# Iraq: A Decade of Lost Opportunities

Spring 2013 contains a bittersweet anniversary for most Iraqis. Although it marks ten years since the war that removed Saddam Hussein from power and ended his bloody rule, it also signifies the beginning of years of violence and instability. The war itself has various names and descriptions: some call it an "invasion," others a "liberation," each depending on their political leanings and convictions. A significant number of Iraqis at first believed it was indeed a war of liberation but later turned to calling it an "occupation" as the situation further deteriorated. Even the U.S. Army changed the name of the war: from 2003–2009 it was Operation Iraqi Freedom, but in September 2010 it was renamed Operation New Dawn to reflect efforts by U.S. and Iraqi politicians to end one stage of the war and move toward withdrawal of U.S. troops. Known to many simply as the 2003 War, its ramifications are still felt in every aspect of Iraq's existence today.

Much has been written and said about the Iraq War, and an ongoing debate continues to question whether the suffering and chaos that followed was unavoidable or a consequence of poor planning and management. Historians will continue to study and debate the war's causes and its impact locally, regionally, and internationally, but what is clear today is that Iraq has witnessed a decade of lost opportunities. The removal of Saddam Hussein and his regime was in itself an historical opportunity to recreate a country that had suffered decades of war and sanctions. A country with vast wealth, an educated population, and strategic location could have been (and still could potentially be) a leader in the Middle East. Instead, the decade that followed was one of blood and chaos.

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Last year, Iraq was the ninth-worst state in rankings of failed states, outdone only by countries like Somalia, Democratic Republic of Congo, and Afghanistan. While Iraqi politicians resent and deny the label as a failed state, Iraq stands today as a country close to collapse, with mounting political, societal, and judicial

problems. Ten years after the war, Iraq could soon become a failed state unless there are structural changes to the way the country is ruled, including a stronger, more just, and more equitable central government. This will require the support of key allies, most importantly the United States, which remains the country with the most potential influence and yet seems to shy away from it.

### Leadership: a Challenge of Mounting Concern

2013 got off to a bad start for Iraq's leadership. At the start of the year, President Jalal Talabani remained in hospital in Germany after suffering a stroke in December 2012. Meanwhile, Parliament was divided between two factions, one seeking a vote of no confidence in Prime Minister Nouri al-Maliki, and another exploring the possibilities of a vote of no confidence in Speaker of Parliament Osama al-Nujaifi. These top three figures—meant to safeguard the state—each face a fight for their political (or actual) lives, while growing security concerns pose a threat to the people of Iraq and their future.

Beyond these obvious crises of Iraqi leadership are other disconcerting developments. For example, Vice President Tariq al-Hashemi is a fugitive in Turkey and has been sentenced to death in absentia, raising serious questions about the political nature of these accusations. No one has been appointed in his place since the September 2012 sentencing. Iraq has not had a Minister of Defense or a Minister of Interior since the 2010 election, due to the infighting among political factions about which party would fill these sensitive positions (and also enjoy the benefits that come with them). Three years after the elections, acting ministers continue to fill these roles. While all countries have political battles and crises, the lack of strong state institutions or civil service in Iraq means that these battles directly affect how the Iraqi government serves its people. This is evident from the most basic to the most complex indicators. For example, the Iraqi dinar continues to suffer from a weak position due to lack of confidence in the country and its economic management—while the Iraqi dinar was worth three U.S. dollars in the 1980s, today 1,160 dinars will get you one dollar. Vacant government positions and rivalries only add to the mismanagement of the country.

The potential to develop a new Iraqi leadership class faded very quickly even before the launch of the 2003 War. While Saddam Hussein was ruling with brute force and terror inside the country, from the 1990s self-appointed Iraqi leaders of the opposition had become the main contact for U.S. officials planning for the overthrow of the Iraqi regime. After the 2003 War, the U.S.-led Coalition

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Provisional Authority appointed a National Transitional Council in Iraq, which included leaders based in large part on those who chose to work with the United States prior to the war.

