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Andreas Wimmer

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Walter-Flex-Strasse 3

D – 53113 Bonn

Germany

Phone: +49-228-73-1861

Fax: +49-228-73-1869

E-Mail: [zef@uni-bonn.de](mailto:zef@uni-bonn.de)

<http://www.zef.de>

**The author:**

**Andreas Wimmer**, Department of Sociology, University of California Los Angeles, USA  
(contact: [awimmer@soc.ucla.edu](mailto:awimmer@soc.ucla.edu))

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### Summary

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How can an escalation of tensions between the major ethno-religious groups be avoided in a democratizing Iraq? The first section explains why and under which conditions democratization may stir up, rather than palliate ethnic conflicts: when networks of civil society organizations have not yet developed and if the state is too weak and poor to be able to treat all citizens equally.

The second section looks at the political history of Iraq, which is characterized by increasing fragmentation and conflict along ethnic lines. Pan-Arabism became the official state ideology and Shii, Kurds, Jews and Christians were excluded from positions of power and gradually driven out of the officers corps and the higher ranks of the administration. This Arabization of the Iraqi state was contested right from the beginning, as a review of the history of Kurdish and Shii uprisings will show. Throughout this history, the divisions along ethno-religious lines have deepened. Cross-ethnic parties (such as the Communists) and organizations have split along these lines too. Rising levels of repression increasingly directed against the civilian population have further estranged Kurds, Shiis and Christians from the Iraqi state and bolstered support for their respective ethno-religious organizations.

Elections are likely to stir up ethno-religious conflicts in the future, if democratic institutions are not designed to foster moderation and compromise. Several such designs are discussed in the last section and the following will be recommended: an electoral system that favors vote pooling across ethnic lines; federalism on a non-ethnic basis with a strong component of fiscal decentralization; a strong regime of minority rights and a judicial apparatus capable of enforcing the rule of law. Elections should come last, not first in the process of institutional transformation. International institutions can provide the legitimacy for the continued outside supervision and support that are needed, during years to come, to make democracy sustainable.

# 1 Introduction<sup>1</sup>

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Depending on one's political convictions, the current situation in Iraq may be seen as liberation from tyranny, or quite to the contrary, as a conquest aiming at dominating the Arab nation. From a more detached point of view, the current situation in Iraq looks like another example of state implosion, comparable to Somalia, Sierra Leone, Colombia or Zaire, where the central political institutions have crumbled as a consequence of war, conquest, revolution or a combination of the three. Several fundamental problems and obstacles have to be solved if the situation is to be improved. The list is long and includes more technical problems such as the repair of infrastructure and the re-opening of hospitals and schools, the security problem of re-establishing a state monopoly of violence, the political task of building a credible interim government (Diamond, 2003), and finally the difficulty of choosing the right institutions that will make democracy work in Iraq.

Successful democratization is particularly important from an American foreign policy point of view, since the main rationale for the war has shifted from the elimination of dangerous weapons to regime change. Simply handing over power to a new group of generals and Baathist party officials who would solve most of the problems—the approach adopted in many US interventions across the globe over past decades—is out of the question. While many Baathists will have to be—and currently already are—employed in the new police force, administration and army, the reconstruction of their one-party regime is not an option. The American president has committed himself to make Iraq a democratically governed and “free” country.

However, the seeds of democracy may have difficulties germinating in the sandy soils of Iraq. In view of the rather unfavorable circumstances, some may say that the administration has run into a commitment trap. Two problems stand out as particularly difficult. First, not all major political forces in Iraq may *want* democracy Western-style, not because Islam would be incompatible with democracy,<sup>2</sup> but because the particular political forces currently dominating e.g. the Shiite political landscape<sup>3</sup> are, for historical reasons, not inclined towards a secularized political system with a clear division of power. These forces can influence the outcome of democratic elections through the well known mechanisms of patronage and pressure politics.

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<sup>1</sup> A shorter version of this paper was presented at the Center on Democracy, Development and the Rule of Law of Stanford University, May 5, 2003. I should like to thank Stephen Krasner for having me invited to the Center and Larry Diamond for commenting and editing the following text.

<sup>2</sup> Cross-national evidence of Islamic “underachievement” with regard to democratization is presented by Fish (2002), who, however, does not take historical factors into consideration. One of many accounts of the compatibility of Islamic religious doctrine and democratic pluralism is Sachedina's (2001). Most recently on the debate on Islam and democracy see Diamond et al. (2003).

<sup>3</sup> See, for example, on the political backgrounds and programs of the various factions within the Shiite clergy de Bellaigue (2003).

Secondly, even if most Iraqis want democracy, it may not work because the political conflicts unleashed by democratization exceed the conflict absorption capacities. More specifically, democracy entails the danger that the demands of the Kurds, Shii and Sunni leaders spiral up and unleash centripetal forces that cannot be held in check by a weak center. The main focus of this paper is to explain why this should be the case and which institutions are best suited to avoid it. Before I turn to Iraq I should like to explore, on a more general level, why democracy may stir up ethnic conflict.

## 2 Democracy and ethnic conflict

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Contrary to popular opinion and to the most fervent advocates of exporting democracies across the world, democracy does not automatically produce interethnic harmony.<sup>4</sup> Especially during the early decades of democratization, tensions along ethnic-religious lines may be heightened and lead to violence and finally the abortion of the democratic process itself. To be sure, established democracies resolve ethnic conflicts more peacefully than autocratic regimes.<sup>5</sup> However, this may be due to the fact that democracies are on average much richer.<sup>6</sup> And richer countries have the means to accommodate ethnic claims peacefully.<sup>7</sup> As soon as a dynamical perspective is introduced, it emerges that *introducing* democracy means, more often than not, ethnic trouble. The recent history of Kenya, the Ivory Coast, Mexico, former Yugoslavia and Georgia provide some illustrations for this, and countries like South Africa look like exceptions to the rule.

