Iraq's Civil Society in Perspective

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لجنة تنسيق المنظمات غير الحكومية لأجل العراق
NGO COORDINATION COMMITTEE FOR IRAQ

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➢ Introduction

Following the collapse of Saddam Hussein's regime in 2003, new realities and challenges have emerged in Iraq in relation to political system restructuring and new power-sharing agreements. Within that context, many local and international stakeholders, particularly international donors and international non-governmental organizations (INGO), view Iraqi civil society as a viable actor that is able to contribute to the country's sustainable recovery and long-term stability.

This report is based on the assumption that there is a present a window of opportunity for Iraqi civil society organizations (CSOs) to influence political processes towards better governance, respect for human rights, rule of law, and more generally the consolidation of a democratic society.

However, there exists a fundamental misunderstanding among international stakeholders about the capacity of Iraqi civil society, and particularly non-governmental organizations (NGOs), to affect real change. This misunderstanding stems in large part from a poor knowledge of the country's political realities and civil society dynamics over the last decades.

The current paper attempts to bridge this knowledge gap by analyzing current Iraqi CSOs in an updated context. It starts by briefly introducing the concept of civil society as discussed within Western thinking, and locating this concept within a broader international comparative context, more specifically within the political environment of Arab countries.

The paper then moves on to consider civil society in Iraq since the formation of the modern state in 1921, including the powerful influence of religious and tribal groupings. Discussions regarding civil society in the post-2003 period focus on independence from the state, voluntarism, active participation and representation. Major challenges facing CSOs are examined such as the institutional environment, democratic reforms, human rights, and the ability of the government to ensure the delivery of basic services.

Finally, the paper offers concluding remarks based on lessons learned from past experiences, as well as recommendations for different stakeholders operating in Iraq.

➤ 1. Background

1.1 The Concept of Civil Society

The concept of civil society originated in 18th century Europe and has become deeply entrenched in Western political thought. As of the late 20th Century, it has also pervaded international and national political discourses where it is organically associated with democracy and socioeconomic development.

A series of influential Western European thinkers have tried to define and conceptualize civil society. Ernest Gellner's discussion is worth dwelling upon for having largely influenced popular conceptions. Gellner, a philosopher and social anthropologist, drew a distinction between "traditional society" and "civil society". In the former, he saw political organization as segmented along fiefdoms, tribes, and city-states, as well as individuals' social positions, occupations and other loyalties defined by birth. In the latter, segmentation has been overcome by culturally and linguistically homogeneous nation-states; rationality presides over people's decisions; individuals are members of groups but not too strongly attached to any one group; and they have a sense of moral obligation that forces them to honor their commitments willingly, not because of social pressure.

Largely based on Gellner's vision, civil society has come to be generally understood as the sphere of voluntary associations and organizations situated between, and independent from, the state and traditional social structures such as the family, the tribe, or religious communities. However, numerous social and political studies have challenged this definition as an "ideal-type" that is never reflected in reality, even in those societies which divert from the traditional model.[1] In Western liberal democracies, civil society goes beyond voluntary organizations to include interest groups, religious communities, and informal collectives, many of which are partially dependent on ties with either state structures or traditional forms of social organization.[2]

An approach toward civil society based on Gellner's definition focuses on its civic *identity*, rather than on its public, and on its political *role* as an actor capable of bringing about change

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[1] For a discussion, see Charles Kurzman "Conditions of Liberty: Civil Society and Its Rivals" http://gellnerpage.tripod.com/Kurzman.html; and Varshney Ashutosh (2001) "Ethnic Conflict and Civil Society: India and Beyond", *World Politics*, Vol. 53, No. 3, pp. 362-398.

[2] Alison Brysk (2000) "Democratizing Civil Society in Latin America", *Journal of Democracy*, Vol. 11, No. 3, July 2000, pp. 151-165.

independently from the state. It is this role that this report examines, a role that be can be said to depend on the autonomy, decision-making structures, and organizational goals of CSOs.[3]

With this objective in mind, yet another approach to civil society merits consideration. Writing under Mussolini's fascist regime, Italian philosopher Antonio Gramsci envisioned civil society as a crucial sphere through which people may struggle against dictatorship and tyranny. This sphere of mobilization enables the development of public involvement on issues that are unaddressed or entirely ignored by political regimes.[4] Civil society mobilization also erodes the grip of the state by placing the power to exert change into the hands of the masses represented by associations and organizations. Gramsci's definition of civil society, clearly influenced by Marxist thought, became popular in the late 1980s and 1990s among civil movements in Eastern Europe and Latin America which were struggling against authoritarian regimes and advocating for democratization and the respect of human rights.[5] Gramsci's approach has influenced many thinkers and civil society actors who do not share his Marxist perspective. This report similarly adopts a Gramscian perspective to take a closer look at the dynamic role of civil society in Iraq, both past and present.

The successful experience of civil society in various parts of the world has created expectations among the international community, and particularly INGOs committed to strengthening CSOs in developing countries. Conversely, in several contexts, the incapacity of civil society actors to perform their expected role has lead to frustration among INGO practitioners who have often failed to consider the relevant environment in which these actors evolve, particularly the linkages between state and society[6]. This is the case in Arab countries where religious and tribal ties greatly shape networks and interconnections within society, and between society and the state.

1.2 Civil Society in the Politics of Arab Countries

Arab regimes can only tolerate the discourse of democracy and human rights when it is controlled and expressed by the state. This is why Arab governments usually view civil society with suspicion and view its organizations as political Trojan horses that threaten entrenched Arab regimes' power

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[3] Ibid.

[4] Thomas Carothers (1999) "Civil Society", *Foreign Policy,* No. 117, pp. 18-24.

[5] Ibid.

[6] A large number of articles and reports published since the late 1990s by Arab commentators are very critical of the progress made by civil society in the Arab region. They argue its obvious sluggishness and failure on democratization and human rights in comparison to successes achieved in Latin America and Eastern Europe. For recent examples, see: Laith Kubba (2000) "The Awakening of Civil Society", Mohamed Talbi (2000) "A Record of Failure", Abdul Hussein Shaaban (2000) "Is Arab Civil Society a Third Power?", Melek Saral (2009) "Civil Society and Human Rights Protection in Iraq since 2003".

and "security." Repression is often the state's response, justified with legal arguments and judicial measures that rarely meet international standards of legality.