Those brought in to help rule Iraq in the initial stages were given exaggerated influence which they have not relinquished, an advantage that may not have existed based on popular vote alone. Author George Packer highlights that "if the best armed and least tolerant factions came to dominate post-Saddam Iraq, this hardly reflected the free will of the Iraqi people. The cardinal sin of the Americans was to create the conditions for chaos. From the moment of the old regime's fall, no one in Iraq was safe from violent intimidation, and it was only a matter of time before insurgents and militias became powerful." This cardinal sin led to the state of intimidation and rule of violence that plagues Iraq to this day.

While the United States did not want its soldiers to police Iraqi streets in the immediate aftermath of the war, its decision to dismantle the Iraqi state—from its army and its police to its governing bodies—meant that the United States was culpable for what ensued in uncontrolled cities and streets during the troop presence there. For example, a variety of militias emerged, some to protect neighborhoods and some as part of a political fragmentation of the Iraqi state. Until a serious effort emerges to dismantle these militias (some of them are tens of thousands strong, like the Mehdi Army belonging to the firebrand cleric Muqtada al-Sadr), the leaders that influence Iraq the most will be the ones with physical strength and arms on the ground.

Another key flaw in the Iraqi leadership today is that the formation of government is based on "national unity," which aims to create rule based on national consensus—yet this consensus does not exist. Given the number of competing factions at completely different ends of the political spectrum in Iraq, this has meant that those in government not only lack a coherent program, but subgroups often undermine each other. Having the opposition in government, without a viable political contender to challenge it, also means that political discourse has not had a chance to develop. After the 2010 elections, the Iraqiya

bloc headed by former Prime Minister Ayad Allawi secured 91 (out of 325) seats in Parliament, the largest bloc, which should have meant they would form a government. However, the National Coalition bloc won 89 seats and subsequently teamed up with rivals who shared short-term interests. Thus their candidate, Nouri al-Maliki, formed the government.

To pacify the Iraqyia bloc, its leading figures were given senior government portfolios, including the Minister of Finance position filled by Rafi al-Issawi. Yet, the two sides were at opposite ends of the political spectrum and openly and repeatedly criticized one another. As political tensions came to a head in February 2013, al-Issawi resigned his position, weeks after guards close to the Prime Minister stormed his home and office. This sense of mutual distrust, coupled with personal interests and ideologies completely at odds with each other, means that national unity governments in Iraq have not met the basic standard for providing a consensus and sense of collective responsibility to effectively rule the country. The late journalist Anthony Shadid catalogued how the summer of 2010 became "a long summer of bullying and flirting, brinkmanship and bargaining, all aimed at creating a coalition government." This type of leadership followed well beyond that heated summer.

Most governments and major policy decisions have been based on these tactics, rather than representing the will of the Iraqi people backed by civil servants and experts who can implement the best course going forward in the country. Until governments are born of a valid majority or a functioning coalition based on clear party programs, with an opposition that intends to hold officials in power to account, Iraq will struggle to develop a leadership capable of taking it to a safer and more stable situation.

The Constitution plays perhaps the largest part in dividing Iraqis today.

#### A Constitution for Some . . . Not All

Writing the Iraqi Constitution offered a rare chance to set in place principles and examples of modern governance, balance of powers, citizen rights, and responsibilities. And yet, the actual document plays perhaps the largest part in dividing Iraqis today. A constitution meant to provide the basic foundations on which a nation stands cannot be open to differing interpretations

or be agreed upon with the assumption that it will be amended. Yet, this is precisely what happened in Iraq.

Passed in October 2005 by a national referendum, the Iraqi electoral commission announced that 78 percent of Iraqi voters favored the constitution, while 21 percent opposed it. However, there was a strong campaign in some

provinces of Iraq to boycott the referendum, both at registration and actual vote casting. Sunni leaders mainly made the call for a boycott, voicing concern that the constitution gave greater authority and power to provinces at the expense of central government where they felt stronger and more protected. Two of the provinces that witnessed the highest levels of violence rejected the constitution, 96 percent in Anbar and 81 percent in Salahuldin. This schism among what are basically majority Sunni voters has added to the sectarian tone of the country's political divisions. It should be noted however, that other Sunni leaders, like al-Hashemi, who was also a prominent leader of the Islamic Party, called for participation by all Iraqis in the referendum.

