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National Reconciliation in Iraq: A Comparative Study

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About

Al-Bayan Center for Planning and Studies is an independent, nonprofit think tank based in Baghdad, Iraq. Its primary mission is to offer an authentic perspective on public policy issues related to Iraq and the neighboring region. Al-Bayan pursues its vision by conducting autonomous analysis, as well as proposing workable solutions for complex issues that concern academia and policymakers.

**This study was written by Integrity exclusively
for Al-Bayan Center for Planning and Studies**

Introduction by Al-Bayan Center

In countries that have experienced civil wars or transition from authoritarian rule, national reconciliation has been considered a strategic aim to overcome past phases and a starting point towards the construction process.

Every state has its own experience with national reconciliation; however, such experiences do not undermine the importance of some of the key commonalities that contribute to new and future experiences.

Since the start of the national reconciliation process, Iraq adopted an approach aimed at harmony, unity and prevention of ethnic and sectarian divisions. Nevertheless, the inclination to reconciliation does not depend solely on one party but on the real will of all parties. The first element missing in the Iraqi national reconciliation experience is trust, followed by not wanting to give up the social and official positions for some parties involved in the reconciliation process.

The following basic prerequisites are essential for national reconciliation to be practical and effective:

Firstly: firm will for transition of national reconciliation from a mere topic to an actual approach and conduct accompanied by a media campaign for public opinion to understand and accept reconciliation.

Secondly: willingness to mutually waive certain rights and privileges, in order to overcome radicalised complexities or sectarian benefits, sectarianism and nationalism.

Thirdly: efforts to carry out social justice; especially in the phase after the fall of the regime, and create a sense that there is no loser in the national reconciliation process. Yet, the national reconciliation faces real obstacles, including constitutional challenges that require all of us to collectively work to overcome them by amending necessary aspects of the Constitution, given that the approved amendments do not contradict with democracy.

Iraqi national reconciliation also faces the issue of lack of unanimity on the importance of it by the Iraqi parties, even though they all adhere to it publicly. Furthermore, there is an absence of a unified vision for national reconciliation within each component of the Iraqi people.

There is also a need for a comprehensive vision to resolve the problems created by the current political process, especially in the matters of the provinces and

territory management and organising the geographical frameworks that define each province or territory, especially as there are claims from all parties on the so-called disputed areas according to original ethnicity or geography.

But the national reconciliation issue also has to deal with the Iraqi parties that have links to other countries region and the effects of some decisions taking in the region on Iraq, especially as the region supports some of the parties with money, weapons, planning and manpower to perpetuate the conflict in the interests of the parties in the region or in response to an influential international actor over the Middle East.

The Iraqi national reconciliation suffers from the true representation of the entire Iraqi component that could pave way for agreement for the perpetuation of a state of peace, stop the violence and gradually promote the spirit of citizenship and national unity.

Most importantly in all that has been mentioned, the primary target for national reconciliation is administrative corruption; which firstly hinders the balance in all institutions, and secondly, wastes public money and obstructs development projects resulting in an increased unemployment rate, which is known to be one of the fundamental causes of violence in the country.

This is an important study which is possibly the only one of its kind in terms of addressing the matter, the problems that surround it and analysing the phenomena as a result. The comparative section of the paper will be useful to those looking at examples of success and failure in countries that have had communal violence, and ways this can be addressed in Iraq.

This is one of the core matters of interest at Al-Bayan Centre, and the post Daesh scenario is one that occupies many minds in the country, given that national reconciliation has not been achieved since the fall of the previous regime and that the results of Daesh terror have probably made the task harder. This is one of the strategic issues which must be addressed properly if the nation is to advance and prosper, and studies like this aim to give the policymakers and decision makers some well-researched views on how to proceed.

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National Reconciliation in Iraq

A Comparative Study

Introduction

The region where the modern-day Iraq is located today has been home to many diverse cultures and civilisations, all of which have left their mark on Iraq's social fabric. Iraq's modern history has been a complex and frequently fraught with conflict as the country faced successive coups, political upheavals and wars. These conflicts, especially those that took place during the Ba'ath regime under Saddam Hussein and the coalition occupation that took place in 2003, have traumatised the Iraqi society as a whole, causing deep rifts in its many ethnic and religious communities. This paper looks at the history behind Iraq's ethnic and religious tensions and how its communities, as well as the Iraqi society as a whole, have been impacted by decades of conflict and insecurity. This paper then looks toward how to achieve reconciliation and sustainable peace among Iraq's communities by looking at past conflicts of similar nature around the world and how they managed to achieve sustainable peace and reconciliation, with specific reference to Burundi, Northern Ireland and South Africa. This paper's conclusion is that it is possible to heal Iraq's society and mend the relations of its many diverse communities, but it will take a lot of well-coordinated work that is aimed at both at policy-makers and grassroots communities.

The Ethno-Sectarian History of Iraq

The present-day Iraq is a multi-ethnic and multi-religious society, consisting of an Arab population of 75%-80%, a Kurdish population of 15%-20% and other minorities such as Turkmens, Assyrians making up 5% of the population. 99% of the population is Muslim, divided between 60%-65% Shia and 32%-37% Sunni. Christianity makes up 0.8% of the population with other religions represented¹. Sunni Arabs, Shia Arabs and Kurds represent the three largest ethno-sectarian groups in the country, accounting for the majority of the sectarian strife in the country.

1. "CIA Worldbook: Iraq", *Central Intelligence Agency*, <<https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>>, [Accessed: 12-November-2015]

Historically, the hostilities between Shia and Sunni populations in what is now Iraq have been sporadic. Early Ottoman rulers of the country did not openly display enmity to the Shia population who were not opposed to a non-Shia ruler so long as stability was present². Although tolerance between communities ebbed during hostilities between the Ottoman Empire and the Persian Empire, Shia-Sunni communal violence remained rare³. Persecution of other communities such as Kurds, Jews and Christians remained sporadic and dependent on the rulers⁴. During the 19th Century, the weakening Ottoman Empire enacted reforms to centralise the government power in Baghdad and modernise the military. Shia Arab participation in these new institutions was low, leading the emergence of a technocratic and military class that was primarily made of Sunni Arabs⁵.

World War I saw the increased emergence of nationalist sentiments in the country⁶, eventually leading to a rebellion against the Ottoman Empire that was advocated and supported by the British Empire with the promises of independence. The uprising of Armenian and Assyrian Christians in the region saw widespread massacres but the Arab revolts were more organised and had better success. Although the Ottoman Empire was expelled, the promises of independence were not realised, the British and French governments partitioning Iraq and Syria with the Sykes-Picot Agreement and the British occupation of Iraq⁷. The failure for independence to materialise fomented a new wave of resistance, this time against the British occupation. As early as 1918, the British authority found itself challenged by resistance in Najaf and in 1919, Kurds, who had initially welcomed the British, rebelled with the goal of an independent Kurdistan under the leadership of Shaikh Mahmud⁸. The resistance against the occupation brought Sunni and Shia communities together, culminating in a major rebellion in 1920. Although initially united, fractures within the resistance soon occurred: The urban Sunni notables were suspicious of the Shia majority, the Shia Arab population around Basra were unwilling to participate in the rebellion due to economic benefits the British activity brought to the region and Kurds, although vying for independence, did not join the revolt out of suspicion towards Arabs. The rebellion gained the largest momentum in the Shia population of

2. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, p. 51

3. Ibid, pp. 51, 56-57

4. Ibid, pp. 36-37

5. Ibid, pp. 74-76

6. These movements ranged from Pan-Arabist to those emphasizing national unity of Sunni, Shia, Kurds, Jews and Christians.

7. Ibid, pp. 87-88, 90-92.

8. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, pp. 33-34

Najaf and Karbala but without greater coordination, it was suppressed by the British authorities⁹.

Although a failure, the rebellion showed that the British occupation was unsustainable, leading to the installation of Faiṣal al-Awwal ibn al-Ḥusayn ibn Ali al-Hashimi as King in 1921 and the founding of the British Mandate. Aware that he did not have widespread popularity, his subordinate position to the British authority and the fractured nature of the Iraqi society¹⁰, Faisal sought to achieve real independence from the British and integrate Iraq into a unitary structure where the individual communities within would feel their interests were represented¹¹. However, Faisal's attempts at creating a unified Iraqi identity by including Kurds and Shia Arabs were largely unsuccessful: The centralisation of power in Baghdad, the lack of experienced Shia technocrats and the suspicion towards the Shia populace following the rebellion ended up favouring Sunni Arabs and replicating the social order that had been established during the Ottoman era¹². The declaration of formal independence 1932 did not allay these structural imbalances. Although Faisal was aware of the situation, he had no interest in overturning a system that he had built his authority on, leading to a gradual deepening of communal divisions. Efforts to placate the Shia community in the aftermath of riots following the labelling of a Sunni government official of the Shia as traitorous were minimal and the military deployment against Assyrian Christians following the collapse of talks regarding their autonomy were portrayed as great victory for national integrity¹³.

Faisal's son Ghazi took over the throne following his father's death in 1933. Ghazi broadly favoured a Pan-Arabist ideology that brought him closer with the Sunni elites at the expense of relations with Shia, Kurds and other minorities, resulting in periodic eruption of communal violence and tribal unrest over government policies such as conscription or exclusion from government. The suppression of the Shia tribal unrest in the Euphrates and of the Kurdish and Yazidi tribes in the Kurdish region and around Sinjar in 1936 eliminated most of

9. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, pp. 94, 97-99

10. Full Quote: "In Iraq, there is – and I say this with a heart full of sorrow – no Iraqi people but unimaginable masses of human beings, devoid of any patriotic idea, imbued with religious traditions and absurdities, connected by no common tie, giving ear to evil, prone to anarchy, and perpetually ready to rise against any government whatever. Out of these masses, we want to fashion a people which we could train, educate, and refine..."

11. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 47-48

12. *Ibid*, pp. 43-45

13. *Ibid*, pp. 76-78

the direct threat to the government, but not the underlying causes behind it, the subsequent government crackdown on dissent only furthering the divisions¹⁴.

The suppression of ethno-sectarian and tribal rebellions did not stabilise the government which continued to suffer from political strife at the onset of World War II. The most significant of these was the 1941 coup that brought the nationalist politician Rashid Ali al-Gaylani to power and was led by four army generals referred to as the Golden Four. Rashid Ali's goal to use the war to lessen the British influence in Iraq by cooperating with the Axis powers alarmed the British, who staged an intervention in the country to restore the previous government¹⁵. Although the coup was unsuccessful, it reinforced the public sentiment that the Army was a protector of Nationalist interest. The use of Assyrian Christian levies by the British and the on-going anti-Zionist sentiment stemming from the British Mandatory of Palestine resulted with widespread attacks against the Assyrian and Jewish communities in Iraq by nationalists who labelled them a British fifth column¹⁶.

The monarchy would go on to collapse in 1958 in a coup organised by General Abd Al-Karim Qasim. Qasim sought to emphasize the secular and united nature of Iraq over ethno-sectarian divisions, coming from a background that was part Sunni, part Shia and part Kurdish¹⁷. Although significant political rights were granted at the start of his regime, these gradually eroded as Qasim cracked down on dissent. Qasim's policies towards the Kurdish KDP¹⁸, while conciliatory in tone, did not guarantee the rights Kurds were negotiating for, leading to a re-escalation of violence by 1961^{19,20}. The KDP reached out to the pan-Arabist Ba'ath Party who were unhappy about how Qasim's foreign policy had isolated Iraq and staged a coup in 1963 that removed Qasim from power and led to widespread purge and killings members and supporters of the ICP²¹ that Qasim had co-opted into his regime. The new government led by Abd al-Salam Arif²²

14. Ibid, pp. 80-82, 84-85

15. Ibid, pp. 97-103

16. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, pp. 108-109, 112-113

17. Ibid, pp. 118-120

18. Kurdish Democratic Party

19. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, pp. 156-157

20. On a non-ethno-sectarian basis, this period also saw an escalation of hostilities between Iran and Iraq over border disputes, which prompted Iran to provide the Kurdish forces with weapons. Although minimal, this would provide a precedence for the future.