The emergence of liberal trends in several Arab countries in the 1980s was reflected in greater levels of freedom of the press, policies more tolerant of the freedom of association, and improved levels of transparency within political processes. This relaxation has been analyzed as the response of Arab regimes who anticipated public unrest in the face of a growing economic crisis, mainly caused by a significant drop in oil prices. It seems that a warning signal came from countries of the Eastern Bloc, where unrest erupted following deteriorated standards of living.[7] The extent to which Arab regimes' liberalizing policies were genuine, temporary, tactical, or controlled remains questionable.

Expectations of the capacities of civil societies within Arab countries - and specifically Iraq -should be adjusted to the limitations imposed by "regime-states". Such regimes directly control state institutions to protect their own interests and to secure power.[8] To control and repress democratic initiatives, regime-states often use robust and coercive forces, to which they allocate colossal financial support. [9] For states that rely on an oil rent, or receive aid from oil producing countries, repression has been a cheap and easy option.

Evaluating the extent to which civil society development has the potential to impact the transition from authoritarian to democratic rule in the Arab world is challenging because democracy is still limited in most Arab countries.[10] In terms of civil society development and democratic reform, it is frequently assumed that their growth is inversely proportional to the power of the state. However, in the Arab world, this indicator is not only crude, but also largely invalid. In those Arab countries where civil societies have grown considerably over the past two or three decades, the process has been accompanied by an even more significant strengthening of state control over society. In the region, unlike what has happened in some other parts of the world, the authoritarian control which governments exert upon all levels of society is a hard fact that makes any expectation of civil societies' impact on the democratization process highly theoretical at present.

This reality calls for a serious reconsideration of expectations about the current capacity of civil societies in the Arab world. Coercive apparatuses and autocratic rule cannot be challenged by CSOs

[7] Emanuel Sivan (2000) "Illusion of Change", *Journal of Democracy*, Vol.11, No.3., pp. 69-83.
[8] Sean L. Yom (2005) "Civil Society and Democratization in the Arab World", MERIA, Vol. 9, No.4, Article 2.
[9] Henry Anderson and Filip Vikstrom (2007) " Olof Palme International Centre's Support to Civil Society Organizations in Iraq", Sida Evaluation Report 07/25.
[10] Yom, "Civil Society and Democratization in the Arab World".

acting alone, which would amount to attacking tanks with toothpicks. In this part of the world, it will take years before civil societies reach the stage where they can start delivering and playing their expected and desired role. Within such a context, there is certainly scope for international donors and INGOs to help civil societies strengthen their position vis-à-vis political regimes. Capacity-building, exposure to and representation in international fora and, when possible, financial support, are all avenues which must be pursued as part of a long-term vision.

➢ 2. Civil Society in Iraq: A Historical Perspective

The Iraqi population is often described along ethnic lines as composed of Arabs, Kurds, Turkmen, and other smaller ethnicities. Some experts describe Iraq as divided along religious lines, with Muslims (of the Shi'ite and Sunni sects), Christians, Yezidis, Mandaeans, and other smaller faiths and sects. Kurds and Turkmen (who are Sunni Muslims in their majority), along with Christians and Yezidis, are largely based in the northeast. Arabs (Sunni and Shi'ite) are mainly based in central and southern Iraq. Smaller ethnic and religious minorities coexist in different parts of the country.

Members of each ethnicity are not unified by faith or even by sect within that faith, and their geographical presence is not exclusively confined to specific regions, but rather extends to mixed areas, particularly in urban centers. Furthermore, several social ties cut across faiths, sects and/or ethnicities. This is the case with tribal or clan affiliations, social classes, regional identities, or attachment to a particular religious figure, such as *marja*'s (references) among the Shi'ites. Both religious and tribal social structures form the basis of very ancient forms of civil organizations aimed at ensuring mutual support between members of specific groups.

Finally, many other social connections are built on common interests - professional, intellectual, and social - and bring together people of various religious or ethnic backgrounds, for example in clubs or associations. The establishment of the Iraqi state in 1921 was a major phase in the development of inter-ethnic, inter-religious and inter-tribal ties. Iraqi and Arab nationalism quickly spread and took precedence over traditional forms of civic activism. Nationalism was the vector of popular expression against Ottoman rule. It was central in the 1920 revolt against the British occupation (that had started in 1917) and in the formation of ideological parties, such as the Iraqi Communist Party and the Arab Socialist Ba'ath Party. In parallel, religious identities formed the basis of other political groupings, such as the Muslim Brotherhood and several Shi'ite movements that also expressed nationalist claims. Between the creation of the Iraqi state and the fall of the Ba'athist

regime in 2003, Iraq underwent three main political phases, which are generally known as monarchic, republican and Ba'athist. These political phases profoundly influenced the development and role of both traditional and modern CSOs.

The following subsection (*2.1*) looks at Iraqi CSOs based on modern political ideologies, social claims, and organizational forms as they emerged with the formation of the Iraqi state. The next subsection (*2.2*) focuses on traditional forms of civil organization, and namely those based on religious and tribal solidarity.

2.1 Modern forms of civil society organizations

During *the monarchic phase (1921-1958)*, the middle class and educated urban communities expressed civil activism within ideological parties and politicized groups similar to those present in neighboring countries: the Iraqi Communist Party, the Ba'ath Party that championed Arab nationalism, and a number of Sunni and Shi'ite political movements. These parties were active in community institutions and organizations, such as trade unions, and were well placed to mobilize the population against the monarchy and the British who backed it.

This period also witnessed the creation of major modern associations and civil organizations that did not contest the regime, yet expressed social and political claims. This was the case with the Women's Revival Club (1923), the Iraqi Red Crescent Society (IRCS) created in 1932, the Al Al-Bayt Schooling Association (1950), the Women's Rights League (1952), the Muslim Sisters Association, and the Muslim Boys Association. These groups held regular campaigns in favor of the needy, democratic rights, education, and social solidarity.