One of the biggest challenges to the authority of the Iraqi Constitution is that at least one of its articles has already been undermined and breached without any serious efforts to amend it to maintain its integrity. Article 140 of the Iraqi constitution states that

Secondly: The responsibility of the Executive Branch in the Transitional government as stated in Article 58 of the Transitional Provisional Iraqi Authority continues and extends to the executive authority in accordance with this constitution, for it to accomplish completely the normalization, census and referendum in Kirkuk and other disputed areas to determine the will of their citizens by a date not to exceed December 31, 2007.<sup>5</sup>

That referendum has not yet taken place and no realistic time frame for it has been set. The political and security impact of the troubles in Kirkuk and the disputed territories continue to impact all of the country, with political confrontations between the Iraqi national security forces and the local Kurdish militia *peshmarga* occurring on several occasions. This is one of the main issues which continue to escalate tensions between the Iraqi central government and the Kurdish regional government. However, the point here is about the constitution itself. If one article in a constitution is breached, then the entirety of the document is undermined.

The Iraqi Parliament has made several attempts at revising the constitution and has suggested amending some of its articles. At one point, 70 of the 144 articles were under debate in Parliament, and yet no vote was called on their potential amendments. Iraq needs an independent committee of credible constitutional and legal experts to assess the 2005 Constitution and recommend the points needing amendment, to be approved by the Parliament. Then, the new document should come to a vote before the Iraqi people after a campaign to highlight its significance and role in stabilizing the country.

#### The Elusive Rule of Law

In a country that suffered from decades of dictatorship, political suppression, and notorious prisons, Iraqis longed for a country based in the rule of law. While

much of modern law is ironically based on the Code of Hammurabi, a Babylonian code dating back to 1772 BC, today's Iraq has a judiciary and legal system that is structurally and politically weak.

Not only is corruption one of the biggest threats to Iraq as a country, the track record shows that trials have also been politicized and undermined. For example, the trial and punishment of Saddam Hussein could have exemplified how to serve justice and institutionalize the rule of law. Yet, this was not how it was handled. Even though Saddam Hussein's crimes against his own people are well-known and could have been proven, the trial process in Baghdad was described as suffering from "serious administrative, procedural and substantive legal defects." Indeed, as other Arab rulers face trials today, like former Egyptian President Hosni Mubarak, Iraq serves as a model of what *not* to do rather than a lesson in accountability.

The de-Baathification process, translated in Arabic as "rooting out the Baathists," was perhaps one of the most damaging processes in post-Saddam Iraq. It created a further schism in the country, which opportunists used to root out rivals without truly holding to account those from Saddam's regime who deserved punishment. "Reconciliation" is a word that has been overused in Iraq. Year after year, promises are made for a national dialogue with the goal of national reconciliation between rival sides. And yet reconciliation, like accountability, has become a buzzword used for press statements rather than a serious process.

On the other hand, efforts to hold those governing Iraq since 2003 accountable for their errors have also largely failed. When allegations of corruption emerged against the former Minister of Electricity Ayham al-Samarai, for example, he was tried and sentenced to two years in prison in October 2006. In December 2006, however, he escaped from his prison in Baghdad. A dual Iraqi—American citizen, al-Samarai has yet to return to Iraq and has been seen in Iordan.

The same scenario played out with the former Iraqi Minister of Trade, Abdul Falah al-Sudani, who was detained in May 2009 on corruption charges. While al-Sudani was from the same party as al-Maliki, many viewed this move as an effort by al-Maliki to win over Iraqis who voiced increasing concerns regarding corruption in the country. Yet, while al-Sudani was tried and sentenced in June 2009 to seven years in prison, the trial and judgment were held in absentia as he was released for a few days on bail, during which time he escaped. In both the cases of al-Samarai and al-Sudani, their initial trial led to optimism that the Iraqi government was working to instill the rule of law in at least some, if not all, instances. The ensuing escape of both officials, however, only emphasized the lingering weakness of Iraqi judicial processes and the lack of a serious commitment to impose the rule of law.

