cooperation, this research found in chapter 7 that the wide inclusion of ethno-sectarian elites, particularly Sunni and Kurdish minorities in the two national cabinets of 2006-2014 (37 and 42 ministerial posts in the first and second cabinets respectively) did not reduce fear, distrust, and societal insecurity among

groups, because it did not lead to effective power sharing in the decision making process. The process of marginalisation and exclusion within the power sharing cabinet, which is called in this research hegemonic power sharing, destabilised the democratisation process. The failure of power sharing is not only attributed to the fact that the Shias controlled the military and security forces, but also to the fact that they had had a majority in parliament since the 2010 elections, which made them less motivated to cooperate. Hence, the consociation lacked one of the conditions required for cooperation between elites, which is that no major group makes a majority of the population (Lijphart, 1977). For Sunnis, the impact of this hegemonic power sharing contributed to the re-emergence of violence in Sunni-dominated areas, while it pushed Kurds to step towards more independent policy or a de facto state to manage their security, economic and political issues.

Since the SSD theory focuses on the role of elite mobilisation in war-torn divided societies, this research found, as discussed in chapters 4, 5 and 8, that another key factor for the failure of consociational democracy in Iraq is the lack of ethnofederalism, in which the main groups take responsibility for their own security through a local government. A power sharing cabinet in which groups do not also have territorial autonomy cannot work in Iraq. Kurds have their region, but other communities do not. This research found that the lack of territorial autonomy can be attributed to three reasons. Firstly, during the state building process from 2003-2005, the US did not encourage federalism sufficiently; instead, it worked to promote a strong centre. As this research considers ethnic federalism as the core of stable power sharing, the half-hearted role of the US in this regard was inadequate[1]. Although it was the responsibility of the ethno-sectarian elites to determine the existence of regions, the US could have rebuilt the security and armed forces in such a way that they comprised

[1] Although Sunnis were mainly blamed for the lack of implementation of a multi-region system, the US is to blame to the extent that it could have prepared the de facto situation for the implementation of Regions, for instance, through assisting the Sunni community in building their local forces and institutionalising them. These local Sunni forces could have undertaken responsibility for order in their cities and could have prevented the activities of Shia militias. Furthermore, there could have been a basis for future regions if the Sunnis had not demanded to have their own regions since 2013. The US helped tribal Sunnis to form local forces under the name 'Awakening Forces' to fight against Al-Qaeda in 2006-2008. However, these forces were not institutionalised in order to be part of the formal forces and soon the threat of Al-Qaeda relatively diminished in Anbar; the US ignored Awakened Forces and left without providing enough support.

members of ethnically dominated areas under the control of the locally elected officials. This could have facilitated the path to future region(s) if it had been demanded by the communities themselves, particularly the Sunnis, and could have deterred the use of the logic of power by the Shia-dominated government in case of any attempts to block it.

The thesis also found in chapters 7 and 8 a correlation between the sectarian imbalance in the security forces (localisation and proportionality of armed forces) and the re-emergence/increase of militias that led by belligerent elites. This imbalance increased fear, distrust and insecurity, leading to re-emerging violence, which in turn created a fertile ground for the increase in state-sponsored militias and, consequently, increased Sunni insurgencies. All of this led to the de-institutionalisation of military institutions and the 'Militiafication' of society.

This Militiafication, i.e. the return of militias, requires further study, particularly after ISIS took control of the Sunni-dominated cities in mid-2014, which is outside of the time period of this study. The use of military action against Sunni demonstrators increased the number and extent of insurgencies and violence, which correspondingly increased the number of state-sponsored militias to confront the Sunni insurgency. The collapse of Iraqi security forces occurred as most of the Sunni community saw the Iraqi army as a Shia /Iranian loyalist army that did not represent them (Hatam, 2013a). Over a short period of time, a number of large cities, including Mosul, Tikrit, and other areas in Kirkuk, Babil, Diyalah and Anbar fell under the control of ISIS and other radical groups.

Shia religious authorities called for a holy Jihad (Jihad Al-Kifaya) against ISIS (and Sunni insurgent groups) through a fatwa for joining militias under the name of Popular Mobilisation Forces (PMF) (Sistani, 2014). In this circumstance, the fatwas were a mutual understanding between Iran, Iraqi Shia officials and the religious hierarchy of the Marjah. This tri-understanding and its impact on stability, societal security, the future of democratisation and its impact on the Shia-Sunni conflict in the region also requires further study. The Shia-dominated parliament and cabinet added legitimacy

to those militias. Moreover, the government dedicated financial support from the public budget to the PMF: those killed are regarded as martyrs, with financial rights similar to those of official soldiers (Articles 13, 41, 54 of Federal Budget Law) (CoM, 2014).

Although the PMF played a role in stopping ISIS from advancing towards Baghdad and regaining some cities, this was a dramatic reversal of institutionalisation after a decade of the state-building process. The role of state institutions was reduced on most fronts, with Iraqi security and armed forces playing only a minor role, while the PMF militias were the major player on all fronts against ISIS.

In the short term, the PMF has had absolute impunity of any charges, despite its extreme sectarian attitude largely involving killing, displacing people, destroying properties and changing the demography against the Sunni community (Amnesty, 2014a, HRW, 2015b). As mentioned before, this scale of violence and revenge by the PMF on the basis of identity has intensified hatred, fear and distrust.