The monarchy was supportive of organizations that delivered social support to the public and expressed moderate political claims that were considered nonthreatening to the political order. Some organizations were even established or led by members of the regime, or by social and economic circles close to the monarchy. By contrast, organizations with an ideological agenda were subject to close surveillance from the authorities, who prevented members from crossing a red line on sensitive issues that had potential to weaken the state. Yet during the monarchical period, it can be said that CSOs generally enjoyed more freedom in terms of operations and much less governmental pressure than during any subsequent period in Iraqi history.

The republican phase (1958-1968) witnessed political instability in the form of political assassinations, several failed coups, and three successful military coups that resulted in regime changes. Any analysis of civil society development during this phase is significantly limited and complicated by this political turbulence.

Brigadier Abd al-Karim Qasim seized power from the monarchy in 1958, proclaimed a republic, and ruled as Prime Minister until he was himself overthrown by a coup in 1963. During this initial stage, known as national republicanism, the anti-monarchic front, composed of political parties that had joined forces to overthrow the regime pre-1958[11], disintegrated. Major factions fiercely fought against each other to gain greater stakes in the country's leadership, leading to increased polarization between the Ba'athists, the Communists and Islamic parties.

This hostility was reflected within the CSOs that splintered along ideological lines between the Ba'athist and Communist parties. Civil activism became an arena for political confrontation, as opposed to an independent forum for the voice of the people.

Qasim was overthrown in February 1963 by a coalition of Ba'athists, army units, and other pan-Arabist groups. Abdul Salam Arif, who had played a leading role in the anti-monarchic coup, then allied himself with the Ba'ath Party to rule Iraq. There was an atmosphere of political revenge against supporters of Qasim, Communists, and other groups that had formed in opposition to the monarchy. Consequently, repeated purges disrupted governance.

The final stage of the republican experience began in November 1963, when Abdul Salam Arif led a new coup to get rid of the Ba'ath party and sent its leaders to either prison or exile. After Arif was killed in an accident in 1966, the presidency was left in the hands of his brother, Abdul Rahman. Thereafter, the state machinery began to experience more stability.

The term "republican era" is in fact misleading. Military-dominated politics characterized Iraq throughout this period, and very little was done to develop democratic institutions or to restore Iraqi civil society, which never fully recovered from these years of political upheaval.

In 1968, a coup brought the Ba'ath Party back to power, inaugurating *the Ba'athist Phase (1968-2003)*. Officially still a republic under the Ba'ath party, Iraq witnessed catastrophic wars,

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[11] The role that this front played in the coup that overthrew the monarchy is not entirely clear.

international sanctions, and overbearing dictatorship that stunted any possible growth for an already damaged civil society.

The new regime was quick to bring civil society under its control, mainly via three measures:

- The containment and control of preexisting organizations through a policy of invitation and intimidation. Rewards were offered in exchange for loyalty and submission, and punishment exerted upon recalcitrant elements.
- The creation of new associations and organizations, mostly called "popular", under the umbrella of the Ba'ath party. A high ranking central office in the Political Bureau of the Ba'ath, called the Office of Popular Organizations, was tasked to supervise and oversee these organizations. The Ba'ath National Command also had central offices for youth and students, workers, farmers, and other categories of the population.
- The repression and/or banning of groups and parties who failed to abide by the aforementioned measures.

As a result, the development of an independent civil society was utterly thwarted in favor of supporting organizations closely linked to and monitored by the government. Organizations that threatened the *status quo* were forced out under the pretext of violating the law and endangering national security.

Following the complete nationalization of Iraq's oil industry in the early 1970s, state revenues increased considerably and the government created a highly developed public welfare system. Education was provided through a centrally organized school system and was free at all levels, including tertiary. School and university enrollment grew rapidly. The Iraqi Ministry of Health controlled a vast network of medical facilities, employing most medical professionals in the country and offering free preventive and curative health care. Vast numbers of workers were covered by social security. In addition, pensions were paid to retirees and disabled persons, and compensation was provided to workers for maternity and sick leave. By contrast, rural areas were generally underserved by the state's public welfare system.

Centralization and state control of public welfare stood as ideological pillars of the Ba'ath Party's socialist doctrine and were central to the way the party conceived of the relationship between the state and the people. While the emergence of a social welfare system was a significant achievement for Iraq, it further suppressed the role of civil society at the community level, as the Iraqi people

began to view the central government as a reliable service provider. This social contract held as long as the state was able to perform its role of redistributing national resources (namely oil revenues) in the form of socioeconomic development and welfare. The social contract was also held in tact by a repressive apparatus that suppressed any claim to another type of relation between the state and society. In fact, the Ba'ath party's political domination obstructed civil activism, and tightly controlled and contained non-politicized civil organizations that had survived through the previous republican phase's turmoil.

During the previous republican period, some powerful national organizations managed to sustain a reasonable level of unilateralism and independence in status and operations, such as the Iraqi Red Crescent Society (IRCS) and a number of cultural and educational societies. Under the Ba'ath regime, they could not completely resist the severity of pressure from the state's power and institutions, and therefore had to compromise (see below).

New legal requirements were introduced for cultural societies and schools to ensure that their programs and activities were in line with the regime's agenda. For example, educational institutions run by religious communities (particularly Christian) were nationalized and had to adopt the national curriculum. Organizations that refused to comply were closed. Few cultural organizations, other than those emanating from the Ba'ath structure, managed to stay in operation. Their patrons were members of prominent families who were accepted or controlled by the state. Activities were restricted to cultural events aimed at the urban elite and taking place in private homes. In other, more liberal contexts, these circles might have evolved into cultural foundations. In Ba'athist Iraq, however, the autocratic regime could not tolerate any such development taking place outside of its centralized structure.

