

Building Sustainable Peace in Iraq: the role of Transitional Justice and Post-Conflict Peacebuilding

Dr. Shamiran Mako
Symposium organizer

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Symposium Abstract

As one of the most costly and aggressive interventions since the Vietnam War, the American-led invasion and subsequent occupation of Iraq in 2003 ushered in an era of state collapse, insecurity, ethno-religious violence, and new forms of authoritarianism, ultimately culminating in the rise of ISIL and its takeover of Mosul-Iraq's second largest city, in 2014. While current narratives of Iraq have addressed the causes and outcomes of intercommunal violence, mounting corruption, and socio-economic and political stagnation, no works have tackled normative and empirical questions relating to the role and application of transitional justice and post-conflict peacebuilding as mechanisms for addressing Iraq's stalled transition to democracy. This workshop brings together leading experts on Iraq to offer a nuanced exploration of how Iraqi state and society relations can benefit from peacebuilding paradigms by drawing on comparative case studies from states and regions equally devastated by war and external intervention. The purpose is two-fold. First, to identify and elucidate the importance of transitional justice and peacebuilding as frameworks for addressing questions relating to the promotion of peace and security in war-torn societies both prior to and following the onset of conflict. Second, to situate the case of Iraq, as a divided society, within the existing literature on post-conflict state and peacebuilding. Importantly, the workshop aims to move beyond reiterating narratives fixated on accentuating segmental cleavages and socio-economic and political stagnation to more actively contemplating conflict mitigating strategies that foster cross-communal cooperation and socio-economic and political reform. Drawing on leading experts, the workshop offers nuanced approaches to addressing issues relating to reconciliation through trauma storytelling; the efficacy and applicability of security sector reform and disarmament, demobilization and reintegration; women's activism and civil society networks; transitional justice and human security between Iraq's regions; critical approaches to framing peacebuilding and institutional reform in post-2003 Iraq; the challenges and prospects of federalism in Iraq; and the implications and reform of Iraq's de-Baathification commission.

Participants (in alphabetical order)

Iraqi Peacebuilding with Storytelling at its Core

Ruba A. Al-Hassani

Abstract

Over the past two decades, storytelling has been described as a transitional justice mechanism that has assisted in the area of peacemaking - truth finding, prosecution, accountability, and sometimes, leading to reparations. Storytelling makes the law personal and humanistic, and the rule of law less theoretical and more tangible in its impact on individuals' lives. Storytelling is also a double-edged sword; it can reawaken a dormant conflict or succeed in transitioning societies toward sustainable peace. This paper examines these dynamics by asking three central questions. First, how can a safe space be created for people, especially minorities, to come forward with their stories of oppression? Second, how can one support storytelling which avoids dichotomies and generalizations, while supporting participants' exploration of their own complicity in the oppression of others? Third, what mechanisms can effectively weave this collective storytelling into the Iraqi legal and educational systems, thereby pursuing a public discourse more inclusive of minorities? Using narrative and grounded theory, this paper will rely on a cluster of methodologies including symbolic interactionism and conversational analysis to analyze storytelling by Iraqis of various denominations on social media, particularly Twitter and Facebook. I argue that collective storytelling must be less concerned with the "prevailing story" and more with the evolution of Iraqi stories. The paper hypothesizes that this contributes to shifting the narrative from divisive rhetoric to one that emphasizes trust building and empathy. By weaving collective storytelling with law and education, Iraqis can create a space of mutual understanding, and an evolved, inclusive political process.

Biography: Ruba Ali Al-Hassani is a Ph.D. candidate at Osgoode Hall Law School, York University, with a Masters Degree in Criminology from the University of Toronto, and a Masters of Law from Osgoode Hall Law School. Ruba is a co-founder and former Board Member of the Canadian Association of Muslim Women in Law, an interpreter for the Iraqi Refugee Assistance Project, and a regional representative of the Iraqi Cooperative Orphan Aid Foundation. Her research interests focuses on Iraqi studies, digital sociology, the sociology of storytelling, and the sociology of law, crime, and social control.