Hammurabi's Code, inscribed on steel and sitting safely in the Louvre museum of Paris, could not be further from Iraq's reality. In order to revive the spirit of the rule of law in Iraq, the judiciary must achieve independence from those in power and strive to make the rule of law the ultimate rule of the land.

#### **Brothers in Arms**

Many causes fueled the Iraqi civil strife that at its peak in 2006–07 led to over 80 Iraqi deaths a day. Local militias formed during this time, brothers in arms fighting "the other," whether that other represented a different clan or sect, or U.S. forces, or simply any rival needing elimination. George Packer highlighted that "the three elections of 2005 showed that Iraqis were capable of political courage and maturity, but the elections also ratified what had already become reality in the streets: sectarian violence led to sectarian votes." The development of sectarian politics in Iraq was not a natural development, nor was

it inevitable. Rather, the country experienced a political vacuum due to the suppression of all political activity not dedicated to solidifying Saddam Hussein's rule from 1979–2003. A need emerged to develop political party platforms based on political identities. Yet, from the time of U.S. and international efforts to develop the Iraqi opposition, the basis for "representation" was always in terms of these sectarian lines.

Sectarian politics in Iraq was not a natural development, nor was it inevitable.

While the initial elections in Iraq gave the larger percentage of votes to the more conservative Islamist parties—whether Shi'a or Sunni—the elections of 2010 strengthened national lines more than sectarian lines. This was in great part due to a rejection on the local level of sectarian politics and increased demand for improved services on the ground. Specifically, the Iraqiya bloc headed by the secular-leaning Shi'a leader Ayad Allawi had a group of politicians of different backgrounds calling for a national political program. Yet, Allawi's loss to the sectarian alliance (created among key Shi'a groupings supported by the Kurdish bloc in Parliament) led to disillusionment among many politicians and voters who had aspired to a political agenda not affiliated to one sect.

In the ensuing months, mismanagement and corruption pushed thousands of Iraqis to further disillusionment with the political process. During 2012, increased demonstrations against the government again took a sectarian tone, as members of predominantly Sunni provinces Anbar and Ninewah protested and were met by government forces. Several deaths enflamed popular anger, yet when Iraqi Deputy Prime Minister Saleh al-Mutlaq, a Sunni politician, went to

Anbar in an effort to calm the expanding demonstrations, he was met with shouts of anger, with stones and shoes hurled at him. This once again showed that sect alone cannot be relied upon as the basis for leadership to govern all or even part of Iraq's population.

In his controversially-named book, *The Shi'a Revival: How Conflicts within Islam will Shape the Future*, Vali Nasr makes an argument laying out the sectarian divisions, namely Sunni and Shi'a, that dominate the region. He names Iraq as "[t]he first Arab Shi'a State," a title that many in the Middle East have given to the state, despite the fact that all of the post-2003 governments were meant to be seen as "nationalist" and based on consensus rule among various factions. Nasr argues that "it is not possible to tell how the sectarian struggle in Iraq will turn out, or when and where the next battle between Shi'a and Sunnis will be joined, or how many sectarian battles the Middle East must endure and for how long. What is clear is that the future for the Middle East will not be brighter than the past, so long as the shadow of sectarian conflict hangs over it. This is the conflict that will shape the future."

When Nasr was writing his book in 2007, he could have not envisaged the events that would take hold of the region in the aftermath of the 2011 Tunisian revolution. While the countries that witnessed revolts since 2011 do not have the sectarian and ethnic composition of Iraq, they face similar challenges in establishing modern-day states based on citizenship, rights, and responsibilities. Unfortunately, but understandably, these governance challenges do not get enough attention in light of the bloody conflict in Syria, which is often wrongly simplified (or manipulated) as a sectarian conflict within Syria and abroad to further political agendas. In order to reverse these regional trends, international players and partners must insist on moving away from sectarian partnerships, starting in Iraq, and work to establish relations with national figures and the country as a whole, rather than dealing with components or factions within the country based on ethnicity or race. This is the most positive way to establish a basis other than sectarian identity for governance in the region.