The capacity of the state to deliver welfare was strongly reduced following the Iraq-Iran War, during which the country's resources were mainly channeled into the war effort and the country's oil infrastructure was severely compromised by fighting. The state's capacity was further hampered by thirteen years of international sanctions imposed by the UN Security Council as a result of Iraq's invasion of Kuwait in 1990. This near-total embargo banned all trade and financial resources, except for certain medications and, "in humanitarian circumstances," foodstuffs.[12] The state could no longer provide basic services to the population, mostly due to the lack of funds and resources at its

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[12] The embargo banned many other items, such as ambulances, clutches, eyeglasses, computer supplies, books, periodicals, and chlorine (a necessary chemical for treating water to make it suitable for drinking). For a more comprehensive list of prohibited imports into Iraq during the sanctions period, see: <http://www.iraqwar.org/list.htm>.

disposal. Instead, it introduced a food distribution system that provided for the very basic needs of Iraqis: each citizen was allocated rationed food items with a minimal caloric value, and selected households also received non-food items.

What shook people's confidence in the government was not so much the harsh effects of the sanctions, rather than the widely perceived immoral occupation of Kuwait and the following humiliation of the Iraqi military in the First Gulf War. Yet as the state's ability to provide for the people declined, knock-off effects such as the "brain drain" ensued, whereby skilled professional and academics left the country in search of better living standards. Emigration of the educated middle-class further impaired the reactive and organizational capacity of civil society.

Iraqi civil society therefore did not benefit from a reduction in state capacity during this period of hardship. Only a few limited and isolated religious associations managed to organize themselves, often underground.

During the sanctions years, a few international humanitarian agencies - including a handful of INGOs such as the ICRC, CARE, and Première Urgence - were permitted to operate under the Iraqi government's strict control and oversight. As for United Nations (UN) agencies, the Iraqi people generally associated them with the sanctions, and therefore viewed them with suspicion and mistrust.

Iraqi Kurdistan was an exception to this pattern. In Duhok, Sulaymaniyah and Erbil, modern forms of civil society activism had a unique opportunity to emerge. In 1991, the region became *de facto* independent from the central authority in Baghdad[13] to be led by a young and inexperienced government. Newly formed CSOs capitalized on the weak political environment, and effectively provided humanitarian assistance by delivering basic health and social services. They were supported with resources and technical assistance mainly provided by international actors, such as various UN agencies and INGOs. However, as the Kurdish central authority began to consolidate, it started to gradually trim the ambitions of CSOs, and especially those organizations focused on promoting democratic reforms and social justice.

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[13] This independence was the result of the enforcement of a no-fly zone by the US and UK over most of the northern region following the 1991 Kurdish uprising against Saddam Hussein's regime.

2.2 Traditional Civil Society Organizations

Besides political parties and modern associational forms that emerged in Iraq in the 20th century, what can be called "traditional CSOs" have existed for centuries in the form of charitable or social associations assisting those in need. Such organizations have generated support for their activities based on tribal and religious obligations, and some have demonstrated resilience in the face of centralizing rule.

Traditional community-based charitable or solidarity associations aim at providing social support to members of specific groups based on *inherited identities* (religious or tribal) and *obligations*. As such, they do not easily fit with the concept of civil society prevalent in Western thinking, which is based on *voluntary* association beyond traditional social structures. Yet, as will be argued in some detail below, such traditional organizations represent an important legacy of social involvement in Iraq that should not be disregarded as irrelevant to the discussion on civil society and social mobilization in post-2003 Iraq.

Charitable support to community members in need is deeply imbedded within the traditions of all religions, and is particularly central to Islamic practices across ethnic groups. Regular religious events promote solidarity amongst the community. Religious centers also often provide the necessary services to those in need within the community, such as education and social support. The Islamic *zakat* or *khumus* (mandatory alms-giving), and the Christian '*ushur* (tithes) have historically been the main means of subsidizing charitable bodies to help the poor, the orphans, the widows, and those with disabilities or special needs. Similar practices exist among other Iraqi religious groups, such as the Jews, Mandaeans, and Yezidis, in which organized charity is a faith-based obligation. Furthermore, the *sadaqa* (voluntary alms-giving) is well imbedded in the ethical and traditional principles of Iraqi society and widely practiced across religions and ethnicities.

The *waqf* (Islamic endowment) is one of the popular associations inherited from religious scriptures to manage and administer funds and estates that Muslim individuals or the state donate to the community. In the majority of Muslim countries, including Iraq and its Arab neighbors, such endowments have been organized and controlled by a governmental ministry. Many governments aim to directly control such civil associations especially when the latter combine a religious dimension with sizable funds and enjoy broad support from the population.

In Iraq, official religious endowments were, until very recently, limited to Sunni Muslims. However, other sects (namely the Shi'ites) and faiths (including Iraqi Christians) possessed comparable systems that operated independently from state control. These forms of organized or individual charity existed among both the Arabs and Kurd.

Religious charitable organizations maintained a pivotal role well into the monarchic and republican periods. However, the Ba'ath regime weakened their influence considerably. Many were officially forced to close, but survived state oppression by unofficially lying dormant under the protective blanket of religious institutions. They resurfaced with their basic structures relatively intact after the fall of the previous regime.

This process was largely visible among Shi'ite communities, and specifically in governorates south of Baghdad where groups that gather around religious figures (including Ayatollahs Al-Hakim, Al-Kho'ei, and Al-Sadr) informally continued to collect and distribute charitable donations.

Sunni charitable organizations also faced assimilation pressures from the central authorities and district party offices, and particularly when the "Return to Faith Campaign"[14] was implemented following the Shi'ite uprising of February 1991 in the south.

Tribal structures, which are prevalent among all ethnic groups in Iraq, continue to influence associations of popular solidarity that are dedicated to members of a specific kinship group. Charity or solidarity funds supported by affluent members have been used to pay for medical treatment, as well as helping widows, orphans, and old people within the community. These bodies are normally governed by tribal dignitaries, who are generally well-respected by their tribe's members, wealthy, and connected with influential people at the state level.