Why should this be the case? The very nature of democratic legitimacy provides incentives for formulating ethnic and nationalist claims and mobilizing followers along ethnic lines.<sup>8</sup> In democracies, rulers no longer rule by the grace of God or Allah, nor in the name of civilizing the planet, as in colonial empires, nor bringing revolutionary progress, as under Communism, but in the name of the people. When empires crumble, Ottoman *begs* and *kadis* leave, British political officers sail back, or Russian party elites head for Moscow, the question rises: Who is this people, and more precisely, where are its boundaries, who should be included and who should not? Historically, nationalism provided the answer to this question. In ethnically heterogeneous states, however, several competing claims to nationhood by various ethnic or religious communities may appear, each vying for becoming the state's people.

This is not to say, however, that ethnic heterogeneity does automatically lead to conflict and violence, as the examples of Switzerland, India and other multi-ethnic democracies show. Researchers have demonstrated that more heterogeneous countries do not necessarily have more

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<sup>4</sup> This is shown by historical research such as Jack Snyder's (Snyder, 2000), by cross-country statistical analysis of Ted Gurr (1994) and comparative case studies such as Rothchild's (1995).

<sup>5</sup> Philip Roeder (2000: 21) reports that the probability of escalation to ethnic violence is 15 percent in autocracies, but only 1 percent in democracies. Zeric Smith (2000: 32) shows, on the basis of different data, that the propensity to violent ethnic conflict is lower in regimes that respect civil liberties. Gurr's earlier data showed that a high degree of democratisation correlates with peaceful forms of resolving ethnic conflicts (Gurr 1993: 183f.). Furthermore, in stable, democratic systems, peaceful protest seems to be more intensive. However, Gurr's sample also contained many Western democracies, which due to their resource wealth are better able to resolve conflict by means of redistribution and decentralisation. And *democratisation* in the South between the years 1975 and 1986 had the effect — when case examples are studied one-by-one (ibid.: 184f., 187) — of intensifying conflicts and frequently ended in reauthoritarianization of the political system (ibid.: 184f.).

<sup>6</sup> Przeworski *et al.* (2000).

<sup>7</sup> Smith 2000: 35.

<sup>8</sup> The following draws on Wimmer (2002b).

ethnic conflict, especially if we control for levels of economic development.<sup>9</sup> Thus, we should look for other factors that explain when political conflict is more likely to oppose *ethnic*, rather than other groups, and when such conflicts are likely to escalate. In a recent book, I have identified two closely related conditions.<sup>10</sup> First, no strong networks of civil society organizations have developed *prior* to democratization and the introduction of the modern nation state. Secondly, weak states cannot guarantee and enforce equality before the law, democratic participation, and protection from arbitrary violence, and access to state services, for *all* the citizens of the state. Elites therefore will discriminate between individuals and groups and build up pyramids of patron-client relationships. They will give preference to members of their own ethnic group, when transethnic civil society organizations are not available. Political support and votes thus will be secured along the channels of ethnicity or other communal solidarities. Ethnicity thus plays a political role homologous to that of modern nationalism.

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<sup>9</sup> Morrison and Stevenson, as well as Barrows, looked at the relations between cultural pluralism and political instability in a sample of 33 African countries. The two studies yielded diametrically opposed results. Both are cited in Nelson Kasfir (1979: 386). McRae (1983) combined measures of civil strife with indexes of the relative religious, racial and linguistic heterogeneity of 90 countries. He found no clear pattern of correlation. The debate has been recently revived with Vanhanen's (1999) article and book in which he tries to establish, on the basis of new data, a linear correlation between ethnic heterogeneity and conflict. Bates (Bates 1999), however, arrives at a curvilinear relationship for a sample of African countries. The same holds true for Collier and Hoeffler (2000) as well as de Soysa and Wagner (2003). Fearon and Laitin (2003), based on a qualitatively much improved data set and analysis, find no significant relation whatsoever if controls for levels of economic development are introduced. Harff (2003) finds no significant correlation between diversity and the probability of ethnocide and political mass murder.

<sup>10</sup> Wimmer 2002 b, chap. 3. and 4.

### 3 The rise of the ethnic question in Iraq<sup>11</sup>

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Unfortunately enough, Iraq fulfils all conditions for a pervasive and conflictual politicization of ethnicity. First, it was ethnically too heterogeneous to allow an obvious answer to the question “who is the people?”. In the year of independence (1932) its population was made up of 21% Sunni Arab speakers, 14% mostly Sunni Kurdish speakers, 53% Shii Arab speakers, 5% non-Muslim Arab speakers, most importantly the Baghdad Jews, and 6% other religious-linguistic groups such as the Sunni Turkmen of Northern Iraq, or the various Christian sects speaking Assyrian.<sup>12</sup>

Secondly, and more importantly, only few modern civil society organizations existed, and none had a trans-ethnic reach. Many of the religious-linguistic groups mentioned above were subdivided into tribes and tribal confederations, especially the Kurds and the Shii. A considerable part of the overall population was nomadic herders (estimated at 35% in 1867 and 5% in 1947),<sup>13</sup> while the overwhelming majority was farmers and peasants. The literacy rate remained somewhere between 5 and 10 percent in the remote Ottoman provinces later to become Iraq.<sup>14</sup> We do not expect political clubs, patriotic reading circles and other bourgeois associations, trade unions and farmers associations to flourish in this social environment. Thus, the new leaders of the state and the various political factions forming in the newly introduced parliament relied exclusively on appeals to the solidarity of a particular ethno-religious group in order to gather a following and legitimize their rule.<sup>15</sup>

#### The Arabization of the state

Thus, the politics of ethnicity dominated from the very moment when the British installed the Hashemite Faizal of the Hijaz, the commander of the Arab forces that contributed to the defeat of the Ottoman armies in the Middle East, as the king of Iraq. He and his ex-Sharifian officers were stern adherents of the Pan-Arab nationalism that had earlier developed among Ottoman notables. They dominated politics in the first decades of independence, providing almost half of the premiers appointed during the mandate (1921 to 1932) and the monarchy (1932 to 1958) — the rest coming from old Ottoman bureaucratic families or the Sunni notables

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<sup>11</sup> This section is based on a more extensive chapter of Wimmer 2002b, chap. 6.