21. Iraqi Communist Party

22. Arif had risen to power alongside Qasim during during the coup that deposed the monarch but was

begun a new round of negotiations with the Kurds but were unwilling to provide the concessions the Kurds demanded and violence re-escalated²³.

Upon coming to power, Arif sought to consolidate his hold by promoting patronage to prevent a coup from deposing him, just as he had used one to come to power. He purged the Ba'ath Party from cliques that could threaten him or did not adhere to Pan-Arabism and established the Iraqi Republican Guards that were drawn from his own tribe of al-Jumailat around al-Ramadi²⁴. The purges indirectly consolidated the Sunni Arab presence and identity, as those with sufficient tribal or sectarian connections were able to avoid the worst treatment²⁵.

Abd al-Salam Arif's unexpected death highlighted the weakness of the patronage system, his successor and brother Abd al-Rahman unable to take effective control of the patronages already established. His decision to offer a programme that refers to the bi-national character of the country, Arab and Kurd, witnessed a backlash from military officers and the country's Sunni and Shia clergy respectively. Also, along with what has been mentioned, the on-going low-level communist presence in the southern parts of the country resulted with²⁶ the Ba'ath Party being able to take advantage of the situation, staging a coup in 1968, bringing General Ahmed Hassan al-Bakr and, later in 1979, Saddam Hussein to power, suppressing political dissent and continuing the system of patronages that favoured tribal connections that invariably favoured the Sunni-Arab tribes from north-west Iraq while promoting a broadly pan-Arabist ideology that was suspicious of Shias and Kurds²⁷.

The results of this makeup were evident. Although the Ba'ath government appointed representatives of the KDP (Led by Mustafa Barzani) to the government, their attempts at triggering Kurdish factionalism resulted with the resignations of these representatives and resumption of armed conflict around Kirkuk that brought oil production to halt. Negotiations subsequently continued but by 1971, although a degree of autonomy was granted, key issues such as oil, finance and defence were out of bounds. The government's programs to move Arab families subsequently purged

23. Ibid, pp. 159-165.

24. Ibid, pp. 169-170

25. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, pp. 127

26. Due to Abd al-Salam Arif's efforts to portray himself as a pious Muslim and his inability to reign in on the clergy, the influence of both Sunni and Shia religious organisations had been growing over the years, undeterred by the banning of the cross-sectarian Islamic Party (al-Hizb al-Islami)

27. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 189-191

to Kirkuk in an attempt to change the demographics of the city and repeated assassination attempts on Barzani kept the KDP mistrustful of the government, prompting them to re-open communications with Iran in anticipation of further conflict (whose relations with Iraq had worsened during the same period)^{28,29}, especially in 1971, when government expelled 40,000 Faili (Shia) Kurds as part of its crackdown on the Shia community taking place around the same time. The KDP also began to receive subsidies from the United States that was growing increasingly concerned by Iraq's closeness to the Soviet Union, leading to regular and emboldened clashes against the Iraqi government by the end of 1972³⁰. However, neither Iran on Iraq were keen on further escalation and in 1975, Iran agreed to stop its support for the KDP in return for a resolution of its border dispute with Iraq. The KDP lines quickly collapsed, with a number of fighters accepting amnesty and many refugees including Barzani fleeing to Iran. The Iraqi government would go on to follow its original plan for limited autonomy with an assembly in Erbil and relocating Kurdish communities away from the Turkish-Iranian border, rehousing most of them among Shia Arab population while encouraging poorer Sunni Arab families to move into the Kurdish region. The patronage network was extended to key Kurdish groups and individuals to ensure compliance³¹.

For the Shia population of Iraq already experiencing a religious revival over the past years³², the secular socialist trappings of the state its domination by tribal identities from the Sunni-Arab north-west presented a worrying sign that was realised when, in 1969, the government tried to have the senior Shia *mujtahid* Ayatollah Muhsin al-Hakim to condemn the Iranian government in its on-going border dispute with Iraq. Al-Hakim's refusal led to a series of measures that curbed the Shia hierarchy in Iraq, expelled or arrested religious students from Iran and closed down the Kufa University at Najaf in the name of countering the "Iranian threat"³³. A number of Sunni religious institutions and figures came to the aid of the Shia but the protest movement was still focused in the predominantly Shia parts of Iraq. The Sunni support of the Shia protesters nevertheless led to a blanket suppression of all Islamic institutions by the government who feared

28. Ibid, pp. 192, 193

29. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, pp. 133

30. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, p. 203

31. Ibid, pp. 204-206

32. Initially, a lot of this revival was in response to the Iraqi Communist Party and the widespread power and appeal that the communists were perceived to have under the Qasim government.

33. Ibid, pp. 194-195

a united Islamic front. Aware that an underground resistance was still active, the Ba'ath government then tried to undermine and divide the Shia solidarity by extending the patronage system to a number of Shia tribes, families and individuals just as they had done the same with the Kurdish population³⁴.

The Islamic revolution in Iran in 1979 would go on to have significant impacts on the Kurds and Shia of Iraq. Although the Iraqi government was quick to recognise the revolutionary government, the religious Shia character it had was of concern to Saddam Hussein. These concerns were seemingly validated when the new Iranian government called for the Shia of Iraq to overthrow the "Atheist government" of Iraq and the Shia underground al-Da'wa organisation staged a number of attacks against figures and symbols associated with the Ba'ath government. The resultant crackdown led to widespread protests in Najaf, Karbala, Kufa and parts of Baghdad led by Ayatollah Sayyid Muhammad Baqir al-Sadr. The government responded with further repression where al-Sadr, his sister and a number of popular Shia figures were arrested and executed, alongside a number of Sunni *'ulama* that had sided with the Shia protesters over common Islamic goals³⁵. Following the outbreak of the Iran-Iraq War³⁶, the Iraqi government compounded its efforts to divide its Shia population through class³⁷ and race³⁸ while extending patronages to Shia officers who displayed competence and loyalty. At the same time, Shia labelled "Iranian" were expelled from the country, the ultimate goal to render those not targeted by the regime complicit in the acts against those who were targeted and linking survival and affluence with support of the regime³⁹.

For most of the war, the Kurdish region had remained quiet, with the KDP expelled and order kept by Kurdish patrons and the government. The PUK⁴⁰ and the KDP were divided and the PUK were involved with in negotiations the Iraqi

34. Ibid, pp. 196-197.

35. Hala Fattah, Frank Caso, A Brief History of Iraq, New York, Checkmark Books, 2009, pp. 210-11, 217-218

36. Saddam Hussein saw the weakening on Iran following the revolution as an opportunity to renege on the 1975 treaty where Iran had forced Iraq to concede territory on their border dispute in return for the cessation of Iranian funding for the Kurdish rebels. The sectarian threat represented by revolutionary Iran also acted as a motivation for Saddam.

37. Rural, urban professional and urban poor Shia tended to have different levels of piety and wealth and adhered to different customs and kinships

38. There was a concerted effort to differentiate between Arabian Shia and Persian Shia, emphasizing the Arab character of Iraq and the "otherness" of the Persian identity.

39. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, pp. 234-235

40. Patriotic Union of Kurdistan, led by Jalal Talabani

government on issues of autonomy, although Saddam Hussein was not keen to grant any concessions to the Kurds and were using the negotiations as a tactic to divide the Kurdish factions⁴¹. By 1985, this had become apparent and the PUK began reconciling with the KDP with the help of Iran who wanted to use the Kurds to compensate for their stalled military counter-offensive against Iraq. Aware of a worsening security situation and having been modernising Iraq's military capabilities to hold the Iranians back more effectively; Saddam Hussein appointed Ali Hasan al-Majid to engage in the al-Anfal Campaign in 1987. The campaign started with mostly military operations but by 1988, when it was clear that no major Iranian offensive would happen, turned into a campaign of ethnic cleansing, destroying numerous towns and villages in Kurdistan, resettling or exterminating their inhabitants and using chemical weapons, the most significant of which was the town of Halabja where the Iranian forces intervened against the Iraqi actions. The campaign left the Kurds that had accepted patronages relatively untouched, forcing the PUK and KDP to retreat to Iran and Turkey⁴².

Saddam's miscalculated invasion of Kuwait in 1990 and the subsequent military defeat at the hands of the coalition led to another wave of ethno-sectarian uprisings by Shia and Kurdish factions that saw Saddam's weakened power and US President George Bush's calls for uprising as an opportunity. Despite its initial momentum, the Shia uprising was heavily factionalised and could not present a unified leadership. This, in conjunction with lack of material support by the US government allowed the Iraqi army to gain superiority during the conflict. In an attempt to transform the conflict to an uprising against Saddam's government to a sectarian conflict, the government encouraged to carry articles attacking Shia Islam, tanks were painted with anti-Shia slogans and the sanctity of Shia shrines in Najaf and Karbala was violated⁴³. The government would go on to destroy the marshlands where many (Shia) marsh Arabs lived and members of uprisings often sought sanctuary in, leading to an ecological disaster in the process. Ultimately, 20,000 to 100,000 people were killed. The Shia resistance would simmer underground, mainly in the form of the Da'wa Party which gained prominence in the post-2003 years and the SCIRI⁴⁴ that followed a Khomeinist ideology⁴⁵.

41. Ibid, p. 235

42. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, pp. 141-142

43. Ibid, p. 148

44. Supreme Council of the Islamic Revolution of Iraq

45. Hala Fattah, Frank Caso, A Brief History of Iraq, New York, Checkmark Books, 2009, pp. 232, 239-240

In the Kurdish region, the PUK and KDP were able to unite in their uprising and were even joined by the *jahsh*, Kurdish patrons of Saddam's government. Despite their initial successes, the government's suppression of the uprising in the southern Shia regions and the recapture of Kirkuk brought fears of a repeat of the al-Anfal campaign, leading to a mass exodus of Kurdish refugees and the collapse of the Kurdish lines⁴⁶. Unlike the south, conflict in the Kurdish region was well-publicised, leading to the imposition the Washington Agreement⁴⁷ and the establishment of a no-fly zone for the Iraqi government, effectively ensuring de-facto autonomy for the Kurdish region. However, infighting between the KDP and PUK would soon re-emerge, leading to a period of low-intensity conflicts through the 1990s⁴⁸.

Over the 1990s, Saddam's government would tighten its control over the country. Although some Shia politicians were given positions in the government, most of these were symbolic and devoid of any real power. Power continued to be based on tribal networks and patronages, focusing mainly in Saddam's al-Majid tribe but shuffled regularly among other regional (and mainly Sunni) tribes to ensure no stable resistance would emerge. As a result of the embargos, what little luxury and medical goods also congregated along those lines, leaving the rest of the population⁴⁹ disproportionately impacted by the embargo imposed upon Iraq⁵⁰.

The removal of Saddam Hussein from power in 2003 elicited mixed reactions from various groups and communities of Iraq. Many of the Shia and Kurdish and even some of the Sunni populace supported Saddam's removal but entrenched communal divisions in the aftermath of years of war and dictatorship left all sides suspicious of each other as well as of the Coalition.

From its inception, the Coalition Provisional Authority had a simplistic understanding of Iraqi society, essentially dividing it into three antagonistic communities and formed its policies around such perception that would entrench, rather than dampen ethno-sectarian divisions. Although ethno-sectarian tensions

46. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, p. 248

47. The agreement also acknowledged the aspirations of smaller minorities such as Turkmen, Assyrians, Yazidis, Chaldeans, Christian Arabs, effectively giving them an equal footing with the Kurds.

48. *Ibid* p. 248, 258

49. Due to their de-facto autonomy, the Kurdish region had developed other means to procure or otherwise smuggle goods, leaving them more resilient to the embargo.

50. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, pp. 149-152

can be found throughout Iraq's history, the CPA's appointment of the Iraqi Governing Council under the auspices of Paul Bremer on ethno-sectarian lines represented the first time in modern Iraqi history where these identities were prioritised above the national identity on an institutional level and would go on to provide further precedent down the line⁵¹.