The sheikh's *mudhif* (the reception place of a tribe or tribal section leader) is in itself an institution used as focal point for gathering and discussing common interests, essentially on agricultural or territorial issues. From the monarchic to the Ba'athist period, some tribal leaders diverted from the original goal of such gatherings and preferred to play the government's and local authorities' interests against their own followers in exchange for royalties and territorial benefits. However, the sheikhs' politics did not weaken the overall social role of the tribe. Instead, the tribe's networks of solidarity continued to provide support and assistance based on kinship.

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[14] This religious campaign was launched by the Ba'ath party on a national scale after the First Gulf War.

When considering the role and resilience of tradition forms of civil organizations, a distinction needs to be introduced between urban and rural areas, and between social classes. With an increase in oil revenues, the Ba'athist state started to provide services to the population, especially in expanding urban centers. This resulted in the gradual decline in importance of religious and tribal associations in cities, where different religious, tribal and ethnic communities were mixed and part of the large middle class. This phenomenon sharply contrasted with that in rural areas and lower class urban neighbourhoods - such as what is today known as "Al Sadr City" in the suburbs of Baghdad-, which were generally populated with recent immigrants originating from the countryside. In such areas, social solidarity continued to occur predominantly within tribal and/or religious structures.

Finally, one must take note of the major Shi'ite religious centers, including the holy cities of Najaf and Karbala, and the neighborhood of Kadhimiyeh in Baghdad. Although urbanization and the development of state-sponsored social organizations have affected these areas, the role of religious organizations also remained important. In particular, religious seminaries (*hawza*-s) were allowed to function (under close state monitoring) throughout the Ba'athist period.

2.3 Iraqi Civil Society Post-2003 Invasion

The US-led invasion and occupation of Iraq, which officially began in March 2003, was a crucial turning point for Iraqi civil society. The breakdown of the Ba'athist state, sudden absence of political control, emergence of a humanitarian crisis, and influx of INGOs and donors are all factors which prompted the creation of numerous new CSOs.

It is estimated that somewhere between 8,000 and 12,000 such organizations were registered within the years following the invasion. The Coalition Provisional Authority (CPA) soon formed a Committee for Civil Society Organizations in an attempt to institutionalize state support for these new bodies.

The emergence of civil society as an active participant in Iraq's recovery and development became a highly popular theme amongst key actors. While the manifestation of an extensive civil society is generally considered a progressive step in development, Iraq's civil society has been a highly contentious and controversial issue post-2003. Many NGOs were formed as a reaction against the former regime, as proxies for political parties in power, or as opportunistic ventures aimed at gaining access to the massive amount of humanitarian aid that was pouring into the country. This reality poses questions about the degree of independence, efficacy, capacity, and professionalism of these organizations.

The very first group of local NGOs were formed as civil society's branches of political parties and groups that participated in the first power-sharing agreement. Many of these NGOs continue to assume governmental functions and control state agencies at the local, regional and national levels. Their growth closely reflects ethnic and religious/sectarian trends and divisions in Iraq's political environment.

NGOs affiliated (officially or unofficially) to political parties frequently claim to be independent and impartial. However, their sources of funding and political support remain non-transparent. NGOs' missions and agendas provides clues about their affiliation, of which the Iraqi public is generally aware. With a long tradition of relying on the state and its network of social organizations, Iraqis do not object to these connections, as long as NGOs effectively perform their service delivery roles. Furthermore, politically-affiliated NGOs benefit from the protection of those militias operating under political parties. The work of NGOs is therefore territorialized as they can only deliver their services in areas securitized by the party patronizing them. Many political organizations perceive affiliation with NGOs as a highly effective way to seek representation and popularity with the people. This patronage system, which is deeply entrenched in Iraqi society, remains active at present.

The financial capacity of a local NGO is another indicator of its political affiliation. Since 2003, many NGOs have benefited from widely available government funds, and often assume an implementing partner role for government-run projects. Many political parties in power at the governorate level have created local NGOs, which they use as partners to implement various social welfare projects. This was the case with the Sadrists in Ammara (the capital of Missan governorate), the Islamic Supreme Council of Iraq (ISCI) in Najaf, the Islamic Party in Anbar, and other locally influential political organizations. In 2009, when local councils were reshuffled following provincial elections, the new parties in power created new local NGOs and many of the previously existing NGOs went out of business. This also occurred in Anbar, Basra, and several other governorates.

The second major dynamic which has fueled the rapid growth of national NGOs is the international humanitarian community's pressing need to find local partners for project implementation. Civil society is considered a concept new to Iraq by the majority of donors and INGOs that approach Iraq with a democratization agenda. This dynamic has highly influenced Iraq's preexisting approach to civil society and has prompted the creation of thousands of new local NGOs, which initially hoped to benefit from the promise of democracy and freedom, and from billions of dollars of support pledged by international donors. People had very little professional knowledge and awareness about how to

run and manage these types of organizations, or about the complexity of Iraq's legal and institutional environment. The country lacked access to literature on NGOs, the new concept of civil society, or what is commonly referred to as "capacity building." As a result, local organizations have come to heavily rely on INGOs for training and skills development. This further drew the development of some Iraqi civil society sectors away from their historical and cultural roots, and toward a less indigenous, more westernized version of civil society.

Perhaps the best way to critically analyze Iraqi civil society today is through discussing their complicated operational modalities and the working environment of NGOs. This discussion will revolve around three key principles that form the backbone of humanitarian engagement: independence, voluntarism, and participation/representation.

2.3.1 Independence

A limited number of NGOs in Iraq can be described as truly independent from the state, or from ethnic or religious constituencies, and as having a broad base of acceptance and support within the Iraqi population as a whole. Out of the 8,000 NGOs estimated by the Norwegian Refugee Council (NRC) to be active in the country, the NGO Coordination Committee for Iraq (NCCI) considers only a small fraction to be impartial, non-religious, and non-political groups[15].

As argued above, a large number of NGOs retain political affiliations, with some acting as the charitable arms of politicians or political parties that are represented in the government. Many other NGOs, even without political affiliation, are strongly linked to sectarian ethnic and/or religious groups. This affects the geographical distribution of the organizations and of their programs in relation to the demographic make-up of the country. It can also limit their beneficiaries to specific, targeted sub-groups within the population.