The Marjajya between Conflict and Peacebuilding

Marsin Alshamary

The central problem that the Shi'a religious institution of Iraq (the marjajya) has faced has been defining its role in post-2003 Iraq. For the first time in Iraqi history, the marjajya is operating in a space of both intellectual freedom and political ascendancy. Accordingly, the marjajya has had to rapidly respond to a unique set of problems it had not faced in the past. Amongst these problems is that it has simultaneously been a source of conflict and a source of peace-building. This is

primarily because it has not been able to uniformly manage its relationship with Shia political institutions, like political parties and militias. Oftentimes, its association with these groups has tarnished its reputation and forced it to seek means of alleviating public mistrust.

In this paper, I explore how the experience of the war on Da'esh has forced the Shi'a religious establishment to redefine its role vis-à-vis society. In order to do so, I rely on extensive interviews with Shia clerics in Najaf and Karbala as well as on content analysis of Friday sermons and official statements. I argue that the religious establishment's strong association with the Shi'a political elites and some factions of the Popular Mobilization Forces have been damaging to its reputation. As Iraqi public opinion shifted towards a civil state and nationalism, the religious establishment has sought ways to disassociate itself from sources of sectarian violence and corruption. Unable to be directly involved, elite clerics have instead relied on campaigns of cross-sectarian solidarity and national cooperation to rehabilitate their reputation and to redesign their role in contemporary Iraqi politics. I show that Shi'a clerics have realized that their ties to the ruling elites have given them a reputation as sources of conflict and, as a result, they are attempting to reclaim their position as peace-promoting "spiritual fathers" of the Iraqi nation.

Biography: Marsin Alshamary is a PhD candidate at the MIT department of Political Science. Her dissertation explores the role of religious leaders in anti-government protests, with a particular focus on the Shi'a religious establishment in Iraq.

Building Peace and Recovering from Violence: Iraqi Civil Society Activisms

Zahra Ali

Abstract

Relying on recent in-depth ethnographic fieldwork in Baghdad, Najaf-Kufa, Karbala and Nasiriya this paper explores women, youth, grassroots and diverse forms of social and civil society activism in Iraq. I look particularly at non-formally organized youth and civil society groups and explore the movement of protest that spread across the country since the summer 2015. I also engage with transnational feminist theoretical perspective in looking more deeply at the political economy of militarism and ethnosectarianism, especially in the context following the Islamic State organization invasion of parts of northern and western Iraq since June 2014. The paper seeks to understand and analyze how women, youth and civil society activists have addressed this particular context of crisis and exacerbated militarization. I explore the articulation between various forms of structural violence, senses of belongings, and different discourses and concrete practices of peace-building and reconciliation developed by women, youth, civil society social and political activists in Iraq today. I also situate my analysis on Iraqi women, youth and civil society social and political activism in line with critical perspectives on NGOization and peace-building in the Middle East. Central to my reflection here is to consider the multiple forms of structural violence and militarism and the different ways in which civil society discourses and activism are shaped by them and attempt to address them.

Biography: Zahra Ali is an Assistant Professor of Sociology at Rutgers University. Her research explores dynamics of women and gender, social and political movements in relation to Islam(s) and the Middle East and contexts of war and conflicts with a focus on contemporary Iraq. Her

book, *Women and Gender in Iraq: Between Nation-Building and Fragmentation* (Cambridge University Press, 2018), is a sociological study of Iraqi women's social, political activism and feminisms through an in-depth ethnography of post-2003 Iraqi women's rights organizations and a detailed research on Iraqi women's social, economic and political experiences since the formation of the Iraqi state.