In the long term, these militias will pose a highly critical challenge should ISIS be defeated. Disbanding and demobilising the PMF, which is supported by the higher Marjah, legitimised by parliament and supported by the IRG, will be a difficult task. In 2003, the US could not succeed in disarming the militias, and should ISIS be defeated in the future, this task will be far more complicated. Furthermore, the integration of the PMF into the new Iraqi army will pose further problems, particularly as radical Shia Islamists are PMF members. Furthermore, it will reinforce the ethno-sectarian imbalance between groups within the Iraqi army, which is one of the main contributors to the distrust and fear of the Shias on the part of the Sunnis and Kurds.

The increase of militias and their activities since 2011, the politicisation of armed forces, and the sectarian violence contributed to changing the Sunnis' discourse from Pan-Arabism to Sunnism and from centralism to demanding federalism/region, which is regarded in this research as one of the key mechanisms for accommodation and stability in Iraq. Recently, in 2016, thirty Sunni elites of tribal leaders, politicians and clerics demanded their own region (Al-Baghdadi, 2015, p.18, Rudaw, 2015). The shift of identity, at least for Sunnis, was a result of sectarian violence and oppression. This

can be noticed from the discourse of the Sunni elites who often state that Kurds are closer to them than Shia Arabs (Al-Baghdadi, 2015)[1].

Hence, as concluded in chapter 8, the role of neighbouring countries as a spoiler is strongly linked to the so-called elite-led militiafication and recurrence of identity based mobilisation, particularly at the beginning of the Syrian civil war in 2011.

In other words, in the light of SSD theory, the neighbouring countries worked as intervening variables in supporting belligerent elites with militias. This thesis also found that the existence of militias not only increased the feeling of insecurity, fear, distrust, grievance (which already existed) and escalating identity-based violence between communities, but also increased the influence and intervention of neighbouring countries, which had a negative impact on societal security and the stability of the power sharing government[2]. The neighbouring countries, through their role as spoilers, did not create the ethnic violence; rather, they worked as an intervening variable in supporting rival elites, which consequently contributed to increasing violence and then the failure to build a stable power sharing democracy.

Based on the aforementioned findings, there are many lessons that can be learnt from the Iraqi case. These lessons can be generalised and applied to countries that have similar conditions to those of Iraq. They can also contribute to the literature on consociation.

Any recommendation for containing or managing ethnic conflict in Iraq must come from the fact that three issues are taken into consideration or managed. The first is how to reduce or contain the impact of militias and the politicisation of military and armed forces, as both have contributed to increasing fear, distrust and insecurity between groups. The second issue is reducing the impact of the fact that Shias are the majority of the population and are thus less likely to be motivated to cooperate effectively with the other groups, since they can obtain a majority in the parliament

[1] Informal Interview with a Sunni MP.

[2] Bearing in mind that the breakdown of order in the absence of a central government and dissolved national army and police forces was also one of the main factors which contributed to the spread of militias. This situation was expected by the SSD theory. However, this output played as input for further insecurity and spiralling violence.

and government without a cross-ethnic or sectarian coalition. Thirdly, a solution must take into consideration the need to satisfy the ambitions of national minorities, namely Kurds, for self-governing rights.

Taking into consideration the above-mentioned issues, if the SSD explained the failure of the Iraqi power sharing experience, the same theory is used to justify the alternative form of power sharing design. As concluded in chapter 7 and 9, this means ethnically defined regions with territorial autonomy are the core element for the success of Iraqi consociation and the reduction of the identity-based violence that contributed to the failure of the power sharing democracy. Hence, in contrast to Lijphart (1977), who considered that a grand coalition is the main element of consociation, while other elements such as segmental autonomy or federalism are complementary ones - this research found that the core issue for Iraqi accommodation is the existence of ethnically defined regions with territorial autonomy, while a power sharing cabinet and proportionality are the complementary elements for asymmetrical regions.

However, ethnic federalism may take many forms according to the different economic, ethnic and political conditions of groups within one state. In addition, creating a federation where regions can acquire different levels of power (an asymmetrical federation) would be beneficial.

Kurds are a national minority, culturally different from Shia and Sunni groups and have ambitions for wider independence within Iraq (Barzani, 2014c). This ambition is already embedded in the Kurdistan Regional Government (KRG) as a de facto semi-independent region. Their independent economic policy, Peshmerga under the control of the KRG, taxes, tariffs and borders beyond central control, ambitions for their own independent state, and inner borders, all led to the Kurds' rejection of direct control of the Arab-led centre.

In contrast, Shia and Sunni Arabs do not have similar ambitions to Kurds. However, the region(s) (federal-subunits) for Sunnis were incrementally demanded after the sectarian war of 2000-2008, increasing marginalisation and exclusion by the Shia-led government from 2011-2014, collapsing the Iraqi army after the ISIS attack on Sunni

cities 2014, and consequently increasing the Shia militias (PMF) and their identity-based violence.

Although three main communities should be free to demand separate levels of power (asymmetrical federalism) based on new political contracts between the main groups in the post ISIS stage, each of the sub-units must have its own localised security and armed forces. Currently, the demands from different groups for new political contract are strongly coming to the fore. For instance, the Islamic Supreme Court (ISC) proposed an initiative under the name 'historical compromises between groups' for reconstructing relations between groups after the ISIS stage, which includes the option of Sunni regions (Al-Khanjar, 2016, Alani, 2016). This initiative tries to engage a third party, namely the UN. In order to avoid the mistakes that occurred in 2003 during their boycott and lack of leadership, Sunnis seek uniting different spectra within their community - from political parties, tribal leaders, religious elites, former Baathists, intellectuals and Sunni opposition who live outside Iraq - to agree on one set of demands in the process of negotiation with the Shia majority (Mashadani, 2016).