# A Missed U.S. Opportunity

The United States was the ruling authority in Iraq from April 2003 to June 2004, when sovereignty was formally, if only nominally, handed over to the Iraqis. As one of the most knowledgeable historians on Iraq, Charles Tripp, argues,

[T]he U.S. administration seemed intent on setting up a fully functioning liberal democracy, within a very short space of time . . . Yet the way the U.S. administration set about this ambitious task was at odds with its declared goals. The result was a troubled and increasingly insecure country in which insurgency, lawlessness, and

sectarian conflict claimed growing numbers of Iraqi lives, in addition to taking a mounting toll of the occupation forces. <sup>11</sup>

Similarly, journalist Thomas E. Ricks explains that "the U.S. position suffers from the strategic problem of the fruit of the poisoned tree—that is, when a nation goes to war for faulty reasons, it undercuts all the actions that follow, especially when it won't concede those errors."<sup>12</sup> This is especially true in Iraq, and was a particular problem of the George W. Bush administration.

However, Barack Obama's administration has its own shortfalls in its Iraq policy. The position that the White House has taken toward Iraq since 2009 has been rooted in the President's political opposition to the 2003 War during his election campaign, later incorporated into official White House policy. This in itself is not a hindrance; however it has meant that the White House has not invested in maintaining its relations in Iraq or furthered both Iraqi and American interests in stabilizing the country. Iraq is in itself a missed opportunity for the Obama administration—U.S. policy in Iraq has thus far meant a loss of critical possibilities which could have strengthened Washington's position in the Middle East. As the U.S. map of regional allies is redrawn with political changes on the ground, it would help if the United States could rely on Iraqi support and cooperation in key areas such as the Syria crisis or fostering Gulf security.

Since his election in 2008, Obama has kept a distance from the events in Iraq. He has visited just once—and that was to usher the withdrawal of American troops from Iraq. The White House billed that trip as "the fulfillment of a promise Barack Obama made to the American people even before he became President" on a page entitled "Promise Kept" on the White House website. Furthermore, while the Status of Forces Agreement (SOFA) that the United States signed with Iraq was actually concluded under the Bush administration, it was Obama's administration that has reduced relations between the two countries. Several moves indicated this change: for example, the Iraq-specific section at the State Department was amalgamated with the Near East Affairs (NEA) division, and Bush's weekly calls to the Iraqi Prime Minister discontinued as Obama came to the Oval Office.

U.S. supporters of Obama's engagement point to the fact that Vice President Biden has been to Iraq eight times since the 2008 election and spent two Fourth of July holidays with American troops there. While this is true, giving Joe Biden the lead on the Iraq file has two drawbacks—first, he is the Vice President, and thus not seen as the ultimate decisionmaker or contact point for Iraq. Second, Iraqis still remember that, while in the Senate, Biden introduced a plan to divide Iraq into three smaller states based on sectarian and ethnic lines, known as the Biden Plan.

Iraq should have been the strongest U.S. ally in the region. Rightly or wrongly, without the 2003 War, those in power in Iraq today would not likely have been able to achieve positions of power. These politicians should have a shared interest with the United States in strengthening Iraq to stand independently in the region. Instead, countries like Iran have much more influence with Iraq's main political players today. From Prime Minister Nouri al-Maliki to influential young Iraqi cleric Muqtada al-Sadr, Tehran opened its doors to those initially weakened in Iraq to strengthen and help position them as decisionmakers. The United States would therefore benefit from reconsidering its alliances inside Iraq, and work to develop a relationship with those truly committed to a country which respects the rights and interests of its people and allies.