To the CPA's surprise, Ba'athist resistance on the onset of the invasion did not materialise, even around Saddam's home town, Tikrit. However, tensions were high among the Sunni Arab population on what the new regime would mean for them, especially in light of the Coalition's main allies being Kurdish Nationalists in the north and parties led by Shia clerics in the south. This sentiment was seemingly validated by the Coalition's inability to restore order following Saddam's fall, which led to widespread looting (including that of weapons and military equipment) and culminated when Bremer commenced the policy of De-Ba'athification which put about 300,000 members of Iraq's armed forces and about 30,000 government workers and administrators out of work, creating further resentment⁵². A violent altercation between US soldiers and protesters in Fallujah (which was hit hard by De-Ba'athification) in April 2004 acted as a catalyst for a Sunni insurgency that quickly spread across other Sunni cities⁵³. 2004 also saw the emergence of a Shia insurgency, particularly among the groups associated with the cleric Muqtada al-Sadr whose supporters, mainly urban poor, were hit hard by CPA policies such as cutting subsidies and laying off labourers of inefficient state enterprises as part of the economic liberalisation plans for Iraq⁵⁴. As a whole, only the Kurdish region remained free of insurgencies during this period.

It was in this environment that power was handed over from Bremer to the interim government of secular nationalist and ex-Ba'athist Ayad Allawi in June 2004 who replicated the ethno-sectarian representation that was established during the IGC by appointing a Sunni tribal (Shammar) sheikh as head of state and having a Kurdish and Shia vice president. Allawi took efforts to tackle violence, reversing some of the De-Ba'athification policies and encouraging growth of military and paramilitary organisations to confront the insurgents head-on. In Najaf, the Sadrist insurgents managed to negotiate an end to hostilities, but in this was not the case in Falluja, the military bombardments leading to widespread

51. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, p. 164

52. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, pp. 281-283

53. Hala Fattah, Frank Caso, A Brief History of Iraq, New York, Checkmark Books, 2009, pp. 255-256

54. Thabit Abdullah, A Short History of Iraq, London, Longman, 2011, p. 165

displacement of civilians and deaths without tangible victories against the insurgents. The presence of Kurdish and Shia troops further galvanised the Sunnis who felt they were being persecuted, culminating in withdrawal of the Sunni Iraqi Islamic Party from the Allawi government and boycott the upcoming elections of January 2005⁵⁵.

Despite the boycott by the majority of the Sunni populace, the January 2005 elections went ahead, the winners being the United Iraqi Alliance made up from Shia Islamist al-Da'wa and SCIRI parties followed by Democratic Patriotic Alliance of Kurdistan (Union of PUK and KDP) and Allawi's secular Iraqi list respectively, with the Sunni population virtually unrepresented. The Prime Minister was Ibrahim al-Ja'fari of the al-Da'wa Party with a Shia, a Sunni, and a Kurd vice-Prime Minister with a number of ministers from Kurdish, Shia and Sunni representations. The new power structure favoured the Shia and Kurdish ministers who sought to consolidate their positions, engaging in the same patterns on patronage that had defined the previous era, dividing the Sunni community, leading to growing violence⁵⁶. This was exacerbated by the drafting of a new constitution that emphasized the federal nature of Iraq against the wishes of the Sunni, some Shia Islamists⁵⁷, secularists and nationalists. The constitution was also inconsistent regarding the religious and ethnic nature of Iraq and was viewed by many as a crucially incomplete document⁵⁸. The approval of the constitution allowed for a new general election in December 2005 that saw the participation of Sunni parties and Sadrist, resulting in another United Iraqi Alliance victory with Nuri al-Maliki of al-Da'wa as Prime Minister. The party, however, had less seats and had to form a coalition government, leaving al-Maliki constrained and competing for influence⁵⁹.

The continued insecurity and the on-going communal mistrust between Shia and Sunni Arabs turned the insurgency in an increasingly sectarian direction which extremist groups like al-Qaeda managed to take advantage of, the leader of the Iraq branch, Abu Musab al-Zarqawi declaring Shia to be non-Muslims⁶⁰ and starting a string of attacks against Shia sites and civilians, most notably

55. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 293-295

56. *Ibid*, pp. 297-298

57. Al-Da'wa and Sadrists were opposed to federalisation, SCIRI was in support of it

58. *Ibid*, pp. 300-301

59. *Ibid*, pp. 303

60. "[Shi'ism is] a religion that does not meet Islam...[Its followers] were, throughout history, a twing in the throat of the people of Islam, a dagger that strikes in the back of the cavity that destroys the structure and the bridge over which the enemies of Islam pass."

the bombing of the Askari Shrine in Samarra on February 2006⁶¹. Some armed groups retaliated by attacking Sunni sites and civilians in turn, leading to a period of intense sectarian conflict and sectarian cleaning in many mixed parts of Iraq, resulting in as many as 3000 deaths every month at the height of the conflict in late 2006⁶². The system of patronages and paramilitaries Allawi established had continued during al-Maliki's tenure, and with the increase in sectarian killings the lines were blurred between local fighters and those with government backing⁶³.

The violence began to ebb by mid-2008, owing to a number of factors such as al-Maliki making moves towards a more inclusive national unity government, the "surge" of US troops to improve security across the country, easing of the de-Ba'athification policies that saw a number of army officers recommissioned and the "Anbar Awakening" where a number of Sunni tribes rose up against al-Qaida in Iraq and moved towards ending the insurgency⁶⁴.

The cessation of violence and the improved security conditions have led to period of calm and relative stability across Iraq. Polls conducted by October 2008 suggested that the Iraqi identity remained relatively strong across the country and that the ethno-sectarian blocs that have dominated the political scene were loosening up. Although tensions remained elevated between communities as well as issues such as Kurdish autonomy, the municipal elections of 2009 suggested that voting patterns were gradually sliding from ethno-sectarian to ideological. It was under this mood of relative stability that the United States began the withdrawal process that would be completed in December 2011⁶⁵.

The tribes that participated in the Anbar Awakening had been promised greater integration into the Baghdad government and jobs to ensure financial security. However, most of the government in Baghdad still distrusted the tribes due to their role during the insurgency prior to the awakening and due to the fact that they were still armed and technically independent from Baghdad. Under pressure from other political factions against giving Sunni tribes more power, the previous government began to promote certain people close to it and removed or arrested others who were too critical of its policies, including those involved in terrorist crimes or accused of them. With some of the tribes feeling the

61. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, pp. 170-172

62. *Ibid*, p. 171

63. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, p. 308

64. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, p. 172

65. *Ibid*, pp. 173-175

government neglected the promises it made to them these moves were perceived as a calculated move directed at an entire sect and was aimed at removing political rivals⁶⁶. Over the following weeks, protests had emerged in most major Sunni provinces, starting with Ramadi where the camp was dubbed “Peace and Dignity Square”. The protests, while generally peaceful, were increasingly organised by groups that had insurgent or neo-Ba’athist credentials, most prominently JRTN⁶⁷ and GMCIR⁶⁸ and contained themes relating to Sunni power and identity and was infused with old Ba’athist symbols. The movement managed to achieve limited success with the release of 3000 prisoners and softening of the de-Ba’athification process⁶⁹ but the movement’s demands for total de-Ba’athification and abolishment of the death penalty for charges of terrorism were considered unrealistic and attendance began to taper off. Despite the low threat these protests represented, the government was quick to denounce leading to differences in political and religious opinions on the legitimacy of the protests⁷⁰. However, the protests were re-energised when a local soldier was killed by gunmen in a JRTN-linked protest camp in Hawija. Government forces quickly escalated, leading to the deaths 20 protestors and wounding a number of others. The protest movement was re-energised and became organised. Although negotiations took place and some progress was made, the government’s efforts to shut down the protests sites, sometimes violently, led to growing mobilisation of armed groups around the country. An ISIS (formerly known as al-Qaeda in Iraq and operating mainly in Syria at the time) attack on a SWAT squad further increased the tensions, leading al-Maliki to brand the protesters as al-Qaeda supporters, arresting members of the parliament sympathetic to the movement and using more force to shut down the protests⁷¹. Aware of the rising tensions, al-Maliki promised the withdrawal of Iraqi armed forces from Ramadi but the security vacuum was taken advantage of by ISIS which captured the city and declared it a part of their Islamic Caliphate⁷².

Organisations such as JRTN, GMCIR and other, smaller groups were quick

66. Sinan Adnan & Aaron Reese, “Beyond the Islamic State: The Sunni Insurgency in Iraq”, Institute for the Study of War, Report 24, (October 2014), p. 10

67. Jaysh Rijal al-Tariqah al-Naqshabandia

68. The General Military Council of Iraqi Revolutionaries

69. In turn, al-Maliki wanted the Ba’ath Party banned as a way to protect himself against criticism from Shia groups for such a concession

70. Kirk H. Sowell, “Maliki’s Anbar Blunder”, Foreign Policy Magazine, 15-January-2014, <<http://foreignpolicy.com/2014/01/15/malikis-anbar-blunder/>>, [Accessed, 24-November-2015]

71. Ibid

72. Sinan Adnan & Aaron Reese, “Beyond the Islamic State: The Sunni Insurgency in Iraq”, Institute for the Study of War, Report 24, (October 2014), pp. 11-12

to rally around ISIS's success, often portraying themselves as equal partners in a "revolution" that has been taking place and would be joined by a number of tribes from the Anbar region⁷³ as they went on the offensive in 2014, taking over Fallujah and Mosul, taking advantage of popular uprisings against Iraqi military units in these regions and instituting a strict interpretation of sharia law in these regions and performing brutal tactics against any group that did not convert, primarily targeting Christians, Shia Arabs, Yazidis and Kurds⁷⁴. The neo-Ba'athist insurgent groups that rallied around ISIS continued to remain relevant, trying to reconcile ISIS's repressive policies with their own pan-Arabist or pan-Iraqi ideology or simply their own brand of fundamentalist Islam⁷⁵. Although a number of ex-Ba'athists such as Izzat Ibrahim al-Douri, Saddam's Vice President, became known among ISIS' leading figures, most ex-Ba'athists and insurgent groups that did not adhere to ISIS' policies were eliminated⁷⁶.

Late 2014 and early 2015 saw a number of offensives by ISIS against Kurdish and Shia held territories of Iraq. The crisis resulted with a mass mobilisation of Kurdish and Iraqi Army Units as well as the Hashd al-Shaabi and Sunni tribes that did not support ISIS. Although the counteroffensive against ISIS had a number of successes, such as the capture of the Baiji oil-fields, Saddam's hometown Tikrit, Sinjar (which had witnessed massacres against the Yazidi people) and an ongoing battle in Ramadi, hostilities have flared up⁷⁷ between Kurdish and Shia forces despite common goals, and accusations of discrimination by the Turkmen minority against Kurdish fighters⁷⁸ show that defeating ISIS on its own will not present an end to the ethno-sectarian challenges Iraq faces.

73. "ISIL Wins Support from Iraq's Sunni Tribes", Al-Jazeera English, 4-June-2015 < <http://www.aljazeera.com/news/2015/06/sunni-sheiks-pledge-allegiance-isil-iraq-anbar-150604074642668.html>> , [Accessed, 24-November-2015]

74. Patrick Cockburn, *The Rise of the Islamic State: ISIS and the New Sunni Revolution*, London, Verso, 2015, pp. 28-29

75. Sinan Adnan & Aaron Reese, "Beyond the Islamic State: The Sunni Insurgency in Iraq", Institute for the Study of War, Report 24, (October 2014), pp. 15-24

76. Maggie Flick and Ahmed Rashid, "ISIS Rounds Up ex-Ba'athists to Eliminate Rivals", al-Arabiya, 8-July-2014, < <http://english.alarabiya.net/en/News/2014/07/08/Islamic-State-rounds-up-ex-Baathists-to-eliminate-potential-rivals-in-Iraq-s-Mosul.html>> , [Accessed 24-November-2015]

77. "Clashes Between Iraqi Kurds and Shiite Fighters Kill Seven", al-Arabiya, 13-November-2015, < <http://english.alarabiya.net/en/News/middle-east/2015/11/13/Clashes-between-Iraqi-Kurd-Shiite-fighters-kill-seven.html>> , [Accessed 24-November-2015]

78. "Iraqi Turkmen: Kurdish Suppression Threatening City of Tuz Khormato", Underrepresented Nations and Peoples Organisation, 23-November-2015, <<http://unpo.org/article/18738>> , [Accessed 24-November-2015]

Present Issues, Challenges

As a result of this long and complex history and the post-2003 events in particular, Iraq suffers from many issues and faces many challenges that directly or indirectly feed into the ethno-sectarian divisions in the country. This section will examine the challenges faced by Iraq's three broad ethnic and religious groups – Kurds, Shia Arabs and Sunni Arabs – as well as challenges that are faced by broad sections of the Iraqi society that contribute to ethno-sectarian tensions between these groups and Iraq's many, smaller minorities.