The main benefits of ethnofederal units, with units having control over their own security forces, are fourfold. Firstly, units reduce the mobility and activity of rival militias, since the regions have their own institutionalised security and armed forces under an elected local government. The rival militias cannot freely undermine security in well-secured regions. Secondly, federal regions create a balance to the Shia-dominated national forces; this balance reduces the use of these forces within regions, as local forces are responsible for stability and order. Thirdly, it reduces intervention by the neighbours in terms of their support for militias that undermine societal security; this is because a great deal of the neighbouring influence is through militias who have an identity affiliation. Containing the violence committed by militias contributes to increasing the possibility of providing stability and order, which are essential pre-conditions for a stable democracy. Finally, with sufficient inclusion in the cabinet, the main groups have their own local government and entity, which makes them feel that their identity and community are secure to some extent.

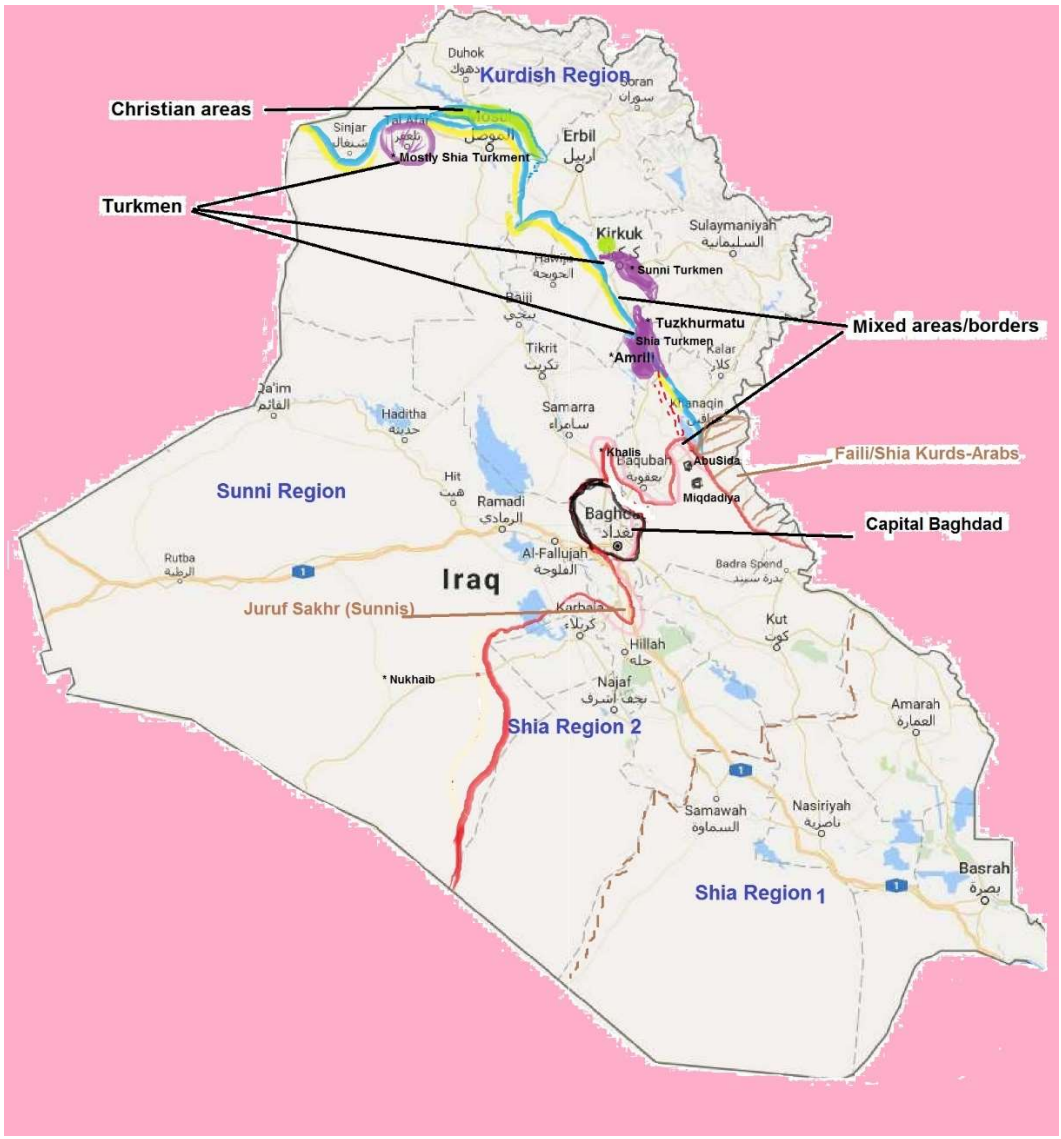
As Stansfield and Anderson (2005) conclude that there is no easy solution for Iraqi ethnosectarian conflict, all solutions have advantages and disadvantages. In other words, all options are bad ones, but the key here is which one is less bad.

One of proposed solutions is multi-region for one ethnic/sectarian group. For instance, each Sunni, Kurdish and Shia community has more than one region in ethnically concentrated areas. This is likely to diffuse polarisation, reduce the possibility of secession and increase the possibility of cooperation between different regions. This divide and conquer strategy is adopted by Horowitz. Despite the fact that he prefers territorial federalism that cross-cuts ethnic lines, he adopts the Nigerian model that is in fact ethnofederalism but in which each of the main groups has more than one state (Horowitz, 1985).