<sup>12</sup> This figures are taken from Baer 1966, cited in Makiya 1998:215.

<sup>13</sup> Ibid.

<sup>14</sup> Simon 1986: 81)

<sup>15</sup> Ibid.: 55ff.

of Baghdad. Only 4 out of the 23 individuals appointed as premiers during that period were of Shii background.<sup>16</sup>

This new Sunni Arab elite acknowledged that feelings of national solidarity were completely absent in Iraq during the 1920s. The idea of an Arab nation — which should become the ideological basis of the nation building process — was hardly known even among the Arab-speaking population of the country, which felt loyal to their clan, their village, their guild, their religious sheikh, but not to peoples in Syria and Egypt they had never heard of. In the eyes of the new rulers, this mosaic structure had to be overcome and the different pieces melted together into a conscious Arab nation capable of defending itself against European imperialism. In stark contrast to the multi-cultural Ottoman empire, the new regime envisioned the compulsory assimilation of the different minorities — in fact the large majority of the population — into the mainstream of Arabism and implicitly Sunni Islam, which was regarded as the centerpiece of the nation's cultural heritage and its foremost contribution to world history.

The main instruments to achieve this aim, as in any other nation building projects of the modern world, were schools, the army and a unified administration. The education system came under the control of the founder of modern Pan-Arabist thought, the Christian Syrian Satia al Husri. The army now introduced universal conscription — irrespective of religion or tribal status. A unified administration by Baghdad-trained officials put an end to centuries of indirect rule that, in this remote corner of the empire, had not been profoundly altered through the Ottoman reforms of the nineteenth century or the Young Turk experiments.

Parallel to the ascendance and spread of Pan-Arabism, the Sunni Arabist factions in the army, state administration and later also the Baath party gradually ousted other ethno-religious factions. A few figures will suffice here to illustrate this process: As early as 1936, out of a sample of sixty-one officers, only two were not Sunni Arabs.<sup>17</sup> In the administration, Kurds still comprised 15 percent of the higher ranks and 25 percent of the lower ranks during the monarchy. An unknown but very substantial proportion was Jewish Arabs at the beginning of the thirties. In the decade after 1958, Kurds only held two percent of the higher ranks and 13 percent of the lower ranks in the administration<sup>18</sup> and Jews had been expelled altogether from government. The Baath party still included 54% Shii in the period from 1952 to 1963 among the members of the Central Command. Their share was reduced to 6% during the period from 1963 to 1970.<sup>19</sup>

During their ascent to power, the Pan-Arabist factions became radicalized and took on fascist tints in the thirties and again under the rule of the Baath from 1968 onwards. Their ultimate goal, the creation of a united Arab (Sunni) nation, was never achieved. The more the regime tried to enforce its vision of society, the fiercer resistance became, giving rise to ever

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<sup>16</sup> Batatu (1978: 176, 186)

<sup>17</sup> Tarbush (1982, cited in Makiya 1998: 215).

<sup>18</sup> Ibrahim (1983: 40)

<sup>19</sup> Batatu (1978: 1080)

higher levels of repression and domination. This in turn nourished feelings of being ruled and dominated by ‘ethnic others’ among those who refused to melt into the great Arab nation and who were more and more excluded from state power.

Could it have been different? At two points in Iraq’s history, it seemed as if this spiral of ethno-religious exclusion and conflict had been halted. Bakr Sidqi’s regime of 1936/37 was modeled after Kemalist Turkey. He tried to promote an overarching, explicitly multi-ethnic Iraqi nationalism. The Kurdish language, Shii religion and other ethnic symbols were recognized as part of the nation’s heritage. Qassem’s reign between 1958 and 1963 was initially based to a large extent on the Communist Party mobilizing large sections of the newly populated suburbs and involving the largest ethno-religious groups within its Central Committees. The Free Officers under Qassem were oriented towards social reforms, including a serious attempt at land reform and a break with the principle of indirect rule in tribal areas. As was the case with Bakr, Qassem had Kurdish roots and understood Iraq as a multi-ethnic national state. In his National Council of the Revolutionary Command, the group of Free Officers leading the coup, and the Cabinets, Kurds and Shii Arabs were well represented.<sup>20</sup>

Unfortunately, both regimes proved to be politically too weak make a stand against the Arabist circles in the army, allied with urban notables and a rising class of bureaucrats. In their eyes, an encompassing nation building and political integration meant sharing power and privileges with other factions within the army, the bureaucracy, and government.<sup>21</sup> Even the trans-ethnic political parties that had supported the two regimes could not resist the centrifugal forces of ethnic factionalism. This is illustrated by the history of the Communist Party: The Kurdish sister party of the Communists fused, in the forties, with the group of left-leaning Kurdish officers that were estranged from the army by the rise of Pan-Arabism in the officer’s corps. Their new party, Hizbi Rizgari Kurd, joined the newly founded Kurdish Democratic Party in 1949. In 1957, the Kurdish section of Communist Party of Iraq, which had leaned more and more towards the Panarabist camp, split away and also joined the KDP.<sup>22</sup> Thus, within a period of twenty years, the Communist movement had been divided along ethnic lines.