In Shi'ite-dominated neighborhoods such as Al Sadr City in Baghdad, many NGOs are visibly affiliated with specific mosques and religious figures (*marja*'s), or with the offices of political organizations (such as the Badr Brigades, Shahid Al Mihrab, and the Sadrist movement). Other NGOs are less visibly affiliated, but are still proxies for religious or political groups: they deliver relief and services in exchange for popular support to political actors. Wherever there is a link between the patrons of NGOs and the state, the former are highly dependent on the government. Therefore, NGOs frequently reflect the different agendas of various political parties in power, from which the NGOs

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[15] The NCCI Mapping Survey of Iraqi NGOs, conducted throughout 2010 by NCCI's Field Coordination Network in Iraq, identified 800 NGOs that can be considered 'active' in the field of humanitarian and developmental intervention.

receive their funding. Since these political groups are engaged in a power struggle at the national and governorate levels, competition is directly reflected on how these NGOs are perceived and accepted by the population. The critical position of NGOs in the Najaf and Karbala governorates since the Da'awa party took control of local political institutions, together with a recent dispute between the Da'awa-affiliated Governor of Najaf and the ISCI, is a clear example of this trend. [16]

In Sunni communities, NGOs often serve specific tribal or regional constituencies, or are aligned with political parties or ideologies (such as Pan-Arabism, Kurdish or Turkmen nationalism, Communism, or Sunni Islamism) rather than with specific religious figures. [17] Among both the Sunnis and Shi'ites, religious endowments (*waqf*s) present themselves as yet another factional category that has its own, affiliated NGOs.

Many organizations that provide services to Christian communities also exhibit similar subdivisions, and tend to narrowly target either Chaldeans or Assyrians as their beneficiaries.

Journalists, artists, lawyers, medical doctors, engineers, investors, sportspeople, and other professionals have their own organizations, which are mainly registered as unions, associations or committees. Most of these organizations exist in urban areas and bear the heritage of secularism. Additionally, many of these organizations are affiliated with political parties that do not have a significant stake or considerable representation in the current government. However, their independence is threatened by various groups inside the government that are attempting to seize control of their administrative boards. Similarly, the independence of an organization like the IRCS has been challenged by the Da'awa Party, which has taken control of its headquarters [18]. Political competition and instability pervade those organizations which are losing their independence from governmental actors.

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[16] Family members related to Sadr El Din Al Qubanchi, the ISCI's senior leader and Imam of the Friday prayer in the holy shrine of Najaf, have been accused of committing serious criminal offences. This claim has placed him in conflict with Adnan Al Zarfi, a member of the Da'awa party and Governor of Najaf, and has evolved into a dispute between their respective parties in the governorate and the NGOs affiliated with these respective parties.

[17] Unlike the Shi'ites, Sunnis do not recognize the authority of different *marja*'s (religious figures).

[18] During the Da'wa party's take-over, the Baghdad branch of the IRCS was raided by gunmen dressed like members of the Iraqi Security Forces who abducted seventeen IRCS employees. The fate of these employees remains unknown today.

2.3.2 Voluntarism

Voluntarism and financial independence from government sources are closely linked as illustrated by the case of the Iraqi Red Crescent Society (IRCS), which used to be the most prominent voluntary association in the country[19].

Since its establishment in 1932, the IRCS has made voluntarism an essential principle in its statuses and one pillar of its operational history. During the monarchic period, prominent members of the Iraqi royal family and members of the Iraqi elite actively participated in IRCS' activities, setting an example to follow. Thereafter, and until the fall of the previous regime, the IRCS was able to depend on a workforce of volunteers drawn from different segments of the society who helped develop community-based projects and respond to emergencies and natural disasters.

Another pillar of IRCS operations has been financial (if not political) independence from the Iraqi government. Donations and voluntary contributions represented a large part the IRCS's budget until the end of the monarchy. Thereafter, until the 2003 invasion, the IRCS primarily relied on revenues generated by vast estates and properties that had been donated by the Iraqi state in the 1930s. This is similar to the system of endowments (*waqfs*), but does not have a particular religious dimension. After the First Gulf War (1991), the IRCS started accepting donations from the International Red Cross and Red Crescent Movement in order to maintain its programs and its financial independence from the government.

After the 2003 regime change, the IRCS failed to collect revenues from its properties due to security issues. Consequently, the organization succumbed to pressure from the new government to accept public funding in order to continue its operations. This financial dependence, and an inflated annual budget of millions of US dollars, drastically reduced the IRCS' spirit of voluntarism. The IRCS now relies on paid staff, totaling about 3,000 people, and allows the government to intervene in its administrative affairs.

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[19] The IRCS was founded to replace the branch of the Ottoman Red Crescent in Baghdad upon the collapse of the Ottoman Empire and the beginning of British occupation in 1917. In 1932, the Mayor of Baghdad invited 150 Iraqi dignitaries and intellectuals to meet and consider establishing a Red Crescent Society, similar to those operating in more developed countries. The meeting elected 16 members who drafted the new society's laws and announced the IRCS' formal creation in February 1932. It was recognized by the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies in June 1934. For decades, the IRCS adhered to principles of neutrality and impartiality in relation to ethnic, religious and political groups and issues in conflict.

2.3.3 Participation and Representation

During the Ba'ath era, membership in what are referred to as "popular organizations" (such as professional associations, women organizations, and student groups) became an essential way of advancing one's professional career. This was especially true for public sector employees, who were the majority of Iraq's workforce, for whom there was little choice but to join one of the party-controlled sectoral organizations. Popular organizations were essentially semiofficial public bodies in which policies and programs were developed behind closed doors by a small group of people closely connected with the regime.

Quasi-compulsory membership in popular organizations created a distorted pattern of representation, inclusion and participation. On the one hand, involvement of members in these organizations' affairs was at best nominal, since the vast majority of members had no decision-making power. On the other hand, participation in official events and meetings, rewarded with professional positions and career promotions, was high.

