

Democracy in Post-Invasion Iraq

Melani Cammett

Associate Professor
Political Science
Brown University

In the decade since the U.S. invasion, the Iraqi political system has undergone an enormous transformation. Until March 2003, Iraq was ruled by a dictator renowned for his brutal repression. Referenda held in 1995 and 2002 approved Saddam Hussein's presidency with the improbable approval of 99.96 and 100 percent of the electorate and turnout rates near or at 100 percent, respectively.¹ The few opponents of the regime who dared to express themselves faced exile, torture and often death. Compared to this picture, the new political system is an improvement. Today, Iraq has a new constitution and has held multiple rounds of elections.² Citizens enjoy civic, political and religious liberties that were unimaginable in the past and can now have satellite dishes and cell phones, which were banned in Saddam's Iraq.³ Images of Iraqis emerging from polling stations with purple inked fingers in January 2005, indicating that they had cast their ballots, encapsulated a sense of hope and optimism for the new Iraq. Ten years after the invasion, however, the democracy that has emerged is limited in significant ways, and it has not brought peace and prosperity to much of the population, leading some Iraqis to recall the era of Ba'ath Party rule with some nostalgia.⁴ By standard conceptualizations of democracy, Iraq has the thinnest procedural form, but lacks political and economic inclusion, does not provide basic security for its citizens and has exhibited a disturbing regression toward authoritarianism in recent years.

To understand and evaluate the quality of Iraqi democracy, it is important to first note that, around the world, the institutional forms of democracy do not guarantee tangible improvements in the lives of citizens. Political scientists therefore differentiate between a "minimal, procedural" definition⁵ and a more substantive, multi-dimensional understanding of democracy.

¹ "Saddam 'wins 100% of vote.'" BBC News, October 16, 2002. Available at <http://news.bbc.co.uk/2/hi/2331951.stm>,

² Elections for the TNA were held on January 30, 2005 and the constitutional referendum took place on October 15, 2005. Two months later, on December 15, elections were held for the 275-seat Council of Representatives, the first permanent government in post-invasion Iraq. The next round of national elections took place on March 7, 2010, but wrangling among political factions delayed the establishment of a new government until November. Provincial elections to elect members of governorate councils were held on January 30, 2005 and January 31, 2009 (Iraq Country Profile: Elections. International Foundation for Electoral Systems. <http://www.electionguide.org/country-events.php?ID=104>, accessed February 4, 2013; Iraq Elections. *New York Times*. December 21, 2010. <http://topics.nytimes.com/top/news/international/countriesandterritories/iraq/elections/index.html>, accessed February 4, 2013.)

³ "Iraq's Mobile Phone Revolution: Better than Freedom?" *The Economist*, November 12, 2009; "Liberated and Occupied Iraq: New Beginnings and Challenges for Press Freedom." Freedom House Special Report. Washington, D.C.: Freedom House, August 2004; Ilene R. Prushner. "Free Media Blossom in Iraq City." *Christian Science Monitor*, April 29, 2003.

⁴ Aaron C. David. "At Hussein shrine, nostalgia for a strong leader." *Washington Post*, May 20, 2011. Available at: http://articles.washingtonpost.com/2011-05-20/world/35232785_1_iraq-conflict-arab-leaders-iraqi-leader.

⁵ Joseph Schumpeter. *Capitalism, Socialism and Democracy*. New York: Harper & Brothers, 1942; See also Robert Alan Dahl. *Polyarchy: Participation and Opposition*. New Haven, CT: Yale University Press, 1971 and Samuel P.

A basic conceptualization emphasizes the regular occurrence of free and fair elections and may include core civic and political liberties, such as the freedom of speech and assembly, and procedures that limit the political influence of non-elected officials.⁶ If many are excluded from the political process, however, democracy is deficient. Poverty, entrenched corruption and clientelism as well as the government's inability to provide basic public goods, such as security and infrastructure, effectively block citizens from participation.⁷ Thus, to understand how people actually experience democracy, it is essential to interrogate the *quality* of democracy, which encompasses the rule of law, accountability, the responsiveness of government officials to voters and economic equality, among other factors.⁸

By many measures, post-Saddam Iraq suffers from poor democratic governance. Life in contemporary Iraq is characterized by political, economic and physical insecurity, albeit in distinct ways than under Ba'ath Party rule. Conservative estimates of civilian deaths as a result of war and violence since the U.S. invasion range from 111,153 to 121,466 as of January 18, 2012.⁹ A 2006 study published by *The Lancet* found a much higher number, 601,027 deaths due to violence.¹⁰