Issues Impacting the Iraqi Society As a Whole

Underdevelopment of Services and the deterioration of infrastructure and services across the country: The Ba'ath Party's efforts to consolidate its authority resulted in low standard of living, the escalation of political repression, and the lack of health care, employment, and education, as well as the long-standing dispute over the Iran-Iraq war, which had a significant impact on the Iraqi society as a whole, in addition to the debt that has accumulated as a result of falling prices oil in that period, which led to the stagnation of the Iraqi economy. Then the situation worsened during the Gulf War of 1991 during which a month of coalition bombardment destroyed most of Iraq's infrastructure, leaving what remained to gradually decay over the 13 years of sanctions⁷⁹. Although the sanctions did not directly target food or medicine, the limitations on the means to produce medicine, food or clean water or provide electricity⁸⁰ that could also be used to produce weapons still caused Iraqi infrastructure to decline, resulting in drastically higher infant mortality rates, lower literacy, brain drain, loss of access to clean water and electricity and return of diseases such as cholera and diphtheria that had been eliminated decades prior^{81,82}. The breakdown of order following the fall of Saddam in 2003 further contributed to this, seeing the mass looting or destruction of public infrastructure and facilities. This, in conjunction with the loss of professional and experienced administrators following the implementation of de-Ba'athification policies left Iraq facing severe developmental challenges.

Despite \$27 billion pledged towards reconstruction⁸³ and the removal of

79. Thabit Abdullah, *A Short History of Iraq*, London, Longman, 2011, p. 147

80. Eg: fertiliser, chlorine and similar chemicals, rubber, industrial equipment and so on.

81. *Ibid*, pp. 149-150

82. Hala Fattah, Frank Caso, *A Brief History of Iraq*, New York, Checkmark Books, 2009, pp. 233-237

83. \$22 billion by United States and \$5 billion by the international community

sanctions that has enabled oil sales, reconstruction has been slow⁸⁴. For instance, by 2006, the reliability of Iraq's electricity grid and access to potable water still remained behind pre-war levels⁸⁵. Corruption, sabotage, insurgency and the lack of security as well as the coalition's initial underestimation of the infrastructure problems were all contributing factors to the situation⁸⁶. Efforts to improve the conditions have been slow and uneven and this, in conjunction with the lack of improvements to the security situation, has resulted with the gradual loss of Iraqi professionals⁸⁷ that damage potential for future reconstruction⁸⁸. As of 2015, infrastructure remains a problem in Iraq. Flooding during winters due to inadequate drainage has become an annual phenomenon across the country⁸⁹ and the summer of 2015 saw widespread protests across major Iraqi cities over failure to deliver electricity and clean water⁹⁰. The failure of the Iraqi government to improve services has given extremist groups such as the Islamic State the means of attracting supporters with the promise of security and improvements to public services⁹¹.

Corruption: Today, Iraq ranks 170th out of 175 countries in the Corruption Perception Index, with %56 of the population reporting to paying bribes in 2010 to access services or opportunities and the parliament, police, political parties, civil servants and the judiciary all viewed as very corrupt⁹². The origins of this situation lies with the outcome of the patronage system Saddam implemented to retain power in conjunction with the shortages suffered during the 1990s due to sanctions that fostered a culture of self-interest that encouraged corrupt practices. Despite a pledge towards good governance policies, the coalition's

84. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 289

85. Lionel Beehner, "Iraq's Faltering Infrastructure", Council on Foreign Relations, 22-June-2006, <<http://www.cfr.org/iraq/iraqs-faltering-infrastructure/p10971>>, [Accessed 26-November-2015]

86. Ibid.

87. Eg: doctors, school teachers, university professors, scientists, administrators and so on...

88. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, p. 288

89. Wassim Basseem, "Corruption, 'Ghost Contractors' sink Baghdad After Rains", *Al-Monitor*, 12-December-2014, <<http://www.al-monitor.com/pulse/originals/2014/12/iraq-rainfall-floods-infrastructure-corruption.html>>, [26-November-2015]

90. Ibrahim Al-Marashi, "Endless Battle: Fighting Systemic Corruption in Iraq", *Al-Jazeera English*, 11-August-2015, <<http://www.aljazeera.com/indepth/opinion/2015/08/endless-battle-fighting-systemic-corruption-iraq-150811084000991.html>>, [26-November-2015]

91. Nour Malas, "Iraqi City Mosul Transformed A Year After Islamic State Capture", *The Wall Street Journal*, 9-June-2015, <<http://www.wsj.com/articles/iraqi-city-of-mosul-transformed-a-year-after-islamic-state-capture-1433888626>>, [26-November-2015]

92. "Country Profile: Iraq", Transparency International, <https://www.transparency.org/country/#IRQ_DataResearch>, [Accessed 26-November-2015]

lack of familiarity of the Iraqi system and the resultant weak implementation of institutions, the influx of oil and aid money and the growing sectarian politics all incentivised a system that rewarded political connections over actual merit⁹³. Although this process started as early as the Coalition Provisional Authority but became entrenched following the election of the first legitimate government. This period saw the institutionalisation of the sectarian and political quota system instead of relying on capable individuals to fill posts and many officials including ministers were appointed as part of a quota or political agreement which led to an increase in the patronage networks and purchasing of loyalties⁹⁴.

The endemic corruption and the continuation of patronage politics had widespread impacts on Iraq's post-war reconstruction efforts that serious implication on not only its development but also its security. Widespread nepotism and cronyism has resulted with inexperienced military officials taking command posts and taking advantage of the corrupt procurement processes to use the funding meant for troops and equipment for their own ends while providing substandard equipment⁹⁵ and inflating the number of soldiers working as well as selling arms and equipment in the black market that has contributed to the rise of the Islamic State and other insurgent groups⁹⁶. Politics has also been subject to cronyism that is often sectarian in nature, where politicians have been appointed and removed not on the basis of merit, resulting with government officials unable or unwilling to resolve the endemic development problems Iraq is suffering⁹⁷. The security impact of the political corruption is best highlighted with the protests that started following the removal of Sunni finance minister Rafi al-Issawi⁹⁸ on December 2012 perceived as a calculated move that was aimed at removing political rivals⁹⁹. The subsequent protests and deteriorating security position gave insurgent groups such as the Islamic state the vacuum they needed to establish their presence in Iraq. The endemic corruption and rampant bribery also discourages efficiency and hard work, contributing to the brain drain that

93. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 290-291

94. *Ibid*, pp. 297-298

95. Sajad Jiyad, "Iraq At the Crossroads", 9-February-2015, <<https://sjiyad.wordpress.com/2015/02/09/iraq-at-the-crossroads/>>, [Accessed 30-November-2015]

96. "Iraq: Overview of Corruption and Anti-Corruption", Anti-Corruption Resource Centre, No: 2015:3, 20-March-2015, pp. 4-5

97. *Ibid*, p. 4

98. Issavi was not just a Sunni but a native of Anbar and had been working with the government towards reconciliation with the tribes

99. Sinan Adnan & Aaron Reese, "Beyond the Islamic State: The Sunni Insurgency in Iraq", Institute for the Study of War, Report 24, (October 2014), p. 10

hampers future Iraqi development. In addition, the loss of funding to corruption at a time when the Iraqi government is already cash-strapped due to falling oil prices limits the government's ability to fight back insurgent groups and provide reconstruction in the regions that have been devastated by fighting¹⁰⁰. Although Prime Minister al-Abadi has pledged to reduce corruption that has led to the IS advance as well as widespread protests during the summer of 2015 over disruption of utilities, he faces significant challenges over the nature of the reforms he is proposing¹⁰¹.

The Concerns Surrounding the Constitution: The coalition invasion in 2003 has led to the unilateral annulment to the constitution that had been in place since the 1970s. The new constitution was formed in a secretive environment under the auspices of Paul Bremer by a team that had little familiarity with the Iraqi politics or society at large and no constitutional expertise¹⁰². In addition, the document was commissioned and formed in a very short period of time under the requirement of the coalition authorities who wanted to make a quick transition to democracy to justify an exit. Although the constitution passed and was implemented following a referendum in 2005, the emphasis on federalism and the perception that Shia and Kurdish groups had disproportionate influence on the making of the constitution (including the assassination of two Sunni members of the drafting board) resulted with allegations of vote rigging and widespread boycotts by the Sunni and secular parts of the society¹⁰³.

Due the conditions under which it was written, the resulting document was fraught with language that emphasized ethno-sectarian divisions rather than "stitching diverse communities to something resembling a unified state"¹⁰⁴ and contained a number of contradictions and ambiguities that would impact Iraqi politics for years to come. These issues can be summarised as follows:

100. Keith Johnson, "Iraq Wants to Fight the Islamic State. It has to Fight Falling Oil Prices First", Foreign Policy Magazine, 29-January-2015, < <http://foreignpolicy.com/2015/01/29/iraq-wants-to-fight-the-islamic-state-it-has-to-fight-falling-oil-prices-first-abadi-isis/>>, [Accessed 30-November-2015]

101. Loveday Morris and Mustafa Salim, "Iraqi Leader wins backing for reforms but walks a dangerous line", The Washington Post, 11-August-2015, < https://www.washingtonpost.com/world/middle_east/iraqi-leader-wins-backing-for-reforms-but-walks-a-dangerous-line/2015/08/11/609b384e-4038-11e5-b2c4-af4c6183b8b4_story.html>, [Accessed 30-November-2015]

102. Saad N. Jawad, "The Iraqi Constitution: Structural Flaws and Political Implications", LSE Middle East Centre Paper Series, No 1, November 2013, p. 11

103. Charles Tripp, A History of Iraq, Cambridge, Cambridge Press, 2007, pp. 300-301

104. Saad N. Jawad, "The Iraqi Constitution: Structural Flaws and Political Implications", LSE Middle East Centre Paper Series, No 1, November 2013, p. 5

○ The preamble of the constitution is unusually long and contains an emphasis on religious leadership that could not be included in the actual constitution. It refers to sectarian identities rather than a united Iraqi identity.

○ The emphasis on Islam as the state religion and the source of legislation. While this on itself is not a problem in a Muslim majority country, it potentially renders the rights offered in articles 14 to 46¹⁰⁵ meaningless where the two contradict.

○ The constitution stated that in the event of a contradiction between central and local laws, local laws were to be conferred – perhaps the only modern constitution that contains such a hierarchy. The inclusion of Article 126 that prevents constitutional amendments that take power away from regional governments effectively locks away the possibility to make any changes. The Kurdish authorities took particular advantage of this clause, enacting several laws that contradicted the central government, particularly in the field of resource exploitation that has been a continued source of tension with the government in Baghdad¹⁰⁶.

○ In relation to this issue, the rights to exploit natural resources and the funding provinces receive from the central government have been different and inconsistent. The Kurdish Regional Government (KRG), for instance, receives 17% of the national budget while Thi Qar, another area that is looking for federal status, has received less than 1%. Any attempts to remove the special privileges of the KRG were rejected.

○ Similar provisions existed towards the armed forces and foreign policy. In regards to the former, although the banning of militias and the creation of a unified army was an important towards national unity, the weakness of the central government left the peshmerga as a separate fighting force in practice that is still paid by the central government. In regards to the latter, Article 121 that allowed governorates to offices in embassies and diplomatic missions has resulted with some of these offices becoming more influential than the foreign ministry apparatus of the central government, creating differences in policy and

105. Covering rights such as, but not limited to, freedom from discrimination, freedom of religion and belief

106. Keith Johnson, “Pushed By ISIS, Iraq and Kurds Come Closer to a Deal”, Foreign Policy Magazine, 20-November-2014, <<http://foreignpolicy.com/2014/11/20/pushed-by-isis-iraq-and-kurds-come-closer-to-a-deal/>>, [Accessed 30-November-2015]

tension between the two.