#### **Common Ground**

"What Iraq has taught us—and what Afghanistan is teaching us—is that ending a tyrannous regime by military force can be much easier than improving on it." With these words, Oxford University Professor Nigel Biggar raises an important question: was Iraq under Saddam better or worse than today? It is a difficult question to answer because the two situations are not easily compared, especially since we can never truly know what an extension of Saddam Hussein's rule would have looked like. And yet, the fact that many Iraqis struggle with a straight answer to this question proves the lost opportunity after removing the dictator.

Common ground in Iraq is still possible—whether among people of shared background or shared visions for the future. The fact that Iraqis have so far defied many expectations that the country would fall apart or break into various

Common ground in Iraq *is* still possible.

states is in itself cause for optimism. Other beacons of hope deserve study. In 2007, at the height of civil strife and mounting numbers of victims in the country, Iraq's soccer team won the Asia Cup and brought tears of joy and songs of unity to the country. Reuters called Iraq's victory "one of sport's great fairytales by beating Saudi Arabia 1–0 in the Asia Cup final to

provide a rare moment for celebration in their war-torn homeland."<sup>15</sup> Iraq's soccer captain, Younis Mahmoud, was hailed a national hero, never referred to as Sunni or Arab despite the fact that he came from Mosul, which is often referred to as a Sunni Arab city.

Another key untapped asset in Iraq that could further foster national unity is a commitment to even more distribution of wealth. At the moment, corruption and mismanagement hinder an equitable distribution of the vast wealth from the sale of 3 million barrels of oil a day at the start of 2013.<sup>16</sup> If this income could be used to strengthen the country and its infrastructure, many opportunities would arise. Furthermore, while people usually reference Iraq's oil wealth when speaking about the country's economic potential, Iraq could develop many other sectors to become a regional leader. From religious tourism to strengthening the agricultural sector, Iraq has many untapped resources for growth and influence.

Yet the benefits of these resources cannot be realized with tackling corruption. In 2012, Transparency International ranked Iraq among the worst of the world's countries on its Corruption Perceptions Index, coming in at number 169 out of 174.<sup>17</sup> Overcoming the scourge of corruption is a key ingredient to making the coming decade a more prosperous and egalitarian one.

## **Voting Iraq Forward**

One of the positive developments of the past decade has been a consistently high Iraqi voter turnout in each of the previous elections, despite intimidation from armed gangs and a general lack of popular support for many of the candidates. An average of 65 percent voter turnout in national elections over the past decade means that Iraqis have bought into the political process, despite its flaws. The 2014 elections represent a window of opportunity to change Iraq's trajectory. The political discourse in the country could be changed if nationalist lists, based on political programs rather than sectarian divisions, were issued to contest the elections. Developing a political discourse that moves away from sectarian and ethnic identities and insecurities would pave the way for a more mature political system, with voters choosing their representatives based on pledges on how to build the country, rather than narrow identity politics.

The testing ground for the elections will come during the provincial elections due to be held in April and May of this year. The lead-up to the provincial elections witnessed highly politicized tensions in key provinces, fuelled by demonstrations and a corresponding use of force by the army to suppress them. Thus, the coming months will need community leaders to provide examples and reject the sectarian politics which dominated previous elections. More than anything, the process needs to move away from an imposed national coalition government that lacks trust between all sides.

The Middle East is witnessing historic political and social changes. The final picture of all these changes is still unclear, but Iraq remains a crucial piece of the puzzle. Thus, it is in everyone's interest to incorporate it into the regional transformation. Iraqi-born Nemir Kirdar voiced a common frustration when he said that "the current dysfunctional system [in Iraq], built on dubious principles

and a shaky foundation, is sure to result in the end in no democracy at all." Many Iraqis hold the same frustration, but the idea of a "reset" is difficult to achieve.

In the end, it is the same people who hold the power to implement these changes who benefit most in the short term by maintaining the status quo. And yet, in the longer term, a more stable and prosperous Iraq would mean greater success for the country and those who rule it. The ability to rise above short-term interests and prepare for the coming electoral process provides a window of opportunity to move forward, if only those who rule can look through that window and beyond it.

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