The new, democratic Iraq is also plagued by rampant corruption with bribes, kickbacks and embezzlement a routine part of politics and everyday life. In 2012, Transparency International ranked Iraq as the 8th most corrupt country in the world.¹¹ Furthermore, civil liberties are increasingly under threat, even if Iraqis enjoy far more freedom than under Saddam's rule. Independent journalists are targeted for their coverage of anti-government protests and the government routinely fails to enforce laws designed to protect the media. In its 2013 World Report, Human Rights Watch reported that the Iraqi government has "used draconian measures against opposition politicians, detainees, demonstrators, and journalists," clamping down on

Huntington. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, Oklahoma: University of Oklahoma Press, 1991.

⁶ Philippe C. Schmitter and Terry Lynn Karl. "What Democracy Is . . . and Is Not." *Journal of Democracy* 2, no. 3(Summer 1991): 75-88.

⁷ Dahl 1971, op. cit.; Herbert Kitschelt and Steven I. Wilkinson. *Patrons, Clients and Policies: Patterns of Democratic Accountability and Political Competition*. Cambridge: Cambridge University Press, 2007; Susan Rose-Ackerman. *Corruption and Government: Causes, Consequences and Reform*. Cambridge: Cambridge University Press, 1999; Amartya Sen. *Development as Freedom*. New York: Alfred A. Knopf, 1999.

⁸ Diamond and Morlino identify eight components of the concept. These include "procedural" dimensions (i.e., the rule of law, participation, competition and accountability), "substantive" dimensions (i.e., respect for civil and political freedoms and the gradual extension of political and socioeconomic equality) and responsiveness or the degree to which public policies align with citizen preferences and demands (Larry Diamond and Leonardo Morlino. "The Quality of Democracy: An Overview." *Journal of Democracy* 15, no. 4(October 2004): 20-31.

⁹ Iraq Body Count. "Documented Civilian Deaths from Violence." Available at <http://www.iraqbodycount.org/database/>.

¹⁰ Gilbert Burnham, Riyadh Lafta, Shannon Doocy and Les Roberts "Mortality after the 2003 invasion of Iraq: A cross-sectional cluster sample survey." *The Lancet* 368 (2006): 1421-1428. For an analysis of the various estimates of civilian deaths in Iraq, see Neta Crawford. "Civilian Death and Injury in Iraq, 2003-2011." Costs of War Project, September 2011. Available at <http://costsofwar.org/sites/default/files/articles/15/attachments/Crawford%20Iraq%20Civilians.pdf>.

¹¹ Abbas Kadhim. Iraq's Quest for Democracy Amid Massive Corruption." *Sada*, March 3, 2010. Available at <http://www.carnegieendowment.org/sada/2010/03/03/iraq-s-quest-for-democracy-amid-massive-corruption/6bjj>; Transparency International. *Corruption Perceptions Index 2012*. Available at <http://cpi.transparency.org/cpi2012/results/>.

independent civil society organizations and limiting political freedoms.¹² The Committee to Protect Journalists declared Iraq to be “one of the most dangerous countries for journalists” in the world, with five journalists killed and over 66 attacks on media workers in 2011 alone. Since 2003, no convictions were obtained for the murder of journalists and both the Central and Kurdish governments regularly intimidate journalists to suppress their coverage of opposition protests.¹³

Nor has democracy brought improved living conditions to much of Iraq. In the 1970s and 1980s, Iraq boasted one of the highest standards of living and most educated and skilled populations in the Arab world. After the First Gulf War in 1991, the quality of life deteriorated markedly and worsened throughout the UN sanctions period. The war dealt a severe blow to the country’s infrastructure, with enormously detrimental effects on public health: hospitals were forced to accommodate heavy patient loads, major cities lacked electricity for weeks on end, and communications systems and water purification systems were destroyed.¹⁴ Throughout the 1990s, UN sanctions further eroded the medical system and led to severe shortages of basic goods.¹⁵