○ The articles regarding anti-terrorism (Article 7) were ill-defined and could be used to condemn anyone who opposed the political process. The Sunni community who were disproportionately impacted by the De-Ba'athification policies complained that this prevented legitimate political debate were in opposition to it and objected to the clause during the formation¹⁰⁷.

Ultimately, the constitution had little consensus or legitimacy across broad sections of the Iraqi society and the vague, contradictory and ethno-sectarian language has contributed to the political strife in the country.

Endemic Suspicion and Mistrust Across Iraq's Ethnic and Religious Communities: Ultimately, the ethno-sectarian tactics employed during Saddam Hussein's reign, the weakening of the Iraqi State structures after 1990, its devolution after 2003 (which caused many people to fall back to their ethnic or religious groups for support), the continued violence and the atmosphere of insecurity in the country had an adverse impact in all of Iraq's communities, often deepening the rifts between them. The fight against the Islamic State has seen unfortunate incidents of violations committed¹⁰⁸ and which led to accusations by international organisations of revenge attacks¹⁰⁹ and the Islamic State group, by inciting revenge attacks, aims to spread mistrust between components of Iraqi society¹¹⁰. Amidst these conflicts, many minorities such as Christians, Yazidis and Turkomans have suffered significantly. As such, any attempts at meaningful reconciliation and creation of a unified Iraqi society will need to overcome the rifts that have been wrought across its diverse communities.

Issues Impacting the Sunni Arab Population

The Sunni population of Iraq, having traditionally held administrative

107. Saad N. Jawad, "The Iraqi Constitution: Structural Flaws and Political Implications", LSE Middle East Centre Paper Series, No 1, November 2013, pp. 14-18

108. Sara Elizabeth Williams, "Destroying Homes For Kurdistan", Foreign Policy Magazine, 23-July-2015, <<http://foreignpolicy.com/2015/07/23/peshmerga-war-crimes-ethnic-cleansing-islamic-state-iraq/>>, [Accessed 1-December-2015]

109. Tirana Hassan, "The Thirst For Revenge Threatens to Destroy Iraq", Foreign Policy Magazine, 1-April-2015, <<http://foreignpolicy.com/2015/04/01/the-thirst-for-revenge-threatens-to-destroy-iraq-shiite-militias-tikrit/>>, [Accessed 1-December-2015]

110. Jane Arraf, "Anbar Awakens With a New Bedfellow", Foreign Policy Magazine, 7-May-2015, <<http://foreignpolicy.com/2015/05/07/anbar-awakens-with-a-new-bedfellow/>>, [Accessed 1-December-2015]

positions and been the largest support base of Saddam Hussein (in the form of the tribes from Tikrit and Ramadi in particular), stood to lose the most from the coalition invasion of 2003. The existing discontent was exacerbated during the post-invasion era that failed to address Sunni grievances or incentivise them to participate in the government, resulting in a pervasive insurgency that endangers future prospects of reconciliation.

2003 Invasion and De-Ba’athification: Following the successful takeover of Iraq in 2003, the coalition authorities were tasked with implementing a democratic system. Although there was an expectation that high-ranking Ba’ath Party members would be excluded from government and even tried for crimes committed during the Saddam regime, the full extent of the De-Ba’athification process implemented by Paul Bremer went beyond this expectation. Bremer believed that all influences of the Ba’ath Party needed to be purged and implemented a policy which put about 300,000 members of Iraq’s armed forces and about 30,000 government workers and administrators out of work. Due to Saddam’s patronage system, Ba’ath Party affiliation was the most viable option for prosperity for much of the populace and the policy hit the Sunni-majority cities of Tikrit, Ramadi and Fallujah especially hard, becoming one of the driving motivations behind the Sunni insurgency that emerged soon after¹¹¹. Although the De-Ba’athification policy was officially rescinded in 2004, many elements of it remained in the subsequent Iraqi governments and calls to relax De-Ba’athification policies remained a pervasive element of Sunni protest movements, often opposed by Shia and Kurdish politicians¹¹². The failure address these grievances, alongside the political under-representation the Sunni community felt it had under the al-Maliki government, allowed Neo-Ba’athist organisations (such as JRTN) and the Islamic State (which was ranked by a number of former, high-ranking Ba’athists) to rally the Sunni protest movement of 2013 into an insurgency that would go on to take over Mosul, Ramadi, Tikrit and Fallujah in 2014¹¹³.

Political Under-representation and Sectarian Politics: The existing discontent Sunni Iraqis had regarding De-Ba’athification policies and loss of power they held before 2003 was compounded by a political system which many Sunnis

111. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp. 281-283

112. Kirk H. Sowell, “Maliki’s Anbar Blunder”, *Foreign Policy Magazine*, 15-January-2014, <<http://foreignpolicy.com/2014/01/15/maliki-anbar-blunder/>>, [Accessed, 24-November-2015]

113. Alessandro Bruno, “The Ba’Athist Roots of the Islamic State”, *Geopolitical Monitor*, 31-August-2015, <<http://www.geopoliticalmonitor.com/the-baathist-roots-of-islamic-state/>>, [Accessed 1-December-2015]

perceived as being hostile to them. The passing of the constitution in 2005 despite Sunni protests and boycotts, its focus on federalism (since the Sunni political bloc was predominantly in support of a central government) and the use of patronage politics that once favoured the Sunni populace but were now benefiting the Shia and the Kurds (with the few Sunni politicians in government as part of the quota system having no real support base of their own to be effective) all led to a sentiment among the Sunni populace that the government in Baghdad could not be relied upon, further fuelling the Sunni insurgency¹¹⁴. After the insurgency peaked in 2006 and violence subsided, there were increased efforts by the government to reduce the role of sectarianism in politics. However, the political struggles after 2011 (including what was seen as politically-motivated arrests of some Sunni politicians) led to a rapid escalation of discontent, leading to a series of protests and a breakdown of security that was sectarian groups like the Islamic State took advantage of¹¹⁵.

The Failures in Fulfilling the Promises Made during the Anbar Awakening:

A Particular element of discontent among the Sunni populace stemmed from the tribes of Anbar who had committed to fight Al-Qaeda in 2007-2008. These tribes were promised that their fighters would be integrated into the national army or given government jobs but this did not happen in a widespread manner¹¹⁶. The protest movement that began in Ramadi in 2013 received support from the local tribes on account of grievances relating to this matter and some of the tribes would go on to join Neo-Ba'athist Insurgents and the Islamic State during their offensive in 2014¹¹⁷.

Lack of Government Support to the Sunni Tribes Fighting the Islamic State:

Although some Sunni tribes and insurgent groups supported the Islamic State during their 2014 offensive and their subsequent fight against the Iraqi government, not all tribes and groups have sided with them. In fact, a number of tribes have held against the Islamic State. However, these tribes have been suffering from chronic shortage of weapons, equipment and logistical support from the central government in Baghdad. A lot of the lack of support can be tied

114. Charles Tripp, *A History of Iraq*, Cambridge, Cambridge Press, 2007, pp . 297-298

115. Sinan Adnan & Aaron Reese, "Beyond the Islamic State: The Sunni Insurgency in Iraq", *Institute for the Study of War*, Report 24, (October 2014), pp. 10-13

116. Jane Arraf, "Anbar Awakens With a New Bedfellow", *Foreign Policy Magazine*, 7-May-2015, <<http://foreignpolicy.com/2015/05/07/anbar-awakens-with-a-new-bedfellow/>>, [Accessed 1-December-2015]

117. "ISIL Wins Support from Iraq's Sunni Tribes", *Al-Jazeera English*, 4-June-2015, <<http://www.aljazeera.com/news/2015/06/sunni-sheiks-pledge-allegiance-isil-iraq-anbar-150604074642668.html>>, [Accessed 1-December-2015]

to the government's distrust of Sunni tribes. Although Prime Minister Haider Al-Abadi publicly pledged public support towards supporting the Sunni tribes fighting the Islamic State, among Iraqi government officials, much distrust remains towards the tribes due to the precedence of weapons and equipment donated to the tribes being sold off instead of utilised for security¹¹⁸. The Iraqi government, at present, prefers the use of the Hashd al-Shaabi to liberate Iraqi territory from the Islamic State, but the presence of a Shia fighting force occupying an area inhabited primarily by Sunni Muslims and reports of revenge attacks committed by these fighters risks worsening the sectarian situation in Iraq and alienating the Sunni tribes that have stayed on the government's side¹¹⁹.

Issues Impacting the Shia Arab Population

Following the coalition invasion in 2003 and the establishment of a democratic system, the Shia voting bloc has emerged as one of the most powerful groups in the country. Although usually perceived as a single, homogenous entity, Shia politics in Iraq consists of many different groups and parties that have cooperated or rivalled with each other at different points of Iraq's modern history.

Shia Politics and Factionalism: Nouri Al-Maliki's ascent to Prime Minister came from being an acceptable candidate that showed aptitude in bridging the ideological and political differences of the various political parties and factions together in a government and his loss of support by such factions in 2014 ended his political ambitions despite prior indications he would hold on to power when he was challenged in 2014¹²⁰.

The current Prime Minister Haider al-Abadi faces similar challenges that have been exacerbated by the patronage politics left in place by previous governments. Al-Abadi came to power on a platform to curb corruption and sectarianism that had dominated in previous years and is perceived to have paved the way to the Islamic State taking over large parts of Iraq and had the broad support of Ayatollah Ali al-Sistani and a cross section of Shia constituents. His declaration

118. Jane Arraf, "Anbar Awakens With a New Bedfellow", Foreign Policy Magazine, 7-May-2015, <<http://foreignpolicy.com/2015/05/07/anbar-awakens-with-a-new-bedfellow/>>, [Accessed 1-December-2015]

119. Tirana Hassan, "The Thirst For Revenge Threatens to Destroy Iraq", Foreign Policy Magazine, 1-April-2015, <<http://foreignpolicy.com/2015/04/01/the-thirst-for-revenge-threatens-to-destroy-iraq-shiite-militias-tikrit/>>, [Accessed 1-December-2015]

120. Yochi Draezen, "Maliki Used to Have the Support of Both Iran and the US. Now He's Lost Them Both", Foreign Policy Magazine, 13-August-2014, <<http://foreignpolicy.com/2014/08/13/maliki-used-to-have-the-support-of-both-iran-and-the-u-s-now-hes-lost-them-both/>>, [Accessed 2-December-2015]

of measures to curb corruption, especially in the aftermath of the protests in 2015, received widespread support in the streets. However, the continued presence of loyalists to the various parties in the government has slowed these reforms down and even reversed them, citing the unconstitutionality of these measures¹²¹. The delays in implementing anti-corruption politics and the introduction of austerity measures (such as lowering salaries and layoffs) to cut the budget deficit have lost him the support of the protest movement and been criticised by the clergy that had supported him to power¹²². His intention to rebuild the Iraqi army, meanwhile, has raised tensions with a number of armed groups who have proven themselves effective in fighting the Islamic State and seek a more active place in politics in the future¹²³. The environment of continued corruption and intra-party strife risks the resolution of Iraq's developmental, reconciliatory and security challenges and provides propaganda material for extremist groups looking to rally the populace around them.