## Shii and Kurdish rebellions

The rise of Pan-Arabism to the status of a national ideology and the Arabization of army, government and administration were contested right from the beginning. Being excluded from power on the basis of their ethno-religious background, resistance formed along these lines too and gave rise to ever more articulated Kurdish nationalism and a politicized Shiism.

<sup>20</sup> The best English sources for the two episodes are Batatu (1978: 784, 844, 996, 1008, 1046), Makiya (1998), and Lukitz (1995: 141ff.).

<sup>21</sup> On the overthrow of Bakr, accused of promoting Kurds and other non-Arabs in the army over Arab nationalists, see Simon (1986: 134).

<sup>22</sup> Ibrahim (1983: 410f., 426)

While Iraqi independence was still on the negotiation table of the colonial powers, the Shii leadership did what it could to obtain an autonomous area under British or Turkish protection within the new state.<sup>23</sup> At a very early stage, however, it became clear that the mandate power and the newly installed Sunni elite would not allow a fragmentation of the state's authority over its territory. Throughout the 1920s, rebellions against the new authorities spread across the South.

Even more important than the question of autonomy was the ethnic composition of the army, which was to be substantially enlarged after independence. The principle of universal conscription was met with great suspicion especially by the tribal leaders who feared losing control over 'their rifles' and who quite realistically predicted that they were to deliver the rank and file for an army commanded by the Sunni Arab elite of Baghdad. Shortly after the announcement of a decree on universal conscription in 1935, three years after independence, most of the southern tribes rose up in arms and a widespread rebellion shattered the region.

The uprising was overthrown in a most brutal way by Iraqi troops and the Royal Air Force. Little distinction was made between the civil population and armed fighters. Men who were or seemed to be leaders of Shii tribes faced summary execution. Politics in the southern region was profoundly transformed and indirect rule through *sheikhs* replaced by a close supervision of political activities by a newly founded Department of Tribal Affairs. The education system was reorganized along the pan-Arabist lines defined by Husri and his followers. Shii disaffection and distrust of the Iraqi state and its ruling elite has become a constant of Iraqi politics ever since. While in subsequent decades more Shii ministers were included in the cabinets<sup>24</sup> and more Shii became members of parliament thanks to a redrawing of electoral districts, this did not fundamentally change the estrangement of the Shii population from the Iraqi state. Saddam Hussein's bloody repression of the uprising at the end of the first Gulf War bears more than a superficial resemblance to the British-Iraqi campaign of half a century earlier. It has further deepened the cleavage between Sunni and Shii Arabs.

Like with the Shii, Kurdish political leaders — Ottoman notables and officers, as well as important *sheikhs* and tribal chiefs — resisted the formation of the new state right from the start. They still hoped that a Kurdish nation state would be cut out of the dying body of the Ottoman empire, as had been promised by the imperial powers at the end of the war.

Eventually it became clear that this was not going to happen. While the status of the Northern province of Mosul, largely populated by Kurdish speakers, was still a matter of debate between Turkey, Britain, and the League of Nations, Kurdish leaders demanded from the mandate power, as had done Shii, Assyrian, and Turkmen officials, that Kurdish schools should

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<sup>23</sup> The following draws on Nakash (1994).

<sup>24</sup> Their share rose from 18% under the mandate to 35% during the last decade of the monarchy, according to Batatu (1978: 47).

be established, Kurdish officials nominated, Kurdish become the official language, etc. in all those places where Kurdish speakers formed a majority.

Because of the uncertain status of Mosul, the British and the Sunni elite had to be much more careful and conciliatory than they were in their previous dealings with the Shii demands so as not to break promises made to the League of Nations. They therefore reintroduced and reinforced the system of indirect rule through tribal leaders and *sheikhs* left by the Ottomans. Some of these leaders, such as the famous Sufi *sheikh* Mahmud Berzenjii from Suleimaniya, quickly gained power and influence and went as far beyond the principles of indirect rule as to declare an independent Kurdistan. Tellingly enough, he had replaced the talisman bracelet with Sures from the Koran with a piece of paper with President Wilson's 14 principles—which did not prevent the British from subduing his rebellion by force of arms in 1924.

The sheiks and their tribal followers, however, were not the only Kurdish forces resisting the expanding Arab state. They were soon joined by two other sections of the Kurdish speaking population: first, by urban intellectuals and professionals, who in later years often were members of the Communist party, and secondly, by Kurdish officers serving in the Iraqi army. These different currents of Kurdish nationalism entered into an uneasy relationship with each other. Party splits and fusions, purges and factional fighting, including armed confrontations with heavy casualties, have characterized the history of the Kurdish movement up to the present.<sup>25</sup>

In the different wars between this nationalist movement, militarily based on the tribal fighters it could muster in the mountains, and the various Arabist governments, a common pattern can be discerned: The weaker the center, both domestically and internationally, the more concessions Baghdad had to make to the Kurdish leaders and these established an autonomous quasi-state in the North. As soon as the center gained strength and/or the Kurds lost international support, the Iraqi army crushed the guerrilla movement. The reprisals against fighters and against the civil population became, in each of these rounds, more and more violent and directed at ever larger sections of the Kurdish population.