The years following the 2003 invasion, however, were equally calamitous. The mass exodus of Iraqi doctors severely weakened the medical infrastructure. Although salaries increased significantly after 2003, providing an incentive for medical professionals to remain in the country, doctors became prime targets of assassinations and kidnappings as the security situation deteriorated and militias and gangs gained power. Between 2003 and 2008, 8,000 of 17,000 doctors reportedly fled Iraq.¹⁶ Despite substantial oil wealth, the government has failed to provide adequate infrastructure. Iraq’s electrical grid does not meet the needs of the population: Although the supply of electricity has increased to meet rising demand, the proportion of unmet demand remained at about 40 percent between 2003 and 2010.¹⁷ Reports in 2011 claimed that most Iraqis receive only five hours of electricity a day.¹⁸ In 2010, the Minister of Electricity, Kareem Waheed, was forced to resign due to mass protests over blackouts. Sanitation systems are also deficient. In March 2008, UNICEF reported that fewer than 10 per cent of urban households outside Baghdad were connected to sanitary sewage lines. Where they are established, sanitation systems break down frequently and discharge raw wastewater into Iraq’s rivers, creating widespread health and hygiene hazards. Violence has also undercut the functioning of basic infrastructure: Since 2005, over 600 workers from the Ministry of Municipalities and Public Works have been killed while attempting to repair sanitation networks.¹⁹ Throughout 2011 and 2012, as uprisings spread across the Arab world, Iraqis took to

¹² Human Rights Watch. *World Report 2013*. New York: Human Rights Watch, 2013, pp. 544-545.

¹³ Committee to Protect Journalists (CPJ). “Attacks on the Media in 2011: Iraq.” Available at <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-iraq.php>.

¹⁴ Kadhim 2010, *op. cit.*; “Richard McCutcheon. Rethinking the war against Iraq.” *Anthropologica* 48, no. 1(2006): 11–28.

¹⁵ Richard Garfield, Sarah Zaidi, and Jean Lennox. “Medical care in Iraq after six years of sanctions.” *BMJ: British Medical Journal* 315(2007): 1474–1475.

¹⁶ MEDACT. “Rehabilitation under fire: Health care in Iraq, 2003-2007. London: MEDACT.

¹⁷ UNDP, “Electricity in Iraq Factsheet.” Inter-Agency Information and Analysis Unit, UN, August 2010.

¹⁸ James Drummond and Peter Shaw-Smith. “Iraq forced to wait for universal electricity.” *Financial Times*, November 14, 2007.

¹⁹ UNICEF. “Iraq’s Water and Sanitation Crisis.” UNICEF. March 19, 2008. Available http://www.unicef.org/infobycountry/iraq_43232.html, accessed February 5, 2013.

the streets, in part to protest high unemployment and the poor state of public services in the country.

Politics in Iraq also exhibit a disturbing regression towards authoritarianism. Since he took power in 2006, and especially since he began his second term in 2010, Prime Minister Nuri-al-Maliki has progressively consolidated his own power and tried to contain his rivals. The Prime Minister extended his control over key state institutions, focusing in particular on the security and intelligence services. In a “coup-proofing” process, al-Maliki undercut the military chain of command by ensuring that senior army officials, paramilitary units and the intelligence services report to him personally. Forces that were previously under the jurisdiction of the Ministries of Defense and Interior were moved directly under the Prime Minister’s command and were no longer subject to parliamentary oversight. Now, the Iraqi Special Forces, which have about 6,000 members, are known informally as the “Fedayeen al-Maliki,” highlighting parallels with Saddam’s paramilitary forces.²⁰

Al-Maliki has also moved swiftly against potential competitors from all sects. Although Ayad Allawi’s Iraqiyya Coalition won a narrow victory over his State of Law Coalition in the 2010 national elections, al-Maliki outmaneuvered his rival. Through alliances with some representatives from Ibrahim al-Jaafari’s National Iraqi Alliance and the Sadrist Movement, led by Moqtadaal-Sadr, whose militia was responsible for some of the worst sectarian violence in Iraq, al-Maliki managed to retain the premiership. In 2011, just before the withdrawal of U.S. troops from Iraq, the Prime Minister arrested several politicians from the Iraqiyya Coalition, including Tariq al-Hashemi, the Vice President and highest ranking Sunni official in the government. Al-Hashemi and the other detainees were accused of running death squads, charges which were based on confessions extracted under duress. Regardless of the veracity of the charges for some, many politicians in Iraq have either perpetrated or tolerated violence but do not face prosecution. Al-Hashemi’s real “crime” was the political threat he posed to al-Maliki. Throughout 2011, the Vice President and others in the Iraqiyya Coalition increasingly favored decentralization as a check on the Prime Minister’s power. In September 2012, al-Hashemi was sentenced to death in absentia, unleashing waves of violent protests.²¹ Al-Maliki’s opponents have attempted to limit his consolidation of power but face formidable obstacles: In January 2013, the parliament approved a bill that would bar the Prime Minister from a third term, however. The bill is unlikely to be enforced, however, because it must be ratified by the President and the parliament, which is plagued by factionalism, is an ineffective check on executive power.²²