Theoretically, multi-region model seems a plausible solution for Iraq. However, the point here is to what extent it is feasible. There are some indications that support the possibly of implanting this model. Sunnis are not united. Indeed, as argued in previous chapters, the Sunnis in different cities separately asked for their own provinces to become regions such as Salahaddin, Diyalah, and Mosul. Similarly, some Shias, and particularly the SCIR, favour the idea of the Basra province, wherein the SCIR have a stronghold, becoming a region. On the one hand, the intra-Kurdish conflict, which is rooted in long political disputes between two former rivals, the KDP and PUK, could represent an opportunity to implement multi-Kurdish regions. This dispute has mounted since 2015 between the KDP, which dominates Erbil and Duhok, and Goran and some of the elite within PUK on the other hand, which dominate Sulaimaniya, Halabja and Kirkuk cities. Despite of this Kurdish inner conflict, multi-region is not easily feasible for the Kurds due to the fact that the notion of statehood and ambitions for secession by the majority of Kurds contribute to the reality of one ethnically dominated region rather than multi-region. The implementation of multi-region depends on to what extent they are ready to give up the notion of statehood in order to have two autonomous regions. Likewise, despite their fragmentation and disagreement, Sunnis lean toward forming one Sunni region that includes Sunni dominated areas due to their population size compared to the Shia majority. This

ambition for one Sunni region increased after the ISIS assault and Shia militias PMF operation in Sunni cities.

Agreeing with the Stansfield and Anderson (2005) that all the solutions are bad but the point is which one is the least bad. The least bad option is the one that achieves three elements: firstly, the localisation of armed forces, secondly, a relative balance between the population size of regions and the finally increasing homogeneity of the regions by drawing the region along ethnic lines regardless of provincial boundaries. In this regard, the Stansfield's model can be re-drawn as shown in Graph 9.2, which shows the regions thus: (1) the Sunni region (to include Mosul, Tikrit, Baquba, Faluja, Anbar and Arab dominated districts in Kirkuk province Rashad, Hawija and Abassiya, and Juruf Alsakhr north Babil province); (2) the Basra Region (to include Basra, Nasiriya and Amara); (3) the Kufa region (to include Karbala, Najaf, Kufa and Hilla); and finally (4) the Kurdish region (to include Erbil, Sulaimaniya, Duhok, Kirkuk city and Kurdish dominated districts in Mosul and Diyalah). This model can be called a soft partition as the least bad solution for managing ethno-sectarian conflict. This four-region model does not lead to purely homogenous regions. However, it enables three main groups to have their own regions. Moreover, one region each for the Sunnis and Kurds with their institutionalised regional forces could increase their security and create a balance to the Shia majority. In contrast, multi-regions for Sunni and Kurdish communities increase their vulnerability against the Shia majority at both the governmental level and societal level.



Graph 9-1 Iraqi ethno-sectarian distribution

1- *The proposed regions are not purely homogenous; rather, they are an attempt to increase homogeneity in each region as much as possible.*

2- *Shia regions are the most homogenous regions.*

3- *Sunni and Kurdish regions will have the challenge of small minorities, namely Christians and Turkmens in Mosul and Kirkuk.*

Another option is one ethnic region for each of the three communities, or at least for Sunnis and Kurds[1]. The number of regions or federal subunits is one of the controversial topics. As Adeney (2007, p.172) argues, despite the fact that ''the data show that seventy-five percent of federations with three states or under have failed, compared with only 13 percent of those with thirteen states or over… it is not possible to conclude that the smaller numbers of states caused the failure of these federations''. Many of the failed federations were formed in the wake of the decolonisation of Africa (Adeney, 2007). However, despite the controversial arguments concerning the correlation between two or three regions/federal subunits and the failure of the federal system, Iraqi groups namely Sunnis and Kurds increasingly have stepped toward this option particularly in the post ISIS stage. As argued in the previous chapters, cleavages between communities have widened and grievance, fear, distrust and uncertainty between groups have increased more than ever before due to spiralling ethnic and sectarian violence, increasing militias, and the politicisation of armed forces; all of these drive communities to draw a boundary line within federal subunits. This de facto situation is tantrum to the relations between intra-states within a common state. In other words, this leads to de facto semi-states, a weak centre in relations to strong regions.

However, the aforementioned options (particularly ethnic regions) face many challenges. According to the logic of the opponents of ethnofederalism, this increases ethnic polarisation, the likelihood of secession and the disintegration of Iraq (Roeder, 2009, Watts, 1999, Lake and Rothchild, 2005, Cornell, 2002, Nordlinger, 1972, Brancati, 2006).

Iraq has experienced two periods of sectarian violence in less than a decade, the sectarian war from 2006-2008 and remerging sectarian violence from 2014; thus, it would be difficult to draw boundary lines which force coexistence of groups. This view is shared by Stansfield and Anderson (2005), who argue that

[1] Ethnic region for Sunnis similar to KRG means that two ethnic regions versus Shia areas that are ruled by the Shia led centre. This practically means three regions or intra-states within one common state.

> ''[drawing boundaries to coincide with communal division especially] in contexts where the divisions among communities are especially deep and intractable, where secessionist sentiment is intense, or where divide-and-conquer approaches are either logistically unfeasible or rejected by one or more communities… In the aftermath of an ethnic civil war, for example, the creation of defensible "ethnic enclaves" may be the only way bring an end to violence''.

Another challenge is the border between regions, when populations are ethnically mixed; thus, the ethno-region solution, whether multi-region for each group, autonomy arrangement for Sunnis and Kurds, or the four-region model, could be a source of conflict between rival parties. The mixed areas between Kurdish and Sunni regions already exist in Mosul, Kirkuk, Salahaddin and Diyalah, as identified in the constitution (Article 140)[1].

The conflict over the border between Sunni and Shia Arabs will be complicated to some extent, as both are Arabs and historically they did not noticeably experience conflict over their homeland in the way that national minorities do. In the case of forming a Sunni region, there could be some conflict over the fact that some sacred Shia places are located in the heart of Sunni cities such as Samara. In addition, some Shia-dominated districts are located within the borders of Sunni-dominated provinces and vice versa. However, most Shia-dominated districts border other Shia-dominated provinces; this facilitates the solution as the Shia dominated areas could be joined together.