The first rebellion broke out in 1932, when the newly independent Iraqi government tried to enforce its rule in the mountains of Kurdistan. Leadership now shifted to the famous *sheikhs* of Barzan. They were eventually subdued with the help, for the last time in Iraq's history, of the Royal Air Force. The second round started in 1940, when Mullah Mustafa Barzani fought the newly established police posts in the Barzan valley. At the end of the Second War, when the British allowed the Iraqi army to fully fight Barzani despite possible international complications, he was defeated and had to flee over the border into Iran with around 10,000 followers.<sup>26</sup> The third round started after the 1958 coup against the last king of Iraq, when Barzani and his followers returned from their exile in the Soviet Union and established another confederacy

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<sup>25</sup> Wimmer (1995)

<sup>26</sup> There he established, with Soviet help, the first and only independent Kurdish state, the short-lived republic of Mahabad (Eagleton 1963).

among the tribal leaders of the Kurdish North. In 1975, this quasi-state collapsed under the assault of Iraqi troops, as soon as Iran no longer needed to play the Kurdish card in the struggle for regional pre-eminence. The reprisal and revenge taken by the Iraqi state was brutal. It included the complete depopulation of a border zone of five to 30 kilometers, the razing of villages and the deportation or murder of their inhabitants. Repression was combined with a forced policy of cultural and demographic Arabization.

The fifth round started at the beginning of the Iraqi-Iran war. The sons of Mullah Mustafa, Idris and Masud, and the left-wing urban factions under the leadership of Talabani, started to rebuild a following among tribal allies in the North and to fight government troops and police stations throughout the region, again with Iranian assistance. At the end of the war in 1988, the resistance movement broke down under an assault that exceeded in brutality, systematic character and ruthlessness anything that had been known before. The gassing of the Kurdish town of Halabja, in retaliation for their sympathy with the Kurdish movement and Iran, became a symbol of the genocidal character of the so-called *Anfal*<sup>27</sup> campaign. The Iraqi army started to systematically destroy all Kurdish villages in the North that had supported the rebellions,<sup>28</sup> to deport and resettle the population (estimated at around 800,000 persons) in newly built 'collective towns' outside the Kurdish areas, mostly on the edges of the Mesopotamian plain. Arab families were settled in the fertile valleys and plains of Kurdistan and especially in the oil-rich region of Kirkuk.

More than anything else, this last campaign of repression, no longer targeted at the supporters of rebels, but at the Kurdish population at large, fostered feelings of unity and of shared destiny among the Kurds—a development similar to the deepening of ethno-nationalist identities and solidarities during the Bosnian war. While still fragile and utterly divided along several lines, the Kurds have nowadays a clear sense of nationhood and feel more than ever before alienated from the Iraqi state.

At the end of the first Gulf War, the rifts between large sections of the Shia and the Kurdish population on the one hand, and the Arabist regime on the other hand became visible to the world public of TV-watchers. This rift has steadily deepened over the past decades. Ethnicity and religion are today the main political dividing lines in the country. No trans-ethnic political groupings have survived, to my knowledge, the history of political mobilization and violence along ethno-religious lines that I have outlined so far.

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<sup>27</sup> The Al-Anfal (literally: the spoils of war) campaign took its name from the eighth sure of the Koran, where the warriors are reinforced in their faith, reminded of their duties, and encouraged to be merciless with non-believers.

<sup>28</sup> See the various reports by Middle East Watch, most available on the Internet.

## The current situation

The political power of ethnicity and religion is most probably going to be reinforced, not weakened when democratization takes on momentum in the coming months. As at independence, no transethnic networks of civil society organizations exist that could provide alternative channels for the aggregation of interests. Over the past weeks, a sub-national power structure has become visible that was hitherto hidden under the centralized military, party, and security apparatus. It consists of leaders of tribal factions, village and neighborhood council of elders, and, most importantly, the supralocal religious organization of the various clergies. Even the Baath had relied on these local and regional structures, albeit with varying degrees. During the past two decades of war and a decade of international sanctions, the regime was greatly weakened and increasingly had to rely on local power brokers to ensure compliance and eliminate opposition. In a rather dramatic shift away from modernist ideology and practice of Baathism, Saddam Hussein declared the Iraqi tribes as representing the true values of the nation such as bravery and honorability in its purest form. Especially after the Shii uprising at the end of the Gulf war, he provided tribal sheikhs in the Sunni heartland and in the Shiite South with new political legitimacy by granting them regular audiences and institutionalizing their role as middlemen between the rural population and the party, by supporting them financially and distributing light weapons.<sup>29</sup>

Today, none of these leaders has a trans-regional or even trans-ethnic constituency. Under these circumstances, the solidarity of the Kurdish nation, the Shii sect or the Sunni Arab population will likely serve as channels for gathering popular support when it will come to general elections. Each political party will try to relate to as many urban notables, tribal sheiks and rural village headmen (and their respective voting blocks) as possible. These clientelist pyramids only rarely will comprise members of other ethnic-religious groups than those of the party leaders. Democracy in Iraq will likely be dominated by the micropolitics of clientelistic alliance building on the one hand, and by the macro-politics of ethno-religious party competition on the other.

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<sup>29</sup> See Baram 1997; Yaphé 2000.

## 4 Designing democratic institutions for Iraq

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Democratic politics would very likely lead to a radicalization of these ethno-nationalist parties and lead to a spiraling up of their demands. This is unfortunately what we expect if we extrapolate from other experiences.<sup>30</sup> According to Donald Horowitz, one of the most distinguished experts on ethnic politics, this tendency is explained by the incentive structure of ethnic party systems. In non-ethnic party systems (such as the US or Germany), simply speaking, politicians must mainly court the floating voters in the middle of the political opinion spectrum and therefore move away from extremes. An ethnic party, in contrast, seeks its support only *within* a clearly defined segment of the population, because once ethnicity has become a basic principle of political contest and conflict, the boundaries between groups harden and group membership of the individual is hardly subject to debate any more. For this reason, it is worthwhile for ethnic party leaders to take radical positions in order to forestall competition over representation of ‘true’ group interests.<sup>31</sup>

How can such a radicalization of ethnic politics be avoided? I will limit the discussion to three crucial questions. The first is whether moderation and accommodation should be achieved through electoral incentives or through power-sharing arrangements immunized from the vagaries of electoral results. A second issue revolves around the vertical distribution of power between different levels of government: How much federalism, which type (ethnic versus territorial) and with regard to which sectors (fiscal federalism, educational etc.). The third, equally crucial issue relates to timing and outside support: At what point in the process should elections be held in order to minimize the destabilizing effects of democratic politics and which outside institutions are best suited to support the transformation process?