A root cause of the poor quality of democratic governance in Iraq was the lack of inclusion in the post-invasion state-building process. Beginning in the immediate aftermath of the U.S. invasion, the processes that generated the new constitution and governing institutions were flawed. The rushed effort to draft the new Iraqi Constitution excluded key stakeholders, most notably

²⁰ Toby Dodge. “The resistible rise of Nuri al-Maliki.” *Open Democracy*, March 22, 2012. Available at <http://www.opendemocracy.net/toby-dodge/resistible-rise-of-nuri-al-maliki>.

²¹ BBC News. “Iraq VP Tariq al-Hashemi rejects guilty verdict.” September 10, 2012. Available at <http://www.bbc.co.uk/news/world-middle-east-19540960>; Jack Healy. “Arrest Order for Sunni Leader in Iraq Opens New Rift.” *The New York Times*, December 19, 2011.

²² Yasir Ghazi and Tim Arango “Iraq parliament votes to keep Maliki from seeking new term.” *The New York Times*, January 26, 2013.

representatives from Iraq's Sunni Arab population. The formal timetable for the process was established in March 2004 with the passage of the Transitional Administrative Law (TAL). Under the TAL, the Constitutional Committee was charged with submitting a final draft to the legislature no later than August 15, 2005. The committee members were selected by the parties represented in the Transitional National Assembly (TNA), a 275-member body that exercised legislative authority until the new constitution was adopted. Because Sunni Arab candidates had abstained from the TNA elections on the grounds that they were unfair and corrupt, the original Constitutional Committee did not include Sunni representation. In July 2005, fifteen Sunni Arab members joined the Committee under pressure from the U.S., although they continued to complain that they were excluded from backroom negotiations dominated by Kurdish and Shiite leaders. Building consensus would require a longer time frame than the TAL allowed, but U.S. officials insisted upon close adherence to the timetable. On August 28, the Committee submitted a draft of the constitution without the endorsement of the Sunni Arab members, undercutting the document's legitimacy. Negotiations continued in order to gain Sunni Arab support but ultimately failed, and the new draft submitted on September 13 still lacked Sunni Arab backing.²³ A compromise made on October 1, which allowed for the future parliament to make changes to the Constitution, garnered the support of at least one Sunni Arab party.²⁴ On October 15, 2005, the Constitution was approved in a national referendum, despite continued Sunni Arab opposition.²⁵

The design of the constitution contained several controversial stipulations that were particularly threatening to Sunni Arab politicians, most notably the extent of federalism in the new political system. The document established a weak federal government with significant powers delegated to Iraq's 18 provinces and the option for two or more provinces to form larger regions in the future. Sunni Arabs feared that a greater separation of powers between the federal government and the regional governorates would allow Shi'a and Kurdish areas to consolidate power and gain disproportionate control over oil revenues, which are located largely in predominantly Kurdish and Shi'a regions in the north and south.^{26,27}

Since the drafting of the constitution, Sunni Arabs have continued to feel marginalized in the new Iraq. In January 2010, just before national elections were held, the Supreme National Commission for Accountability and Justice announced the disqualification of hundreds of candidates with alleged ties to Ba'athists. The list of excluded candidates included Sunnis and Shiites, but was skewed towards the former, sparking renewed fears and anger among Sunni Arabs.²⁸ This move may have boosted support for the opposing Iraqiyya coalition as Iraqis across the country came out to vote against the State of Law Coalition to protest al-Maliki's increasingly authoritarian tendencies. The arrest warrant for Vice President al-Hashemi further

²³ International Crisis Group. "Unmaking Iraq: A constitutional process gone awry." Middle East Briefing, no. 19. Brussels: ICG, September 26, 2005, pp. 2-5.

²⁴ Beehner, Lionel. "Why Sunnis Don't Support Iraq's Constitution." Council on Foreign Relations. 12 Oct. 2005. <http://www.cfr.org/iraq/why-sunnis-dont-support-iraqs-constitution/p9002>, accessed February 4, 2013.

²⁵ Rosalind Ryan and James Sturcke, James. "Q&A: Iraq's Constitution." *The Guardian*. October 25, 2005.

²⁶ Lionel Beehner. "Why Sunnis don't support Iraq's constitution." Council on Foreign Relations. October 12, 2005. Available at <http://www.cfr.org/iraq/why-sunnis-dont-support-iraqs-constitution/p9002>.