This requires a political solution between groups rather than a constitutional one. As mentioned before, the post ISIS phase could be a motivator for such a political compromise between minority groups. Furthermore, international involvement, such as by the UN and the US post ISIS, is necessary for new a political contract between groups in order to establish regions and manage inner borders.

[1] This issue is discussed in Chapters 5, 6 and 7.

However, there has been an undeclared demographic war since 2003. This demographic change is manifest in the large-scale displacement of communities on the basis of identity, most notably in some places such as Baghdad, Basra[1], Diyalah and Babil (Cordesman and Davies, 2008, Chalk, 2012, COI, 2016). On the one hand, this has increased grievance, violence, fear and distrust; on the other hand, this process has increased homogeneity in previously mixed areas, which could be advantageous for the process of forming future ethnically concentrated regions.

Yet, the dispersed districts that contain a minority within a majority-dominated area, such as Turkmens, Yezidis and Christians who do not represent a majority in any city or are a majority only within districts and sub-districts, remain problematic. Multicultural rights would be one of solutions to guarantee protection of their identity and culture. The constitution has already guaranteed the language and cultural rights for any minorities that do not represent a majority in any of the Iraqi provinces. This constitutional article requires activation, backed by the political agreement between local elites. Furthermore, inclusion and access to the regional and central government must be guaranteed.

Yet there are factors that could reduce possible disintegration. Firstly, during the entire history of Iraq, Sunnis have had a strong sense of Iraqiness. In other words, Sunnis do not have a sense of historical homeland on a part of Iraqi territory that in a way that is considered to be different from the Iraq as a whole. Sunnis and Shias have sectarian differences, despite belonging to the same ethnic groups and often to the same tribal roots. Therefore, this sense of Iraqiness reduces the risk of secession in the case of having their region. Perhaps Kurds are the only group that desire to have their own independent state. They had their own de facto ethnic region even before the regime collapse in 2003. Furthermore, any attempt to crosscut a Kurdish region in favour of territorial federalism (anti-ethnic federalism) increases the risk of ethnic conflict and secession. Even during the Baath regime, separating disputed areas from the autonomous Kurdish areas was one of the main reasons for the collapse of

[1] See Appendices 6, 7 and 8.

negotiations and two decades of bloody conflict between Kurdish rebels and central government.

However, there are external factors that limit the Kurdish ambition for secession, and which, consequently, contribute to keeping Iraq united. The Kurdistan Region is landlocked in that it is surrounded by neighbouring countries which do not desire Kurdistan to be independent, as this may destabilise their country and exacerbate ethnic conflict therein. Hence, as Stansfield and Anderson (2011, p.77) state that ''[a]s a potentially landlocked region, Kurdistan would always be hostage to the whims of neighbouring powers''. This, on the other hand, contributes to limiting the Kurdish ambition for secession and trading it for further economic and political autonomy of the KRG, combined with better access to the central government. Hence, in case of the four-region model or autonomous arrangements for Kurds and Sunnis, the power sharing government/access to the central government could contribute to stability and reducing ethnic violence. A similar solution for different cases was proposed by Cederman et al. (2015)[1] and Adeney (2016) to reduce the ethnic conflict in divided societies in the case of ethnofederalism/ autonomous arrangements with the access to central government or power sharing.

Consistent with this, the distribution of wealth may arise as a serious challenge, particularly for resource-poor Sunni areas. Sunni cities which are candidates to be regions do not have oil resources as some Shia and Kurdish-dominated cities have. In the case of forming the Sunni region, the Shia-led centre, or future Shia regions in the worst-case scenario, may not be ready to allocate their incomes in favour of Sunni regions over which they have little or no power. This requires compromise and negotiations between Sunnis and Shias on the distribution of wealth. However, the degree of authority that Sunnis want to have for their region(s) may depend on the extent of their need for Shia wealth/oil. In other words, the establishment of a semi-dependent Sunni region depends on their readiness to sacrifice their dependence on Shia wealth for a region with wide authority that secures their community and promotes their identity. Some Sunni cities located in central Iraq, such as Mosul,

[1] However, Cenderman et al. believe that this institutional arrangement works before the eruption of ethnic violence.

Salahaddin, and Diyalah, can be regarded as the breadbasket of Iraq due to the fertile ground for agriculture; therefore, these resources could be an alternative to oil.

Finally, yet importantly, this soft partition, may reduce the extent of violence in the case of any partition, since the main groups have their own ethnic regions with clear borders, local institutions and localised armed forces under the elected local government. In the case of civil war, secession in the situation of a unitary state, lack of ethnic regions with no clear borders or mixed areas, the extent and degree of violence will increase. Hence, if there were no other solution for partition, it would be more feasible to make it a soft partition than a violent one. In other words, if ethnofederalism could not keep Iraq in one piece in the case of extreme nationalist divisions or conflict, according to the logic of some (Roeder, 2009, Lake and Rothchild, 2005), the ethnic regions, which have semi-state status with clear borders and institutionalised armed forces, can make the secession less violent. In contrast, in the situation where minority groups (Sunnis and Kurds) do not have their own regions, or in the case of territorial federalism, which crosscuts the three communities, and with a lack of institutionalised local armed forces, the opposite is more likely to be true. The first case of this will likely be that of the KRG, which has increasingly mounted its rhetoric towards statehood for Iraq in the post-ISIS stage. O'Leary, McGarry (2009) and Adeney (2016) also assert this logic, warning that federal institutions should not be blamed for a failure to hold the state together, as no institutions could have maintained territorial integrity in such cases where there is serious conflict.