Between Insurgents, Militias, and ISIS: The Precarious Future of DDR and Security Sector Reform in Iraq
Ibrahim Al-Marashi

Abstract

One of the most persistent and elusive challenges since the invasion of Iraq in 2003 has been security sector reform (SSR), in which sustainable disarmament, demobilisation and reintegration (DDR) of the myriad of militias and insurgents can be achieved. This subject has been neglected in the research on Iraq, with the last studies coming out in 2007, well before the emergence of Arab Sunni Sahwa movements, the rise of the Islamic State of Iraq and Syria (ISIS), and the proliferation of Shi'a militias. In terms Iraq's future from a security perspective, SSR will be essential for combatting ISIS remnants. However, from a more crucial human security perspective, it was the behavior of the Iraqi security and para-military forces that alienated them from elements of society. In terms of Iraq's long-term stability, SSR and DDR are crucial for dealing with the immediate problems of internally displaced peoples (IDPs), creating security for the long-term reconstruction, and the integration of areas formerly held by ISIS. This study seeks to bring in the existing literature on Liberia, Sudan, Afghanistan, and Libya, to provide comparative empirical studies of DDR and SSR, and their implications within the context of peacebuilding for post-ISIS Iraq. Past precedents following the collapse of the Ba'ath order in 2003 and the formation of a new government in October 2018 are positive indicators for the implementation of DDR and SSR, yet this remains a daunting process given the myriad of actors involved, and the regional powers seeking proxies within Iraq.

Biography: Ibrahim Al-Marashi is Associate Professor of Middle East history at California State University San Marcos. He obtained his doctorate in Modern History at University of Oxford, completing a thesis on the Iraqi invasion of Kuwait. His research focuses on 20th century Iraqi history, particularly regime resilience, civil-military relations, and state-sponsored violence during the Ba'athist-era from 1968 to 2003. He has researched the formation of the post-Baathist Iraqi state and the evolution of ISIS since its earliest incarnations during the Iraqi insurgency in 2003. He is co-author of *Iraq's Armed Forces: An Analytical History* (Routledge, 2008), and *The Modern History of Iraq*, with Phebe Marr (Routledge 2017), and *A Concise History of the Middle East* (Routledge, 2018).

‘The *Muhasasa Ta’ifia* and the failure of liberal peacebuilding in Iraq’

Toby Dodge

Abstract

The concepts of elite pact and political settlement have become increasingly influential in post-conflict peacebuilding and stabilization. Popularized through the work of Mushtaq Khan and Douglass North, policy practitioners have deployed this approach with the aim of drafting more realistic policy prescriptions for states that have emerged from violent and protracted conflicts. The post regime change order in Iraq was built around an elite pact, the *Muhasasa Ta’ifa*, which sought to create consensus amongst the country’s new, formerly exiled, ruling elite by giving them access to state resources creating, it was hoped, a common commitment to the post-2003 status quo. However, the academic and policy relevant literature surrounding elite pacts and political settlements is riven with definitional disagreements and analytical lacuna. First, there is an unacknowledged difference between short-term elite pacts and much longer-term political settlements. In addition, the issue of exclusion, both at an elite level and across society, can destabilize the political order elite pacts are meant to facilitate. Thirdly, the incentives placed at the center of a political settlement encourage and institutionalizes corruption. It is not clear from the literature how state-capture and institutional sclerosis can be limited. Finally, the instrumental rationality that underpins this approach negates or ignores both the link between elites and their supposed constituents and the risks that ideological mobilization can pose to elite collaboration.

This paper will use the creation and evolution of Iraq’s elite pact after 2003 as a case study through which to explore these issues. It will examine the nature of the links between Iraq’s ruling elite and the people they are meant to represent. It will detail the dynamic of political corruption and the role it has played in undermining the coherence of the state and de-legitimizing the political settlement itself. Finally, it will outline the problem of exclusion that has seen growing numbers of Iraqis express their sense that they have no connection to or stake in the present system. It will conclude by suggesting ways that could move international policy towards Iraq away from the deployment of an elite pact approach. This would recognize the extent to which the population of Iraq has become alienated from its ruling elite. It would seek to reconstitute the link between ordinary Iraqis and their representatives through the creation of formalized political parties that would institutionalize mobilization and thus successfully link politicians and the constituents. If successful, this would transform Iraq’s ruling elite and finally anchor them into Iraq’s society.