²⁷ Ellen Knickmeyer and Jonathan Finer. "Deal in Iraq raises hopes for passage of constitution." *Washington Post*. October 12, 2005.

²⁸ Human RightsWatch. "Iraq: Candidate Ban Jeopardizes Election." January 26, 2010. Available at <http://www.hrw.org/en/news/2010/01/26/iraq-candidate-ban-jeopardizes-election>.

exacerbated the sense of threat among Sunni Arab politicians.

Sectarianism has increasingly characterized political and social life, a trend that dates back to Saddam's rule and was reinforced by a political system that implicitly allocates power along sectarian lines.²⁹ Unlike Lebanon, another multi-ethnic country in the region, Iraq does not allocate political offices according to a sectarian power-sharing formula. Rather, the Iraqi political system of selecting leaders is based on negotiation among the winners of national parliamentary elections. In practice, however, key offices have been distributed by sect, given the organization of political parties along primarily sectarian lines. The Shi'a parties, who profess to represent the largest communal group in the country, have garnered the largest number of votes, enabling them to claim the most powerful position, the office of the prime minister, while the Kurds take the presidency.

The trend towards political sectarianism, however, should not suggest that sectarian identity explains all politics in contemporary Iraq. Historically, sect was not the sole or even primary foundation for identity in Iraqi society.³⁰ Instead, the actions of Iraqi and U.S. politicians and designers of political institutions – under Saddam and in post-invasion Iraq have consolidated the role of sectarianism in politics. Indeed, al-Maliki has alienated Iraqis from all sects – not just Sunnis – for reneging on promises to form a unity government with Allawi's Iraqiyya bloc, the Kurdish parties and the Shi'a Sadrist movement. Shi'a parties have strongly opposed al-Maliki's monopolization of power, particularly after he took the premiership despite the fact that Allawi's coalition won more votes in the 2010 elections.³¹ As Sunni Arabs protested *en masse* throughout January 2013, the Shi'a cleric Muqtada Sadr supported the demonstrations and took part in prayers at a Sunni mosque in order to present himself as a unifying figure in preparation for the April 2013 provincial elections. Allawi, also a Shi'a, has called upon al-Maliki to step down.³²

In the decade since the U.S. invasion in 2003, procedural democracy was established in Iraq. A new constitution was adopted, creating a federal parliamentary democratic system, and multiple rounds of national and provincial elections have been held. Compared to the era of Ba'ath Party rule under Saddam Hussein, Iraqis enjoy greater civic and political liberties and multiple political factions compete for power. By a basic definition, Iraq is a democracy. The formal institutions of democracy, however, do not entail more than a minimum of democratic rights and they have not guaranteed tangible improvements in the lives of citizens. The overthrow of Saddam was followed by years of U.S. military occupation, armed resistance to it and related political violence resulting from the breakdown of the state, which together led directly and indirectly to the deaths of several hundred thousand Iraqi civilians. The U.S. invasion and subsequent developments in Iraqi politics also brought about the increasing fragmentation of social and political life along sectarian lines, rampant corruption, further breakdown of public services and declining well-being in the population. In recent years, Prime Minister al-Maliki has adopted

²⁹ Eric Davis. *Memories of State: Politics, History and Collective Identity in Modern Iraq* (Berkeley, CA: University of California Press, 2005); Toby Dodge, *Inventing Iraq: The Failure of Nation Building and History Denied* (New York: Columbia University Press, 2003); Charles Tripp. *A History of Iraq*, 3rd ed. (Cambridge: Cambridge University Press, 2007).

³⁰ Faleh Jaber. *The Shiite Movement in Iraq* (London: Saqi Books, 2003); Sami Zubaida. "The Fragments Imagine the Nation: The Case of Iraq." In *International Journal of Middle East Studies* 34 (2002): 205-215.

³¹ "Iraq's divisions: Sectarian animosity still prevails. *The Economist*. June 17, 2010.

³² Emily Alpert. "Mass protests against government spread in Iraq." *Los Angeles Times*, January 4, 2013.

increasingly authoritarian practices, some of which are reminiscent of those of the deposed dictator. The basic framework of democracy has been established in Iraq and it is inconceivable that repression will be as thorough as it was under Saddam now that Iraqis have access to satellite television, cell phones and the internet and different political parties and movements have been established. Nonetheless, the case of Iraq shows that the quality of democratic governance can be very poor, even after the institutionalization of formal democracy.