In brief, it is worth mentioning that the ethnofederalism/ethnic-region solution for more effective power sharing does not necessarily resolve all of the problems and conflict between groups. However, it is expected to reduce at least the violence and civil wars that have undermined the establishment of a stable power sharing democracy in Iraq. Hence, this research attempted to contribute to the literature of power sharing democracy by promoting a model of ethnofederalism that localises the armed forces under the locally elected government, since this thesis considers that the politicisation of armed forces and militias is one of the main factors for undermining societal security and increasing fear distrust between groups.

Appendices

Appendix 1: Jan 2005 election:

Identity of Lists	Parties and coalitions	Votes	Vote Percentage	Seats	Seat percent-age	Nature of coalition
Shia Lists	United Iraqi alliance	4,075,292	% 48.19	140	50.90	Shia Islamic coalition
	National Independent Cadres and Elites	69,938	% 0.83	3	1.09	Shia Islamic List (Pro-Sadr)
	Islamic Action Organization In Iraq - Central Command	43,205	% 0.51	2	0.72	Shia Islamic List
	Total	4,188,435	49.53	145	52.72	
Kurdish lists	Alliance of Kurdistan	2,175,551	25.73	75	27.27	Secular and moderate
	Islamic Group in Kurdistan	60,592	0.72	2	0.72	Kurdish Moderate Islam
	Total	2,236,143	26.45	77	28	
Cross-Sectarian Lists	Iraqi List	1,168,943	13.82	40	14.54	Secular
Sunni Lists	The Iraqis	150,680	1.78	5	1.81	Moderate Sunni
	Reconciliation and Liberation Bloc	30,796	0.36	1	0.36	Pan-Arabic Sunni
	National Democratic Alliance	36,795	0.44	1	0.36	Secular Sunni
	Total	218271	2.58	7	2.54	
Others	People's union	69,920	0.83	2	0.72	Communist party
	Iraqi Turkmen Front	93,480	1.11	3	1.09	Turkmen
	National Rafidain List	36,255	0.43	1	0.36	Christian
	Total	199655	2.37	6	2.18	
Turnout		8,456,266		275		

Source: Independent High Electoral Commission: Available at [https://web.archive.org/web/20081229160418/http://ww2.epic-usa.org/Portals/1/UpdatedElectionResults.pdf]

Appendix 2: Dec 2005 election:

Identity of the Coalition	Coalitions and parties	Votes	Percentages	Seats	+/-	Main Parties and movements
Shia lists	United Iraqi Alliance	5,021,137	41.2	128	46.54	Shia Islamic dominated coalition
	The Upholders of the Message	145,028	1.16	2	0.73	Shia Islamic list
	Total	5,166,165	42.18	130	47.27	
Kurdish lists	Alliance of Kurdistan	2,642,172	21.31	53	19.28	Secular Ethnic coalition
	Kurdistan Islamic Union	157,688	1.27	5	1.81	Moderate Kurdish Islamic behaves ethnically in relation to dominant Arab centre
	Total	2,799,860	22.58	58	21.09	
Cross-sectarian lists	Iraqi list (Secular)	977,325	8	25	9.09	Secular
Sunni lists	Iraqi Accord Front Tawafuq	1,840,216	15.1	44	16	Moderate Sunni coalition
	Iraqi National Dialogue Front	499963	4.1	11	4	Pan-Arabic list
	Reconciliation and liberation bloc	129,847	1.1	3	1.09	Secular and pan Arabic list
	Mithal al-Alusi List	32,245	0.3	1	0.36	Moderate secular
Total		2,502271	20.3	59	21.45	
Others	Turkmen	87,993	0.7	1	0.36	Turkmen
	Rafidain List	47,263	0.4	1	0.36	Christian
	Yazidi Movement	21,908	0.2	1	0.36	Kurdish Yazidi
	Total	157,164	1.3	3	1.09	
Turnout (79.6)		12,396,631		275		

Source: [http://www.ihec.iq/ftpar/regulation2005/finalreport2005.pdf]

Appendix 3: 2010 election result:

Ethnic and sectarian affiliation	Lists	Votes	Vote Percentage	Seat	Seat Percentage	Note
Cross-sectarian coalition	Al-Iraqiya	2,849,612	24.72	91	28	Most Sunni parties joined Secular Shia Ayad Allawi to make one grand coalition
Shia Islamic Lists	State of Law	2,792,083	24.22	89	27.38	Former Prime Minister Nuri Al-Maliki
	National Alliance of Iraq	2,092,066	18.15	70	21.53	Al-Jafari
Total		4,884,149	42.37	159	48.92	
Kurdish Lists	Kurdistan Alliance	1,681,714	14.59	43	13.23	Talabani and Barzani
	Kurdistan Islamic union	243,720	2.12	4	1.23	Moderate Islamist Slahaddin; behave as pan-Kurdish against the centre
	Movement for Change	476,478	4.13	8	2.46	Secular movement separated from the PUK
	Islamic Group of Kurdistan	152,530	1.32	2	0.61	Moderate Islamist Ali Bapir: behave as Pan-Kurdish in the centre
Total for Kurds		2554442	22.16	57	17.53	
Sunni Lists	Unity Alliance of Iraq	306,647	2.66	4	1.23	Nationalist
	Iraqi accord front	298,226	2.59	6	1.84	Moderate Sunni
Total For Sunnis		604,873	5.25	10	3.07	
Minorities		61,153		8	2.46	
Total turnout 62.4		11,526,412		325		50 Seats increased since last election Dec 2005