Political Inflexibility towards Compromise: Despite having a diverse array of classes and factions that contribute to the political process, the factional nature of politics has resulted with inflexibility towards implementing policies that require compromise unpalatable to a cross-section of the public for fear of losing power. Nowhere more is this issue more apparent than the matter of De-Ba'athification as well as the aftermath of the Anbar Awakening. As mentioned above, the topic of De-Ba'athification has been a persistent fixture among the Sunni protest movement. However, accusations of a greater Ba'athist agenda was levied heavily against Sunni and cross-sectarian parties in the lead-up to the 2010 elections¹²⁴. As such, by the time the protests in 2013 started, any compromise regarding De-Ba'athification could see al-Maliki being attacked by his political opponents on similar grounds. A similar issue existed with the promises made to the tribes of Anbar after they took arms against Al-Qaeda in 2007 and were promised integration to the army or government jobs. However, a number of Shia factions were not happy to see Sunni armed tribes that are technically independent being given such concessions and pressured al-Maliki against such a move and

121. Jane Arraf, "Haider al-Abadi's Authority Tested by reaction to Iraq Reforms", The Financial Times, 23-November-2015, <<http://www.ft.com/cms/s/0/ef97dd52-89f5-11e5-90de-f44762bf9896.html#axzz3tFqI1Mhv>>, [Accessed 3-December-2015]

122. Ibid.

123. Kirk H. Sowell, "Abadi's Failed Reforms", Carnegie Endowment for International Peace, 17-November-2015, <http://carnegieendowment.org/sada/?fa=62004&mkt_tok=3RkMMJWWf9wsRouu6vPZKXonjHpfSx57uslXaazlMI%2F0ER3fOvrPUfGjI4GRMFkI%2BSDLdWEGJlv6SgFSrnAMbBwzLgFWHl%3D>, [Accessed 3-December-2015]

124. Stephen Wicken, "Iraq's Sunni in Crisis", Institute for the Study of War, May 2013, No: 2

the promises did not materialise, incentivising the insurgency of some of these tribes after the 2013 protests¹²⁵. Both of these instances show how inflexibility and power politics have poisoned debates on policies that could have opened the way to reconciliation. The fact that some Shia groups of the Hashd al-Shaabi are now joining together with Sunni tribes against the Islamic State¹²⁶ and the fact that the Hashd al-Shaabi is made of a cross-sectarian mix and have been reported to help Sunni refugees despite its predominantly Shia makeup¹²⁷ is a promising sign for the future. However, it is evident that such attitudes have not taken hold on all sections of politics yet.

Issues Impacting the Kurdish Population

Iraq's Kurds have had frequent conflicts with the government based in Baghdad through the country's modern history and emerged as one of the main beneficiaries of the 2003 coalition invasion. The autonomy they were granted prior to 2003 had already given the Kurds an expertise at self-governance and the relative stability of the Kurdish region has allowed it to develop significantly better than the rest of the country after 2003. The issues involving the Kurdish population thus primarily relates to their autonomous status.

Extent of Independence from Baghdad: Kurdish factions have fought for independence or autonomy since Iraq's founding and achieved de-facto autonomy in 1991 after the no-fly-zone was instituted over the Kurdish region. The passing of the constitution in 2005 solidified the autonomy legally, with the clauses limiting the central government's powers upon the governorates and allowing them to engage in foreign policy and self-determine their rights to exploit their own resources. These articles allowed the Kurdish Regional Government (KRG) to engage in diplomatic missions and sale of resources that side-lined Baghdad and has been a growing source of discontent over the years, especially given that other governorates in Iraq do not have the same freedoms as the KRG and attempts to amend the constitution have resulted with Kurdish politicians threatening a full secession¹²⁸. Although the security situation caused by the Islamic State has

125. Sinan Adnan & Aaron Reese, "Beyond the Islamic State: The Sunni Insurgency in Iraq", Institute for the Study of War, Report 24, (October 2014), p. 10

126. Jane Arraf, "Anbar Awakens With a New Bedfellow", Foreign Policy Magazine, 7-May-2015, <<http://foreignpolicy.com/2015/05/07/anbar-awakens-with-a-new-bedfellow/>>, [Accessed 1-December-2015]

127. Integrity UK, "Heroes from Hashd AlShaabi aiding Sunni families that have fled from Daesh Terror", 1-December-2015. Online Video Clip. YouTube. Accessed 11-December-2015, <<https://www.youtube.com/watch?v=lEeflQ4Zagk>>

128. Saad N. Jawad, "The Iraqi Constitution: Structural Flaws and Political Implications", LSE Middle

prompted Baghdad and the KRG to negotiate a deal at the end of 2014¹²⁹ but both sides subsequently accused each-other of failing to abide the terms of the negotiations¹³⁰. Although these issues are political in nature, the Kurdish-Arab dynamics of the situation risks escalation on an ethnic level, already exemplified by the numerous armed clashes the Kurdish and Shia forces experienced¹³¹.

Status of Mixed Territories and Accusations of “Kurdification”: The role of Kurdish governance in mixed population areas has also been a source of issues. The Islamic State offensive in 2014 saw the Kurdish Peshmerga emerge as one of the most qualified fighting forces in Northern Iraq, culminating in the takeover of Kirkuk which boasts a mixed Turkoman, Kurdish, Arab and Assyrian population. The status of territories that were not part of the original Iraqi Kurdistan but have been taken over by Kurdish forces has been a source of contention. In addition, accusations of ethnic cleaning committed by Kurdish soldiers by destroying Arab villages, preventing Arab refugees from returning to their homes¹³² or preventing Arabs from purchasing property in Kurdish regions¹³³ continue to be a source of tensions that risks further conflict and get in the way of reconciliation.

Political Factionalism: Much like the Shia political bloc, the Kurdish political bloc consists of a number of different parties and factions, the primary participants being the two-party government consisting of PUK and KDP (who have in the past frequently competed with one-another) and the opposition party, Goran. Due to the war with the Islamic State, falling oil prices and corruption, the KRG’s finances have been tightened and a number of services, as well as payments to government employees, have lapsed. The PUK and KDP have accused one-another over the

East Centre Paper Series, No 1, November 2013, pp. 14-16

129. Keith Johnson, “Pushed By ISIS, Iraq and Kurds Come Closer to a Deal”, Foreign Policy Magazine, 20-November-2014, <<http://foreignpolicy.com/2014/11/20/pushed-by-isis-iraq-and-kurds-come-closer-to-a-deal/>>, [Accessed 30-November-2015]

130. “KRG Seeks Better Relations With Baghdad to Settle Outstanding Issues”, NRT, 1-December-2015, <<http://www.nrttv.com/EN/Details.aspx?Jimare=4261>>, [Accessed 3-December-2015]

131. “Clashes Between Iraqi Kurds and Shiite Fighters Kill Seven”, al-Arabiya, 13-November-2015, <<http://english.alarabiya.net/en/News/middle-east/2015/11/13/Clashes-between-Iraqi-Kurd-Shiite-fighters-kill-seven.html>>, [Accessed 24-November-2015]

132. Sara Elizabeth Williams, “Destroying Homes For Kurdistan”, Foreign Policy Magazine, 23-July-2015, <<http://foreignpolicy.com/2015/07/23/peshmerga-war-crimes-ethnic-cleansing-islamic-state-iraq/>>, [Accessed 1-December-2015]

133. Zhyar Mohammed, “No Houses For the Arabs: Iraqi Kurdish Council’s Racist Ruling About Who Can or Can’t Buy Property”, Niqash, 29-October-2015, <http://www.niqash.org/en/articles/economy/5147/Iraqi-Kurdish-Council’s-Racist-Ruling-About-Who-Can-and-Cannot-Buy-Property.htm>, [Accessed 3-December-2015]

on-going difficulties¹³⁴. Meanwhile, the accusations by the Human Rights Watch to the KDP regarding violent crackdown on peaceful protesters¹³⁵ have raised fears of authoritarianism¹³⁶. Just like the politics and Baghdad, the prevalence of insecurity and power politics is likely to make any party involved unwilling to take policies that could be considered “compromise”.

Comparative Models for Reconciliation in Iraq

Theoretical Basis

As evidenced above, practically every level of the Iraqi society has been impacted by the events following the coalition occupation in 2003 as well as the Saddam regime that preceded it, leaving in its wake an atmosphere of mistrust and insecurity. Due to the prolonged and violent nature of the conflicts across Iraq, the formal termination of hostilities and an end to armed violence will not be enough to overcome the bitterness and grievances that are inherent to such conflicts and will not lead to a reduction of mutual fears across different communities. Achieving the goal of sustainable peace and reconciliation, instead, requires a comprehensive set of policies that penetrates deep into the societal fabric and involves all (or most) sections of the society. This paper argues that such a goal cannot be achieved solely through institutions, elites and policy-makers (top-down approach) or through communities and community leaders (bottom-up approach) but require a coordinated effort of both ends of the society (hybrid approach). The goals of reconciliation in this context are defined as follows:

- 1) Social learning that develops mutual trust among former enemies that replaces past feelings of threat, fear, suspicion or hostile perceptions.
- 2) Creating a shared identity that members of all different communities can identify with. This does not mean existing identities are ignored or eliminated but merely the creation of a collective identity and sense of mutual interest that

134. Zhyar Mohammed, “Desperately Seeking an Opposition: Strained Relations Inside Iraqi-Kurdistan’s Power-Sharing Deal”, Niqash, 8-October-2015, <<http://www.niqash.org/en/articles/politics/5122/Strained-Relations-Inside-Iraqi-Kurdistan’s-Power-Sharing-Govt.htm>>, [Accessed 3-December-2015]

135. “Iraq: Widening Crackdown on Protests”, The Human Rights Watch, 21-April-2011, <<https://www.hrw.org/news/2011/04/21/iraq-widening-crackdown-protests>>, [Accessed 3-December-2015]

136. “Kurdistan Parliament Speaker Says Officials Will Prevent a Dictatorship”, NRT, 1-December-2015, <<http://www.nrttv.com/EN/Details.aspx?Jimare=4267>>, [Accessed 3-December-2015]

bridges the communal identities it encompasses.

- 3) Changing the antagonistic societal beliefs enemies hold about one-another that reinforce the sense of enmity. Leaving such beliefs unaddressed risks delegitimising the reconciliation process and perpetuate justifications for violence.
- 4) Social learning that renders violence and violent action illegitimate and violence being perceived as “unthinkable”. The creation of a secure environment as well as legitimate means of resolving conflicts peacefully is vital towards this goal.
- 5) Addressing structural and material sources of inequality and deprivation in regards to rights and resources and creating a sense of equality¹³⁷.

In order to achieve these goals, this paper will look at reconciliation policies from around the world and determine what can be learned from them in regards to achieving reconciliation in Iraq, addressing a number of the aforementioned issues that are endemic to Iraq.

Endemic Suspicion and Mistrust Across Iraq’s Ethnic and Religious Communities

By far the largest and most significant issue present in Iraq is that its society that has been traumatised by over a decade on conflict since 2003 and the Saddam era that has preceded it. The tension and mistrust across Iraq’s many communities are steeped in the long and protracted history of conflict and this history needs to be confronted before the society as a whole can move forward. Although confronting the history is often a controversial subject (since it involves dealing with socially sensitive and divisive issues), leaving the stories of those who suffered untold can cause feelings of communal resentment and victimisation to linger, rendering peace unsustainable in long term. In addition, the opportunity to record and confront history gives victims of violence an opportunity to remove the stigmatisation of victimhood and have a degree of closure¹³⁸.

This paper recommends South Africa’s reconciliation programme as a feasible model, as its policies have already been used as a guideline for some

137. Nevin T. Aiken, Identity, Reconciliation and Transitional Justice: Overcoming Intractability in Divided Societies, New York, Routledge, pp. 19-23

138. Ibid, pp. 195-197

of Iraq's post-2003 policies. In South Africa, the Truth and Reconciliation Commission was not primarily aimed at dispensing "punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation"¹³⁹. On a government level, the Commission was given significant powers and resources to accept, investigate and assess the accounts of victims regardless of gender, race, class, religion or association. The commission also incentivised perpetrators of crimes to come forward to testify by offering limited and proportional amnesties (as opposed to blanket amnesties)¹⁴⁰. In addition, public institutional hearings focusing on key sectors (such as legal, media, health, business, labour and media) were conducted to determine the broad patterns of exclusion and human rights violations and identify key facets of violence¹⁴¹. On a grassroots level, the efforts of the commission were supported by community and religious leaders such as Nelson Mandela and Archbishop Desmond Tutu who have utilised both Christian and traditional African values such as *ubuntu*¹⁴² to highlight reconciliation, confession and forgiveness¹⁴³.