### Power sharing versus electoral incentives

Most foreign policy makers currently seem to favor a power sharing arrangement for the future Iraq, such as the so-called consociational democracy.<sup>32</sup> A grand coalition of elites of

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<sup>30</sup> Przeworski and his associates found in their analysis of a 135-country sample that democracies are less stable when the country is divided along ethno-religious lines (Przeworski *et al.*, 2000: 125).

<sup>31</sup> Horowitz (1985: 342-349); see also Rabushka and Shepsle (1972). Paul Brass (1991, chap. 9), however, believes that pluralistic party systems with maximum party competition do not necessarily heighten tensions, as sooner or later even majority ethnic groups split into several competing parties, which makes coalitions necessary, so that finally non-ethnic party alliances arise.

While this may be valid in the case of India, where there is an impressive diversity of groups and subgroups and where a strong national non-ethnic party can therefore act as political glue (Young, 1976:308-326), experiences in other countries such as Sri Lanka, Rwanda, Zanzibar or Nigeria speak a different language. However, there certainly are cases of small countries like Trinidad and Tobago, where a pluralistic and largely ethnicized party system does not lead to radicalisation of positions, despite the absence of a consociational regime. Compare also van Amersfoort and van der Wusten (1981).

<sup>32</sup> Arend Lijphart (1977) uses the concept both descriptively and normatively — as a model for resolution of conflicts in ethnically divided societies. Extensive controversy has developed over the two usages; see critiques by Paul Brass (1991, chap. 9) and Lemarchand (1994, ch. 9). Older discussions are summarised in Lustick (1979), and the most recent overview is given by Andeweg (2000).

differing ethnic origins is currently being formed which is supposed to negotiate a stable institutional compromise. The different groups will likely be represented in the highest government positions and the cabinet according to their demographic size. List-system proportional representation may be the electoral system of choice for the future, since it favors grand coalitions among ethnic parties and implies maximum party control over voters. Other mechanisms are ethnic quotas in government and bureaucracy, reciprocal affording of veto rights, and regional autonomy. According to the proponents of power sharing arrangements, the common interests of the elite cartel will prevent a radicalization of demands and the negotiated distribution of power is insulated from the vagaries of electoral politics.

At first sight, Iraq seems to fulfill several conditions that political scientists have identified as favorable for the establishment of power sharing arrangements:<sup>33</sup> a small overall population size; a small number of ethno-religious segments; and a high degree of control of elites over their future voters. More importantly, Iraq's oil should provide a good enough resource basis for allowing a generous policy of inclusion and power sharing. An escalation of distributive conflicts is easier to avoid in such circumstances than in a country of all-pervasive poverty. However, Iraq lacks a political culture of moderation and compromise that many see as a necessary condition for a power-sharing arrangement to work in a sustainable way.<sup>34</sup> If power relations between the groups change, leaders may not be prepared to re-negotiate compromise and the consociational regime breaks apart.<sup>35</sup> This has been the case in Lebanon and many other countries with power-sharing arrangements. In fact, as one researcher has remarked, "the list of cases where consociational arrangements applied reads like an obituary page."<sup>36</sup>

To substitute for a culture of moderation and compromise, a strong outside hand may be needed to bring the parties together when they cannot agree on how to divide the cake and, if necessary, to enforce a compromise and raise the costs of defection. In Northern Ireland, the British and Irish government have effectively forced the conflicting parties into a "coercive consociationalism."<sup>37</sup> Without similar coercion over a prolonged period of time, it will take only a few months in Iraq for the Kurdish North to declare itself independent and Kirkuk its capital, for the Shii to establish a de-facto independent state ruled by an alliance of clergy, tribal elders and urban *bazaaris*. If a power sharing arrangement is what Iraqis and American foreign policy makers choose as the country's political system of the future, the centripetal drive will have to come from the outside. Re-importing a Hashemite king, as some have suggested, will not help at all, since historically, the royal family played an important part in the Sunni Arab domination of the country right from the very beginning.

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<sup>33</sup> Andeweg 2000)

<sup>34</sup> Jinadu 1995); Rothchild 1986); Nordlinger 1972, chap. 4); see discussion in Andeweg (2000: 523).

<sup>35</sup> van den Berghe 1991:191ff.)

<sup>36</sup> Simpson 1994: 468)

<sup>37</sup> See O'Leary (1989, 1999).

However, whether Iraqis will tolerate and accept a strong American political role, even if behind the scenes, for a prolonged period of time, is an open question. It would need a great deal of diplomatic wisdom, cultural sensitivity, and political cleverness to achieve this and to let Iraqis perceive the continued American interference as anything other than imperial imposition. More likely, we may witness a backlash against US power and its Iraqi operatives. A victory of anti-democratic and anti-Western forces at the polls, gaining votes across the ethnic divide, would then become a very plausible scenario. Democracy would thus dig its own grave.