Source: Independent High Electoral Commission: [http://www.ihec.iq/ar/index.php/result.html]

Appendix 4: Seat allotment according to identity population size in 18 provinces:

Elections	Identity of lists	South provinces (9) (81 seats)	Central provinces (4) 46 seats	North provinces (3) 35 seats	Capital Baghdad 59 seats	Kirkuk disputed province 9 seats	Compensatory seats 45
Dec 2005	Shia lists	70	5	0	35	0	20
	Sunni lists	2	30	0	15	3	9
	Kurdish lists	0	6	35	1	5	11
	Cross-sectarian lists	9	4	0	8	0	4
	Others					1	
2010	Identity of lists	South provinces (9) 119 seats	Central provinces (4) 70 seats	North provinces (3) 41 seats	Capital Baghdad 68 seats	Disputed province Kirkuk 12 seats	Compensatory seats 7
	Shia lists	108	5	0	43	0	2
	Sunni lists	0	9	0	2	0	2
	Kurdish lists	0	9	41	0	6	1
	Cross-sectarian lists	11	47	0	24	6	2
2014	Identity of lists	South provinces (9) 123 seats	Central provinces (4) 72 seats	North provinces (3) 44 seats	Capital Baghdad 69 seats	Disputed province Kirkuk 12 seats	Compensatory seats 0
	Shia lists	121	9	0	49	0	
	Sunni lists	0	43	0	7	2	
	Kurdish lists	0	10	44	0	8	
	Cross-sectarian lists	3	9	0	13	2	

Source: Independent High Electoral Commission: [http://www.ihec.iq/ar/index.php/prevelection.html]

1- Although Bagdad is a Shia dominated province, it is categorised separately because it is a capital.
2- Kirkuk became a Kurdish dominated province after the reversal of the Arabisation policy since 2003. However, it is categorised separately since it is considered a disputed province between the centre and the Kurdistan Region government.

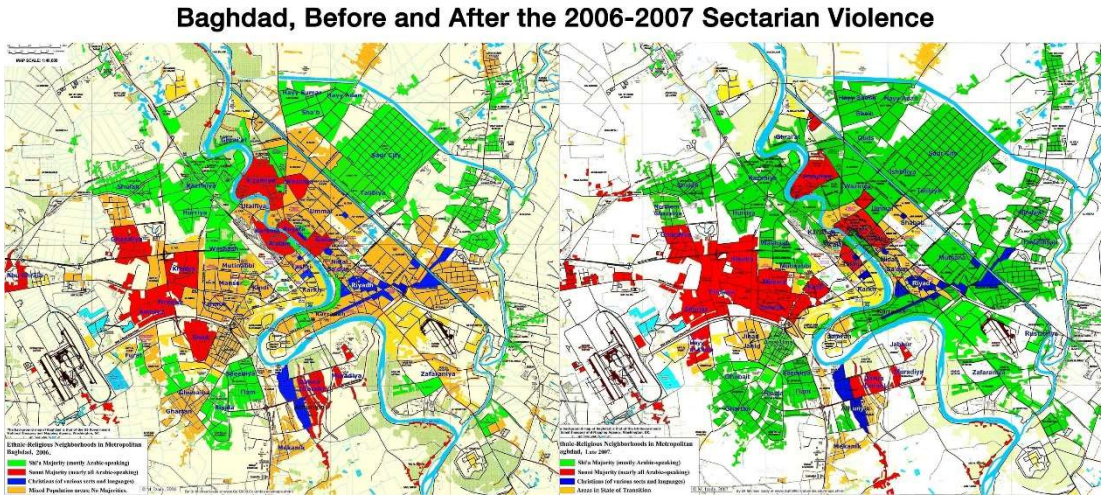
Appendix 5: The percentage and number of lists and seats won by identity groups in four elections:

Elections	Parties and coalitions	Number of Lists	Vote percentage	Seat percentage	Nature of coalition
First Election Jan-2005 One National District Closed party list	Shia Lists	2	49.53	52.72	Shia Islamic Lists
	Kurdish Lists	2	26.45	28	Secular and ethnic
	Sunni Lists	3	2.54	2.54	
	The Iraqi List	1	13.82	14.54	Secular and moderate
	Others	3	2.37	2.18	Turkmen, Christian and Communist Parties
Turnout					
Dec 2005 Election 18 districts closed list	Shia Lists	2	41.67	47.27	
	Kurdish Lists	2	22.58	21.09	
	Sunni Lists	4	20.18	21.45	
	Cross-sectarian List	1	8	9.09	
	Others (minorities)	3	1.03	1.09	Turkmen, Christian and Yezidi
	Turnout 79.6				
2010 18 districts open party list	Shia Lists	2	42.37	48.92	
	Kurdish Lists	4	22.16	17.53	
	Cross-sectarian lists	1	24.72	28	
	Sunni Lists	2	5.24	3.07	
	Others Minorities	-	Reserved Seats	-	Christian, Yezidi Shabak and Turkmen
Turnout 62.4					50 Seats increased since last election
2014 Election 18 districts open party list	Shia Lists	15	46.24	54.87	
	Kurdish Lists	5	20.31	18.90	
	Sunni Lists	10	12.42	15.85	
	Cross-sectarian	3	5.26	7.62	

	Others	5	Reserved seats	3.08	Turkmen, Sabia, Yezidi, Christian and Shabak
Turnout 62					