Following the 2003 regime change, popular organizations witnessed a surge of interest from new political groups seeking to gain influence over them, subjecting these bodies to political and security challenges that are prevalent in the general Iraqi arena. A number of previous organizations were dismantled (such as the women, student, and youth associations), whereas other organizations (specifically professional associations) became the site of severe competition between ethnic and sectarian-based political parties. One example is the Bar Association previously controlled by Sunnis and recently taken over by the Sadrists. In the absence of a genuine process of national reconciliation, these associations will fail to play their representative role across the population's broad spectrum.

The Iraqi population, which has experienced major economic difficulty, sociopolitical turmoil, and insecurity since 2003, is generally loyal to any organization or party that is able or willing to assist them and provide protection. Large numbers of relief and assistance organizations, occupying the void left by the absence of relevant or efficient public institutions, serve as implementing partners for governmental bodies controlled by various political parties. Many of these NGOs have utilized public funds and the state apparatus to serve the agenda of various political parties.

This chain of patronage and opportunism leads to the false perception that politically-controlled NGOs have gained wide acceptance among the population. There is also a widespread

misconception that such NGOs play a representative role in favor of their constituencies (or "beneficiaries"). However, such perceptions are undermined by the current situation, in which many NGOs are running out of local and international funding sources, or losing their political backing as certain affiliated groups fare poorly in elections.

➤ 3. Current Challenges Facing Civil Society in Iraq

The most immediate challenges currently facing civil society in Iraq include the legal and institutional environment, democratic reforms and human rights, and government competency and capacity.

3.1 Legal and Institutional Environment

Commonly evoking national security and public safety as justifications for repression, the Ba'athist regime entangled CSOs in complex legal procedures that significantly limited the democratic space within which a healthy civil society could survive and operate.

Although the new Iraqi Constitution (2005) acknowledges and supports both the existence and operation of civil society institutions[20], successive Iraqi governments have failed to develop a legal framework in line with the Constitution and have continued to use and enforce legal texts and procedures inherited from the past regime.

Order 45 of the Coalition Provisional Authority (CPA) set the principle guidelines and standards for the creation and operation of CSOsin Iraq. This was followed by the creation of a State Ministry for Civil Society Organizations, the establishment of a committee for CSOs in the Council of Representatives, and the creation of a General Directorate of CSOs in the Prime Minister's office, which is charged with supervising CSOs' affairs.

In 2007, responding to the growth of CSOs, the government started reassessing Order 45. This review process lasted more than 3 years before materializing into a draft law in January 2010. After a round of heated discussions in the Consultative Council, the Parliament, the Council of Ministers, and the Presidential Council, a new law was finally approved in April 2010 and was actively enforced

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[20] Chapter 2, Article 45 of the Iraqi Constitution states: "The State shall seek to strengthen the role of civil society institutions and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law."
<http://www.uniraq.org/documents/iraqi_constitution.pdf.>

some months later[21]. The process of national consultation, along with international guidance, played an important role in writing the law and taking most of the relevant stakeholders' recommendations into consideration.

As could be expected, a number of NGOs, proxies for political parties (which are themselves proxies for a number or regional and international players), feel seriously threatened by demands for more transparency regarding their sources of funding. Other concerns revolve around stringent requests for details about employees and membership, in addition to issues relating to bureaucratic registration procedures, control over international partnerships, and operational freedom.

The issue of law implementation remains problematic. A large body of new laws has been approved by the Iraqi Parliament in recent years, such as the Law of Justice and Accountability and the Law of Provincial Governance. Many laws have been only partially implemented due to the lack of governmental capacity, competition between different governmental offices and administrative levels, and an absence of serious political will. The new NGO law lacked implementation regulations and detailed procedural guidelines for many months, which froze the NGOs registration process for as long.

In January 2010, the Iraqi Council of Representatives passed a new "Law on Non-Governmental Organizations" (Law No. 12 of 2010). The new NGO law was adopted after more than two years of intensive lobbying by international organizations and Iraqi civil society. Law No. 12 was officially ratified on the 2nd March 2010. However, it took the Iraqi Council of Ministers several months to pass sufficient implementation regulations in order to put the law into active enforcement. During this time, the registration process for NGOs was entirely frozen, which created difficulties for some humanitarian operations in Iraq.

In theory, the new law is considered as one of the best and most liberal NGO laws in the region. Yet, despite theoretical improvements in the NGO registration process, many NGOs are experiencing drawn-out obstacles that delay registration approval. NCCI estimates that approximately 20 NGOs are officially registered in Iraq as of the date of this publication. It is also important to note that Law No. 12 effectively cancelled all previous NGO registration, making it necessary for all pre-existing NGOs to re-register with the government. With the NGO registration freeze that continues today,

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[21] Non Governmental Organizations Law, No. 12-2010. <www.parliament.iq/dirrasd/law/2010/1212.pdf.>

hundreds to thousands of NGOs are not legally registered. Unregistered NGOs do not enjoy the legal protection and benefits guaranteed to officially registered NGOs under the new NGO law.

Furthermore, the law does not cover political parties, professional associations, and other societies formed "under special laws"[22]. In practice, this means that the law concerns only newly formed organizations. It is important to remember that no law has yet been adopted to regulate political parties. Additionally, professional associations are still regulated by laws dating back to the previous regime; these laws make membership compulsory for all members of a number of professions, which is a far cry from voluntary activism.

Nevertheless, the legal response to key civil society actors in the field of human rights, governance and development has been a major step in the strengthening of Iraqi civil society.

Finally, a specific NGO Law is currently being drafted in the Kurdish region along the lines of the national law. While the operational environment for CSOs in Kurdistan is more organized and regulated, the planned law's fairness is of concern with a number of issues related to minorities, democracy and human rights, freedom of expression, financial transparency, and corruption.

3.2 Democratic Reforms and Human Rights

The emergence of a "democracy and human rights" agenda after the 2003 regime change opened the door to a large number of CSOs who specialize in these areas. This is the second fastest growing NGO sector, after relief and assistance organizations. Initially, this development was actively encouraged by INGOs through local partnerships.