The alternatives are two: either to hand control over Iraq's democratization to another body with more legitimacy, such as the United Nations, or to favor a different institutional design with less centripetal pull than a power-sharing arrangement. I will limit myself to a discussion of the second option here. As an alternative to power sharing, an electoral system that fosters moderation and compromise across the ethnic divides may be introduced.<sup>38</sup> Three mechanisms have proven to be effective. First, the most powerful elected official, the president or prime-minister, should be the choice not only of the majority of the population, but of states or provinces of the country too, as is the case under the current constitution in Nigeria. This provides a strong incentive for taming ethno-nationalist demands and seeking support across the dividing lines of ethnicity and religion. Secondly, an alternative vote system produces, if demographic relations permit it, moderation of other elected politicians such as members of parliament, because they can hardly win with first votes alone and therefore have to seek support from voters that have other first preferences. In ethnically divided societies like Iraq, this often means of other ethnic-religious background. Finally, the political party law may require all parties contesting the elections to be organized in a minimum number of provinces. Taken together, the three devices should lead to moderation of ethnic claims and to a convergence of positions at the center of the political specter.

How exactly the system may (or may not) work in the case of Iraq, is an open question. Vote pooling devices such as the alternative vote system tend to be more difficult to organize and less transparent than for example list systems proportional representation. More importantly, they may lead to considerable shifts in outcomes by relatively small changes in party support.<sup>39</sup> Its sustainability therefore depends on the willingness of all parties to accept defeat—in contrast to the power sharing arrangements, where the system is designed to prevent such an outcome. As many examples of newly democratizing societies have shown, accepting defeat at the polls may be the most critical and most difficult aspect of the democratization process. Allegations of fraud, mobilizations of supporters, violent contests between party supporters and militias on the street have often led to the break down of democratic experiments. Thus, democratic consolidation may again depend on outside support. The intensity of intervention needed at the beginning is probably not lower than in a power sharing arrangement, but it may be substantially reduced once in place, since it effectively allows for an adjustment of power relations through

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<sup>38</sup> Horowitz (2003, forthcoming)

<sup>39</sup> Ellis (2003); Reilly and Reynolds (1998)

elections—in contrast to power sharing where such adjustments have to be negotiated. Ideally, electoral monitoring, the threat of international sanctions in case of non-acceptance of electoral results etc. may be enough help democracy work in the long run. However, without the support of the major political forces in the country and their continued commitment to democracy, the most cleverly designed electoral system will fail.

### Federalism: How much and how?

In order to further reduce the risk of a return to autocracy, reducing the prize for winning power at the center may help. Federalism (or autonomy, decentralization, devolution) is seen by many as the “golden road” to reducing ethnic conflict in a sustainable way.<sup>40</sup> However, federalism may also provide a platform for radical positions and corresponding counter-reactions and thus lead to a radicalization of ethnic politics in new forms, e.g. as an escalating fight between center and federal entity over the distribution of resources.<sup>41</sup> This has led to the collapse of the federations of Yugoslavia or Czechoslovakia. Finally, federalization may heighten rather than reduce the risks of human right violations, especially for members of ethnic minorities living under the rule of the majority government of a federal unit.<sup>42</sup>

To overcome these two problems, three institutional elements have been proposed. Territorial federalism is said to reduce the incentives for politicians at the provincial level to pursue a policy of ethnic antagonism. In a territorially defined system, such as Switzerland, the federal entities do not correspond with ethnic boundaries, and an aggregation of ethnic demands via provincial governments is discouraged. The current situation in Iraq provides an opportunity to introduce a non-ethnic federalism, since the Kurds in the North are split between two chiefdoms.<sup>43</sup> Both Talabani’s and Barzani’s parties officially demand autonomy for a unified Kurdish era (including Kirkuk)—as have done their predecessors since the twenties of the past century. However, the chances that they would accept two federal entities rather than one integrated are high, given their bitter rivalries and their inability, despite heavy American pressure over the past years, to overcome the cold ceasefire and to cooperate actively. A territorial federalism may also be in the interest of the Sunni, because it would avoid an overly powerful Shii province and thus reduce the political impact of the demographic majority of the Shii. Kurds and Sunni together may be strong enough to convince the Shii of the advantages of a non-ethnic federalism.

To avoid the sort of resource fights between center and provinces that led to the dismemberment of Yugoslavia and to the proliferation of claims to federal statehood in Nigeria,

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<sup>40</sup> For an overview, see Hannum (2003).

<sup>41</sup> For empirical evidence, see Hechter (2003).

<sup>42</sup> Kälén (2003)

<sup>43</sup> Wimmer (2002a)

fiscal federalism has been proposed as a solution.<sup>44</sup> Fiscal federalism would imply central control over the oil revenues of Iraq. A very large share of these revenues would directly be distributed to the federal states responsible for a large part of government functions. Ideally, the national government's hands would be tied by fixed revenue-sharing formulas that determine how funds are distributed and allocated, thereby granting wider discretion to lower levels of government. Fiscal federalism of this sort would greatly reduce the incentives to fight over control of the central government. And it would reduce the pressure for controlling the oil fields in Mosul and Kirkuk, perhaps even to the point of halting the dynamics of ethnic cleansing that has plagued these regions for decades.

It is highly doubtful, given the lack of an independent control and auditing of government spending in Iraq and given its tradition of political corruption and misuse of public funds that fiscal decentralization would work without the continuous monitoring by international organizations. We know from a series of quantitative research that large quantities of petroleum resources are a curse rather than a blessing for the establishment of rule of law and accountable government since it frees those in power from the necessity of raising resources through taxes—and thus provide government services in exchange—and of fostering a general climate of security and predictability that may foster investment and trade.<sup>45</sup> In order to overcome the “honey pot” effect and mitigate the “resource curse” of oil richness at least during the essential first phases of the state building project, a trust fund under international supervision, perhaps of the World Bank, might be the appropriate way to go forward. In the long run, strong mechanisms of accountability supervised by an independent judiciary will have to put in place to avoid endemic corruption and political manipulation of the distribution of resources characteristic of e.g. contemporary Nigeria.