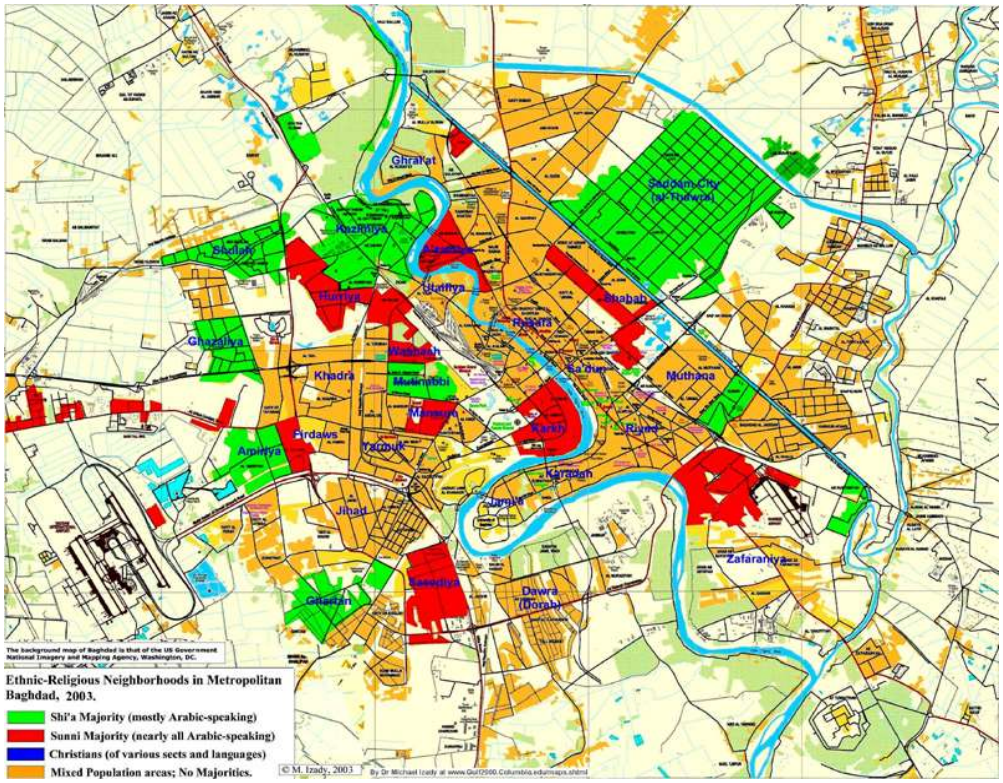
Source: Independent High Electoral Commission: [http://www.ihec.iq/ar/index.php/prevelection.html]

Appendix 6: Baghdad ethnic composition before and after 2006-2007



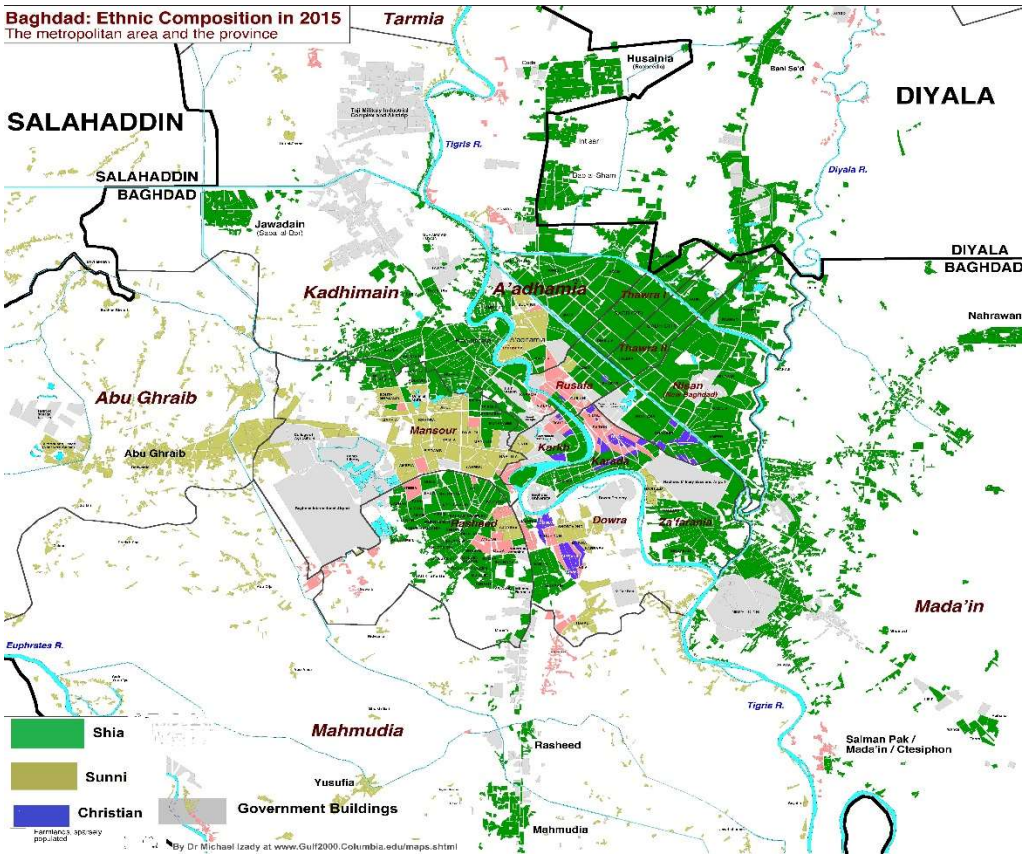
Source: (Gulf2000, 2006, Gulf2000, 2007)

Appendix 7: Ethnic and religious neighbourhood in Baghdad before invasion in 2003



Source: (Gulf2000, 2003)

Appendix 8: Ethnic and sectarian composition after demographic change in 2015



Source: (Gulf2000, 2015)

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