As of 2004, security deterioration has severely hindered service delivery. Most expatriate staff members of INGOs and UN agencies were forced to leave the country after insurgents targeted the UN and ICRC headquarters in Baghdad[23]. Consequently, many organizations relocated their Iraq country offices outside of Iraq or in the northern Kurdish region. Remote management, the *modus operandi* adopted by most organizations, increased the need for local partnerships with Iraqi NGOs that could operate at the grassroots level within different security environments. Rather than

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[22] Article 33, Section 3 of the NGO Law.

[23] The few INGOs remaining in the country after these attacks relied on the protection provided by the international troops and/or private security companies.

partnering with one NGO at the national level, INGOs often had to find local partners in each area of operation.

The need for democratic reforms and the improvement of basic human rights in Iraq is long overdue. However, as has been the case in all colonial and neo-colonial situations, this need is strained by a context in which human rights are often perceived as a tool used by the West to accomplish its own interests.[24] This perception is further exacerbated when INGOs and UN agencies undertake projects based on international best practices, and insist on imposing international frameworks on local partners.

The first Iraqi government established post-2003, led by Ayad Allawi, included a State Ministry for Human Rights for the first time in Iraq's history. The initial task of this ministry, assisted by national councils, committees and NGOs, was to document the abuses of the previous regime.[25] Iraqi NGOs involved in the process not only partnered with the government, but also collaborated with the UN, Amnesty International, Human Rights Watch, and other international actors in the field of human rights advocacy. At the time, it was assumed that Iraqi NGOs involved in this mission were independent and impartial.

However, most of these NGOs were in fact affiliated with the political parties in power, and represented particular groups or interests. Such NGOs only implemented awareness and promotion campaigns concerning democracy and human rights during pre-election periods, and then quickly abandoned these focuses. These NGOs' involvement in the national reconciliation process is controversial, as local militias have clearly dictated activities to those most blatantly affiliated to political parties. Such NGOs found themselves in an uncomfortable position when the new government started to face accusations of severe human rights violations against prisoners, women, minorities, activists, journalists, and other groups. Political opposition movements responded to these revelations by creating their own human rights NGOs to advance their agendas, further politicizing the sector of human rights advocacy in the country.

The situation in Kirkuk and the surrounding disputed territories is a clear example of how ethno-political agendas have shaped the delivery of relief assistance for organizations that benefit from the

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[24] Foad Bin Hala, <www.thirdpower.org/read-53285,html>, and Mohamad Ibrahim Naqid, www.ahewar.org/debate/show.art.asp?aid=7404.

[25] The Ministry of Human Rights, like other ministries, maintains local offices in different governorates. These offices are known to be closely linked to political groups and often collaborate with CSOs.

patronage of political actors. While most of the NGOs in this area represent existing ethnic groups and divisions out of choice, others have no choice but to accept funding, protection and oversight from local militias and ethnic groups before they are allowed to access their beneficiary communities.

3.3 Government Incompetency and Incapacity

The occupation of Iraq has brought the country several decades backward in terms of socioeconomic development. Basic services, such as electricity, drinking water, and sanitation systems, deteriorated to an unprecedented level that was unmatched even during the period of international sanctions (1991-2003). Basic human and social rights, including security, health, education, and work, are still inaccessible for the majority of Iraqis.

The state's capacity to sustain even a minimal level of welfare benefits and economic growth for the Iraqi population has receded, despite the vast international and national resources available to successive Iraqi governments. In fact, Iraq currently ranks among the most corrupt states in the world.

Despite the government's incapacity and corruption, the Iraqi public's participation in local and national elections reflects popular expectations that a competent central authority should finally meet the people's needs and demands.

In the meantime, civil society actors have taken several functions, which were previously prerogatives of the state and require a national regulation system, into their own hands. Providing an adequate electricity supply countrywide is likely the public's number one priority. In turn, many local enterprises have emerged to operate and manage shared neighborhood generators in cities and rural areas, with negligible central government involvement.

In rural areas, other local projects demonstrate that people are relying on local support and solidarity systems to meet their needs. Local communities are controlling water distribution, digging wells, and conducting agricultural activities without any governmental supervision. Tribal networks are now the main security providers, and are even being used as proxies by the government in order to maintain stability at the local level.

➢ Concluding Remarks and the Way Forward

Civil society in Iraq widely differs from a Western-inspired model, which is defined as independent from traditional social structures and the state. Iraqi civil society relies on values of solidarity, social networking and cohesion rooted in religious and tribal ethics. It is also fundamentally shaped by the state's and political parties' attempts to penetrate and control civil society.

However, more independent forms of CSOs have existed in Iraq since the beginning of the 20th century and have laid foundational roots for the country's modern social structure. Throughout Iraq's turbulent history, these organizations struggled to maintain independence from the state and political groups. New organizations emerged rapidly after the 2003 invasion and regime change.

Under the previous Iraqi regime CSOs were denied any space and generally became objects of domination or manipulation by the state. This situation merits contrast with the pre-republican era, during which modern CSOs grew and flourished.

The new Iraqi governance system is reproducing past patterns of exerting control over CSOs, either by creating new organizations affiliated with actors in power, or by taking over independent ones. However, unlike the situation under the previous regime, the Iraqi state is today incapable of performing basic tasks, such as providing social services and spurring economic development.

The state's current incapacity to meet people's socioeconomic expectations seems to challenge what has long been its traditional guardian role over Iraqi society. State withdrawal from service provision provides the ideal setting for individual and collective initiatives to fill existing gaps and vacuums, and build a civil society that addresses the needs and expectations of various social groups.

Unfortunately, these initiatives will likely become increasingly fragmented due to current divisions, political actors' immaturity, and the enduring presence of external influences. The evolving culture of allocating power and privileges along ethnic and sectarian lines is producing an unstable regime and weak central government. In this environment, political stakeholders are attempting to co-opt and manipulate CSOs.

Most of the literature that investigates and assesses civil society in Iraq adopts the standard discourse of western social theories and ignores the particularities of the Iraqi context. There is a great need to research unresolved topics that were discussed in this paper. A detailed mapping of existing CSOs is needed in order to identify those who still remain independent and could be supported; this may increase CSOs' capacity to deliver services, from multiple sectors, to the Iraqi public.