When looking at the South African model/experience, we can see much scope for application to the case of Iraq. Looking at both top-down and bottom-up, there is capacity to implement reconciliatory policies with both approaches. From the top-down, the present Iraqi government under Haider al-Abadi rose to power on a platform of reconciliation and the Iraqi government as a whole has significantly more political expertise and institutional capital to implement policies of reconciliation effectively. From the bottom-up, Iraq's rich tribal, ethnic and religious texture should not be considered a challenge against reconciliation but as an opportunity. Community leaders adopting and promoting the idea of *Al-Wihda Al-Wataniyya* will give greater legitimacy to the reconciliatory initiatives and widen the audience for such policies. Community leaders such as Ayatollah Ali al-Sistani who have consistently spoken against sectarianism and galvanised cross-sectarian and cross-religious support are especially vital towards promoting reconciliation.

The initial successes of forgiveness and reconciliation then need to be

139. Nevin T. Aiken, *Identity, Reconciliation and Transitional Justice: Overcoming Intractability in Divided Societies*, New York, Routledge, p. 68

140. *Ibid*, p. 69

141. *Ibid*, pp. 70, 71

142. Lit: "Humaneness" – a philosophy that envisions crime as a threat primarily to the interconnected web of relationships that bind all individuals together in a harmonious society.

143. *Ibid*, pp. 68-69.

consolidated with a comprehensive policy that seeks to integrate the population through cooperative interaction and intergroup dialogue. Research in Northern Ireland (which suffered its own sectarian conflict between Protestants and Catholics) has shown that in the absence of dialogue and integration, communities continue to live and work in their own isolated bubbles and inter-community relations remain “superficially courteous” and not enough to dispel negative perceptions and stereotypes, even if peace itself has been achieved. Such an environment allows for feelings of suspicion and animosity to fester, often expressing itself in forms of “low-intensity sectarian violence” such as vandalism, fighting and property damage¹⁴⁴. Based on this, it can be concluded that having mixed-populations living alongside one-another is insufficient without efforts taken to integrate them through positive contact. Case studies from Northern Ireland show that one of the most effective ways of ensuring integration and positive cross-communal perceptions are achieved through early education and positive contact. The schooling system there was segregated based on sectarian identities until 1972 when the “All Children Together” policy sought to integrate conflicted communities together by providing cross-communal contact under the right circumstances while also training teachers to discuss sectarian differences in a manner that will reduce prejudices. In mixed-population areas, ratios were enforced in schools to have a proportionate number of students from different communities (and to prevent self or community-imposed isolation from other communities)¹⁴⁵. Surveys conducted in Northern Ireland shows that students in integrated schools showed a marked increase in positive perceptions and friendships in cross-communal relations. In addition, surveys have found that an increasing number of respondents perceived themselves to be part of the overall Irish or Northern Irish identity rather than their sectarian identities¹⁴⁶. While the actual number of mixed schools and communities in Ireland continues to remain fairly low due to the destruction and abandonment of mixed communities during the conflict (something that Iraq itself suffered too), respondents from a significant majority of the overall population (%88) expressed a desire for better relations between Protestants and Catholics¹⁴⁷. By forming a set of policies fine-tuned to Iraq’s specific circumstances and applying them to the national education curriculum as well as obtaining the support of community leaders for

144. Ibid, pp. 76-77

145. Shelley McKeown, Identity, Segregation and Peacebuilding in Northern Ireland: A Sociological Perspective, New York, Routledge, pp. 38-41

146. Ibid, pp. 40-42

147. Nevin T. Aiken, Identity, Reconciliation and Transitional Justice: Overcoming Intractability in Divided Societies, New York, Routledge, p. 85

less formal and more grass-roots oriented programmes, the Iraqi society may be able to rebuild trust and cooperation across its communities. Such programmes are not just vital for social cohesion in highly mixed cities such as Kirkuk or Baghdad but need to be provided across the whole of Iraq¹⁴⁸ to provide a strong foundation for the future.

It is important to consider that while ethno-sectarian tensions have been endemic in Iraq over the past decades, they are not an inherent part of the Iraq's social fabric. Many of Iraq's tribes consist of members belonging to different denominations. Moreover, the 2010 elections, which were conducted in a period of relative stability, have shown that under such circumstances, Iraqi voting patterns take a less sectarian basis¹⁴⁹. More recently, the fight against the Islamic State saw a number of Sunni tribes and Christian fighters joining the predominantly Shia Hashd al-Shaabi¹⁵⁰. All of these present a positive sign for the future of Iraqi reconciliation and the establishment of mutual trust and cooperation across Iraq's communities.

De-Ba'athification

Although it has been more than twelve years since the fall and dissolution of the Ba'ath Party, the impacts De-Ba'athification policies continue to have an effect in Iraqi politics today. De-Ba'athification has caused continued resentment across vast sections of Iraq's Sunni populace and provided a rallying call for a number of insurgent groups. In addition, the presence of former high-ranking Ba'athists among the Islamic State means that the spectre of the Ba'ath Party continues to have some power over Iraq. While the demands of total reversal of De-Ba'athification cannot be realistically fulfilled, it does highlight a need for a new, comprehensive policy regarding De-Ba'athification so that this particular chapter of Iraq's history can be closed. As mentioned above, the South African model was recommended for Iraq after 2003 and partially adopted and the provisions it had regarding the abuses committed by an authoritarian government may be of particular use here.

148. With attention paid to specific circumstances. Education programmes in schools are important to apply across the whole of Iraq but providing inter-community projects in highly uniform parts of the country will be redundant.

149. Stephen Wicken, "Iraq's Sunni in Crisis", Institute for the Study of War, No 3, May 2013, pp. 9-10

150. Jane Arraf, "Anbar Awakens With a New Bedfellow", Foreign Policy Magazine, 7-May-2015, <<http://foreignpolicy.com/2015/05/07/anbar-awakens-with-a-new-bedfellow/>>, [Accessed 1-December-2015]

As mentioned above, the South African Truth and Reconciliation Commission had a provision to accept testimonies from both victims and perpetrators of violence with the goal of “recognising the de-humanising effect of apartheid on both sides”¹⁵¹. The most distinctive feature of the South African TRC at the time was that it did not provide blanket amnesties but instead, provided conditional amnesties that were proportionate to the situation at hand in return for complete disclosure¹⁵². Adapting such a system in Iraq presents the opportunity to differentiate between the members of the Ba’ath Party who joined it due to needs and circumstances beyond their control and high-ranking Ba’athists who were actually complicit in the abuses that the regime committed. It also allows the Iraqi government to make amends for some of the mistakes committed during the trials of former Ba’ath Party members¹⁵³ that had a negative impact of the legitimacy of the post-Saddam governments. If implemented comprehensively and fairly, the re-assessment of ex-Ba’athists can have the following outcomes:

- 1) Reduce the sense of victimisation of ordinary Iraqis who may have felt wrongly sanctioned by De-Ba’athification policies.
- 2) Deprive the protest movements and the insurgency of a rallying cry that has been used to gather supporters, isolating the few remaining high-ranking Ba’athists that continue the insurgency.
- 3) Prevent the accusation of Ba’athist sympathies against legitimate politicians with Sunni backgrounds. The tactic of accusing politicians of Ba’athist sympathies has been used to deprive them of support¹⁵⁴. The resolution of Ba’athism as an issue through an organised and comprehensive vetting process would prevent such accusations from being credible in the eyes of the public.
- 4) Experiences in South Africa have shown that a thorough process of documenting, testifying and debating the events of the apartheid era and canonising its victims have had a positive impact in societal reconciliation¹⁵⁵. As such, the resolution of the Ba’athism issue in Iraq can help the overall healing

151. Rashida Manjoo, Peace and Reconciliation in South Africa: What Lessons?, Colombo, Muslim Women’s Research and Action Forum, pp. 15-16

152. Ibid, p. 14

153. The most significant example being the trial and execution of Saddam Hussein himself, which was criticised for being rushed and failing to account for all the abuses committed by his regime.

154. Stephen Wicken, “Iraq’s Sunni in Crisis”, Institute for the Study of War, No 3, May 2013, pp. 13-15

155. Rashida Manjoo, Peace and Reconciliation in South Africa: What Lessons?, Colombo, Muslim Women’s Research and Action Forum, pp. 14-16

process of the Iraqi society.

5) The discretionary nature of amnesties provided and that they should be proportionate would mean that the ex-Ba'athists who have the greatest responsibility in the regime's abuses would be unlikely to escape justice through providing testimonies. Such an option could be more palatable to a number of Kurdish and Shia politicians who have opposed any significant changes to De-Ba'athification policies in the past.

One significant element of the South African Truth and Reconciliation Commissions was that they were not a court of law and did not have legal scope to punish individuals¹⁵⁶. This was a result of compromises made during the formation of the South African constitution and the lack of a legal scope to punish ex-Ba'athists may not be politically acceptable within the context of Iraq. It may, therefore, be useful to look at the on-going peace process between the Columbian Government and the FARC Guerrillas. The Columbian peace process makes a distinction between the leaders of the movement and its rank-and-file members. Leaders of the movement and the soldiers who have committed serious war crimes still face trial and prison but ordinary members can benefit from reduced sentences that will be of more symbolic nature, especially if they collaborate with the truth commission¹⁵⁷. The Columbian process is very recent and still on-going and there are therefore no substantial results available. However, the feasibility of such a system in an Iraqi context should be evaluated. In addition, given the current state of the conflict against the Islamic State, the formulation of a comprehensive truth and reconciliation framework might be needed for the near-future even if Ba'athism itself is not dealt with. The author believes that the model provided here can still act as a guide in such an eventuality.

Underdevelopment of Services and Infrastructure across Iraq, Corruption and The Failures in Fulfilling the Promises Made during the Anbar Awakening

This section provides a comparative model in a different manner. Rather than looking at how reconciliation policies can have an impact at providing development and stopping corruption, this section will examine how the continued lack of stable services, reliable infrastructure and endemic corruption can cause a society recovering from civil conflict to relapse into violence.

156. Ibid, p. 16

157. "The Promise of Peace", The Economist, November 2015, pp.6-7

Research regarding civil conflict shows that in the aftermath of prolonged conflict, most ordinary people, even those who have been victims of aggression and significant abuses, look towards the provision of basic human needs such as safety, access to food, clean water, housing, healthcare, employment and other provisions that provide a sense of security, hope for the future and diminish the sense of powerlessness. The continued lack of such provisions brings with it a sense of powerlessness, loss of pride, humiliation and insecurity which can gradually turn an individual towards violent action¹⁵⁸. As a result, even if a country is successful in fostering reconciliation across its communities following civil conflict, in the presence of endemic corruption and the absence of essential services and securities, discontent can quickly translate into violence, overcoming the war-weariness that the populace might have been experiencing.

Burundi presents an important example in this regards. Following a brutal and protracted conflict between its Hutu and Tutsi ethnic groups, Burundi managed to achieve peace in 2000. A power-sharing agreement was reached and a quota system not dissimilar to that in Iraq was implemented, successfully integrating Hutu and Tutsi groups. Despite the lack of a formal truth and reconciliation commission, strong grassroots activism and a societal willingness to confront the events of the past has allowed ethnic divisions to heal quite successfully¹⁵⁹. However, Burundi's economic growth over the years since the conflict has remained slow due to lack of natural resources and native industry. This was worsened by increasing corruption of the government and its increasingly authoritarian response to criticism and culminated when President Nkurunziza sought a third term in early 2015, sparking protests. The government responded violently to the protests, resulting in a number of deaths. Since then, clashes between the security forces and the protesters have been escalating gradually, the mounting death toll sparking fears of another civil war¹⁶⁰. It is notable that despite the growing death toll in both sides, violence has remained along political lines. However, December 2015 saw a shift in the conflict that could change this dynamic: Amidst the worst spate of fighting seen since the conflict began, rumours began to emerge that Tutsi men were being singled out for arrest and execution

158. Bruno Charbonneau (ed) and Geneviève Parent (ed), *Peacebuilding, Memory and Reconciliation: Bridging top-down and bottom-up approaches*, New York, Routledge, pp. 24-26

159. Yoichi Mine (ed), Frances Stewart (ed), Sakiko Fukuda-Parr (ed), and Thandika Mkandawire (ed), *Preventing Violent Conflict in Africa: Inequalities, Perceptions and Institutions*, New York, Palgrave Macmillan, pp. 43, 49-51

160. "Burundi's tit-for-tat Killings Spread Fear", BBC, 3-November-2015, <<http://www.bbc.co.uk/news/world-africa-34653537>>, [Accessed in 10-December-2015]

in military checkpoints¹⁶¹. These rumours have not been verified as of December 16, 2015, and the rebels have been accused of using the genocide narrative to gain support¹⁶². However, the sheer existence of such rumours alone is a worrying sign for the future, highlighting how ethnic and sectarian strife can emerge from a conflict with no such characteristics in the presence of prolonged violence and absence of security and prosperity. Even in the absence of ethno-sectarian or political strife, insecurity and lack of prosperity can stoke further violence, as highlighted by Liberia and Sierra Leone; economic recovery following their civil wars remained weak in both countries and they have seen a significant increase in petty crime and gang activity, resulting in constant, low-level violence in urban areas¹⁶³.