To ensure protection of individuals and minorities from abuse of power, a strong minority rights regime at the national level, again a powerful independent judiciary system and effective enforcement mechanisms are needed. Otherwise revenge against Sunni Arab individuals living in Kurdish or Shii dominated federal units will be endemic, the series of ethnic cleansings and forced resettlements will continue and the smaller minorities living dispersed over the territory, such as the various Christian sects, the Turkmen, the Yezidi etc., will face discrimination by provincial governments. There is currently no judicial system that would be capable of handling the thousands of claims addressing past injustices, forced resettlement and expropriation, and that would protect citizens from similar treatment in the new federal entities. The holding of elections is no guarantee, as Zakaria has reminded us some time ago,<sup>46</sup> against democracies turning illiberal.

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<sup>44</sup> Fiscal decentralization is today widely regarded as way of bringing government closer to the citizenry and make provision of public goods more efficient. Its effects on economic development are mixed (Rodden and Wibbels, 2002). In the case of Iraq, the main argument in favor of fiscal federalism would be political, rather than economic.

<sup>45</sup> De Soysa (2000) relates resource abundance to „bad governance“ to the propensity for civil wars. For Auty (2001), abundance reduces the prospects for sustainable economic growth, again mainly because through “bad governance”.

<sup>46</sup> Zakaria (1997)

## Timing and outside support

This brings me to the questions of timing and outside support: When should elections be held and which actors are best suited to support the democratic transition from the outside? The two questions are linked, since different actors may have different time spans available for legitimately operating in Iraq.

There is general agreement among experts of democratization that rather than rushing towards elections, newly democratizing societies need, first of all, a firm state monopoly of violence, rule of law, separation of powers and a functioning party system.<sup>47</sup> The corresponding institutions, such as a non-corrupt police force, an independent judiciary capable of enforcing its verdicts, a legislating body sufficiently legitimized and professional to draft new legislation where necessary, and political parties with solid membership structures and programs, may need time to operate adequately and on a routine basis. And citizens too need time to adjust their behavior to the new circumstances, to overcome the all-pervasive fear typical of totalitarian regimes and develop their own visions of a political future. The constitution of parliament and the election of a government may follow later and effectively constitute the last, rather than the first step in the process of democratization.

In the case of Iraq, immediate democratization may quickly overstrain the capacities of conflict absorption in a political system that has been—since its foundation in the thirties of the past century—held together by coercion and repression. Ideally, enough time should be given for the formation of parties and civil society organizations that are not associated with the existing ethno-religious programs. Some of these organizations may be rebuilt on the basis of past experiences and memories.

The Communist Party, whose leadership has returned from exile in Syria, should be encouraged in rebuilding a trans-ethnic power basis, leaving behind remaining cold-war reflexes. The Baathist Party should be allowed to transform into a modern, conservative party with Panarabism as its founding doctrine, albeit the leading stratum of the party, involved in the gross and systematic human right abuses of the past, should certainly not be allowed to play a political role in the future but be put to trial. We should also not be afraid of Iraqi nationalists, albeit these will certainly be less pro-Western and pro-American than the US administration would wish they were. Other organizations, such as business groups, trade unions, and other civil society actors, should be encouraged to emancipate themselves from the tutelage of the Iraqi state and set up their own organizational infrastructure. This may indeed take years to be accomplished. And it may again need outside encouragement and support by the most professional institutions in this field, such as the German political foundations.

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<sup>47</sup> Rothchild (2003); Zakaria (1997).

In a fully ethnicized political landscape such as Iraq, it takes time for trans-ethnic parties and organizations to take root. The experience in Bosnia clearly shows that even with heavy outside financing and logistical support, non-ethnic parties may have enormous difficulties in gathering votes as long as a society still struggles with the traumas of ethnic warfare. Supporting such parties and organizations is a mid-term enterprise. It is well worth the effort, since if it succeeds, they will provide some of the political cohesion that ethnically divided polities so desperately need.

The alternative to such a bottom-up, slow process of democratization is the fast and top-down approach currently favored by the administration. This is certainly understandable given that a continued American occupation of Iraq is currently creating even more serious problems of legitimacy than the war itself—given that sovereignty is a holy doctrine in the world order of nation states and colonialism no longer a legitimate political option. In order to manage a quick handover of power to a US-friendly, yet democratically elected Iraqi government, most forces hostile to the US and to Western-style democracy are currently excluded from the emerging political center, and pro-American exiles are being put in power positions, hoping that they will gain the confidence of the population. Elections may then legitimize their ascendance and allow the American troops and administrators to retreat. It is a design that entails high risks of an anti-democratic backlash. It is also overly confident that the power of arms and money will bring legitimacy—even in a democratic age.

The approach favored here also demands a strong dose of outside interference, yet by different actors. The electoral system proposed needs independent monitoring and outside pressure to make sure that losers accept the verdict at the polls. Fiscal federalism may work better, especially as long as trust in government institutions is still a rare good, if the distribution of oil revenues is oversight by an outside agency. The construction of an adequate minority rights regime and judicial reform are tasks which require (or at least will benefit from) legal expertise from around the world and perhaps even some involvement of outside judges. The formation of civil society organizations and trans-ethnic parties has to be encouraged from the outside. International organizations and bodies are better legitimized—certainly in the eyes of Iraqis—to oversee such a far-reaching process of institutional change than an occupying army and its civilian face. The more control over the political transformation process is handed over to these actors and institutions, the better for democracy in Iraq. It may well be that the US administration cannot democratize and control Iraq at the same time and will have to make up its mind what it really wants.

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