How this applies to Iraq is not hard to see. Much like Burundi and Sierra Leone, Iraq has been afflicted with prolonged violence of varying intensity. Sectarian insurgent (most significantly the Islamic State) groups have used grievances surrounding corruption and deprivation as a means to gain grassroots support while the sectarian, patronage based politics of the post-2003 governments have exacerbated ethno-sectarian tensions rather than providing reconciliation, alienating existing supporters such as the Anbar tribes that sided with the government during the first insurgency. Interviews with captured, low-ranking Islamic State members from Iraq show that average Iraqi recruit grew up during the occupation, suffered from material scarcity, chronic insecurity and lack of opportunities. Motivation for joining the Islamic State was not ideology or ethno-sectarian hatred but a need to provide for their families¹⁶⁴. Goals such as preventing corruption, providing development, reconstruction and opportunities are not only significant on their own; they are also significant towards a sustainable process of reconciliation and stability.

Political Issues – Concerns Surrounding the Constitution, Status of Mixed Territories, Kurdish Independence, Political under-representation of the Sunni

161. TyMcCormick, “Burundi Crisis Escalates as Military Bases Attacked”, Foreign Policy Magazine, 11-December-2015, <http://foreignpolicy.com/2015/12/11/burundi-crisis-escalates-as-military-bases-attacked/?utm_source=Sailthru&utm_medium=email&utm_campaign=New%20Campaign&utm_term=%2AEditors%20Picks>.

162. Ibid

163. Bruno Charbonneau (ed) and Geneviève Parent (ed), Peacebuilding, Memory and Reconciliation: Bridging top-down and bottom-up approaches, New York, Routledge, p. 31

164. Lydia Wilson, “What I Discovered From Imprisoned ISIS Fighters”, The Nation, 21-October-2015, <<http://www.thenation.com/article/what-i-discovered-from-interviewing-isis-prisoners/>>, [Accessed 10-December-2015]

bloc, political factionalism of Shia and Kurdish parties, Lack of Government support to Sunni Tribes Fighting the Islamic State & Political Inflexibility Towards Compromise

This section looks at a range of political issues that have an impact on the successful implementation of reconciliation policies. Although the scope of these issues are quite diverse, this paper argues that the means to resolve them (or failing that, preventing them from hampering reconciliation efforts) is through dealing with these issues together, under the context of addressing the failings of the Iraqi constitution.

Today, Iraq as an independent nation is going through many significant changes. Politically, the reconciliatory tone of Haidar al-Abadi represents a shift from the politics that has defined the al-Maliki era and militarily, Iraq's forces are gaining momentum against the Islamic State insurgency. In light of all the changes that are taking place, the author believes that it is an opportune moment to consider the constitution of 2005, which was implemented under less than ideal or legitimate circumstances and begin the process that will look towards correcting its flaws. Successfully amending the constitution in a manner that has the consensus and support of all major political entities in Iraq will grant it a type of legitimacy that the 2005 version lacked. It will also highlight that Iraqi politicians can set aside sectarian or party interests to achieve a goal towards national unity and consensus. Lastly, it will mark a tangible point of change from the post-2003 period that has been defined by occupation and conflict to one that will hopefully be defined by national unity and reconciliation. The successful amendment of the constitution therefore represents a goal that is important for both political and symbolic reasons. In addition, the process of negotiating the constitution represents an excellent opportunity to negotiate a number of other issues such as the status of the Kurdistan region in Iraq's future and the status of mixed population areas or areas that were liberated from Islamic State control.

As the experiences of the 2005 constitution has shown, the legitimacy of the constitution is dependent on the participation of most, if not all, sections of the Iraqi society. As such, the formal process of negotiating the amendments to the constitution should not take place until all parts of Iraq are under government (or government-aligned) control and stable. From then on, constitutional negotiation processes from both South Africa and Northern Ireland provide good examples what kind of processes Iraq can follow.

The most significant inspiration Iraq can draw from the South African constitutional process is in regards to how the country dealt with the sheer number of political parties present. Like Iraq, South Africa was home to a diverse array of political groups and parties that represented different races, ethnicities, ideologies and goals. In 1990, these parties engaged in bilateral and multilateral negotiations to establish the National Peace Accord that would codify the behaviour of political parties as well as issues relating to justice, policing and conflict management, often using localised mediation. In 1991, these political parties (19 in total. Most of them coalesced into voting blocs between the main parties over the course of the negotiations) began negotiating the new constitution while a transitional power sharing deal was agreed between the largest political parties: The National Party and the African National Congress¹⁶⁵. While negotiations did break down at times, most significantly in 1992, they were never disrupted for an extensive period. The final version of the constitution was agreed in December 1996 and came into effect in February 1997¹⁶⁶. The length of the negotiation process is especially significant, as it highlights how limited the time given for Iraq to form its own constitution in 2005 was. It is therefore especially important for the Iraqi government to give all parties involved sufficient time and opportunity to negotiate the details without leaving room for errors, ambiguities or contradictions that characterise the 2005 constitution. It is also important to maintain grassroots support for national unity and against ethno-sectarian politics to encourage politicians to keep negotiating and avoid brinkmanship.

Northern Ireland does not provide as good a model for Iraq in regards to political parties. The former had far fewer parties than the latter, making an evenly divided power sharing deal a lot more feasible. However, like Iraq, the conflict in Northern Ireland involved a number of militia groups and paramilitaries from both sides that yielded tremendous political and military influence. As such, negotiators from all sides were keenly aware that without getting the armed groups and paramilitaries into the negotiation table, peace could not be achieved. As such, the unionist, nationalist and British politicians engaged in a series of negotiations that culminated in the Good Friday Agreement in 1998. All signatories, including militias and paramilitaries, made a pledge towards resolve conflict in Northern Ireland through “exclusively peaceful and democratic means”¹⁶⁷. The agreement

165. Rashida Manjoo, *Peace and Reconciliation in South Africa: What Lessons?*, Colombo, Muslim Women’s Research and Action Forum, pp. 4-7.

166. *Ibid*, pp. 7-11

167. Nevin T. Aiken, *Identity, Reconciliation and Transitional Justice: Overcoming Intractability in Divided Societies*, New York, Routledge, p. 59

simultaneously achieved the goal of enticing a group of significant political actors into the negotiating table while de-legitimising violent action.

This is especially relevant to Iraq because the Iraqi Security Forces were significantly supplemented by tribes and armed groups from a variety of ethnic, religious and sectarian denominations. At the moment, some of these groups and tribal fighters carry significantly more legitimacy and political influence among the Iraqi populace than the government in Baghdad. Therefore, it is vital to ensure that these groups and fighters are co-opted into the political process under similar conditions. Ignoring, or worse, rejecting these groups can potentially result in another round of insurgency that can further damage the reconciliation process.

Including every political party and armed group will admittedly complicate the negotiation process. However, doing this will achieve a number of goals that will be beneficial for future reconciliation.

- 1) No significant ethnic, religious, sectarian or political group will have a legitimate claim towards being excluded from the process
- 2) Due to all political parties being involved in the constitutional negotiation process, parties will have a motivation towards finding mutual ground with other parties in order to achieve their objectives, encouraging them to engage in meaningful dialogue and compromise without resorting to brinkmanship or factionalism
- 3) Making non-violence a condition for tribal fighters and armed groups to partake in the constitutional negotiation process not only incentivises such groups to maintain peace among themselves, but it results with the groups with more extreme goals getting isolated and de-legitimised
- 4) The condition of disavowing violence to participate in politics can also be used as a bargaining tool towards rebuilding the battered Iraqi Security Forces. Tribal and armed fighters have earned extensive combat experience over the course of the fighting in Iraq and it would be very useful for the ISF to utilise such expertise. As such, options should be explored and negotiated in regards to tribal and armed group fighters who are unwilling to give up arms but are not actually against the political process and whether they can be incorporated into the existing command structure of the ISF. This can be particularly helpful in

securing the support of Sunni tribes who have fought against the Islamic State but often lacked material support from the Iraqi government during the conflict¹⁶⁸.

5) The context of the negotiations regarding defining the very nature of Iraq can provide the impetus towards clarifying and resolving the recurring disputes between Baghdad and the Kurdish Regional Government regarding KRG's autonomy and future intentions as well as the status of the non-Kurdish or mixed territories that are, at present, occupied by Kurdish forces (such as Kirkuk). Even if these issues themselves are not resolved during the constitutional negotiations, both Baghdad and the KRG can have a roadmap towards an eventual solution regardless of whether the outcome is greater Kurdish integration into the rest of Iraq or full independence.

The Iraqi constitution of 2005 should not be considered a total failure. Although its inception was under less than ideal circumstances and its content significantly lacking, it also enshrined a number of positive policies such as recognising the Kurdish language and enforcing the presence of women in the parliament. However, its failures have outshined its successes and this in turn has diminished its legitimacy. Successfully amending the constitution through consensus and peaceful, inclusive negotiation would represent a victory for Iraq's political capacity and a powerful expression of its national unity.

Conclusion

The geographic area where modern Iraq is located today has been home to many diverse civilisation, cultures and histories, all of which have left their mark on modern Iraq to some extent. The ethno-sectarian tensions and the state of chronic insecurity being experienced in modern day Iraq may seem daunting today, but it is neither a representation of how past relations in the region have developed, nor does it have to be the norm for the future. Through Iraq's distant and modern history, it is evident that its diverse ethnic, religious, cultural and tribal communities have succeeded in peaceful coexistence and intermixing. And although wars did put pause to such interactions at times, history shows that they have not put full stop to them. No doubt the wars and policies of the Ba'athist

168. Dina al-Shebeeb, "Iraqi Sunnis Ready to Fight ISIS but lack support, says tribal leader", Al-Arabiya News, 27-October-2015, <<http://english.alarabiya.net/en/perspective/analysis/2015/10/27/Iraqi-Sunnis-ready-to-fight-ISIS-but-lack-support-tribal-leader.html>>, [Accessed 11-December-2015]

regime, the coalition occupation and the Islamic State insurgency all inflicted significant traumas on Iraq's many communities. However, even amidst conflict, continued cross-community cooperation and support gives hope for reconciliation and the emergence of a period of sustainable, long-lasting peace. This paper's goal was to attempt at answering how reconciliation and peace on such nature can be achieved. In order to achieve that, this paper sought to provide a timeline in regards to how the most recent bout of ethno-sectarian tensions emerged, how specific communities and the Iraqi society as a whole has been impacted by the events of the previous decades and what can be done to heal Iraq's communities after such an arduous period conflict and insecurity. To achieve its goal, this paper has looked at ethnic and sectarian conflicts that took place in other parts of the world, with primary attention given to Burundi, South Africa and Northern Ireland, assessing the reconciliation policies these societies have undertaken and what lessons Iraq can learn from them. This paper's conclusion was that it is possible to heal Iraq's society and mend the relations of its many diverse communities, but it will take a lot of well-coordinated work that is aimed at both at policy-makers and grassroots communities. Ultimately, however, the author believes that *Al-Wihda Al-Wataniyya* can be attained in Iraq.