Biography: Toby Dodge is a Professor of International Relations at the London School of Economics and Political Science and a Research Director for Iraq in the Conflict Research Programme. His research interests include the politics of intervention, the evolution of the Iraqi state and state-society dynamics and political identities in Iraq. His publications include *Inventing Iraq: The failure of nation building and a history denied* (2003), *Iraq's Future: The Aftermath of Regime Change* (2005), *Iraq: From War to a New Authoritarianism* (2013) and four edited volumes. His works have appeared in *Historical Sociology*, *The Review of International Studies*, *International Affairs*, *International Peacekeeping*, *Third World Quarterly*, *Monde Arabe*; *Maghreb-Machrek* and *Contemporary Arab Affairs*.

Statebuilding minus Peacebuilding: Evaluating and Remediating the Legacies of Iraq's De-Baathification Commission

Shamiran Mako

Scholarship on post-conflict statebuilding, whether as an outcome of revolution, civil war, or externally-induced regime change, underscores the import of designing parallel peacebuilding institutions to accommodate a country's democratization pathway. Often conducted under the auspices of international and multilateral organizations, international peacebuilding has been shown to reduce the outbreak of violence and civil wars by fostering cross-communal and locally-tailored conflict resolution strategies aimed at de-escalating and depoliticizing group grievances in multiethnic states undergoing transitions from authoritarian rule. This article examines incongruent statebuilding in Iraq by examining the effects of the de-Baathification commission on Iraq's post-2003 governing trajectory in the absence of international and multilateral support for post-conflict peacebuilding. I posit that the comprehensive purging of former Ba'athists and the institutionalization of de-Baathification bereft of parallel peacebuilding institutions created a legal and structural mechanism for excluding targeted segments of the Iraqi population, which contributed to the re-ethnification of the governing playing-field and radicalization Sunni-Arab grievances. By triangulating findings from elite interviews of former rank and file members of the de-Baathification Commission, American military, intelligence, and foreign policy elites as well as data mining of WikiLeaks documents pertaining to de-Baathification, I demonstrate that early warning signs regarding the politicization and potential pitfalls of the Commission were ignored in favor of fulfilling an ideologically-driven neoconservative agenda of a post-Ba'athist Iraq that emphasized statebuilding over peacebuilding. I conclude by exploring the ways in which peacebuilding strategies can be adopted to remedy de-Baathification and its outcomes.

Biography: Shamiran Mako is an Assistant Professor of International Relations at the Pardee School of Global Studies at Boston University where she specializes in authoritarianism, civil wars, democratization, institutional capacity building, governing in divided societies, and statebuilding with a regional focus on the Middle East and North Africa. She is an editor of *State and Society in Iraq: Citizenship under Occupation, Dictatorship and Democratization* (I.B. Tauris, Winter 2017), where she is also a contributor. Her work has appeared in the *World Affairs Journal*, *International Journal of Minority and Group Rights*, and *Transitional Justice and Forced Migration: Critical Perspectives from the Global South* (Forthcoming with Cambridge University Press, Winter 2019).

Transitional Justice and Human Security in Northern and North-Central Iraq

Hannibal Travis

Abstract

Transitional justice combines elements of retribution for mass killing, restoration of the social fabric, and transformation of national or regional possibilities. In Iraq, the promotion of human rights after repeated outbreaks of violence and widespread destruction of public and private property must take center stage, according to national and international discourses on the country's

recovery from occupation, civil war, and genocide. Meanwhile, the political discourse within Iraq has decisively shifted from one centered on law and national unity to one centered on anti-corruption and transparency measures. This paper will explore precedents within post-conflict transitional justice regimes for promoting human security, particularly within the context of post-2003 northern and north-central Iraq. It will also inquire into the potential applicability, or lack of applicability, of best practices advocated by the UN system and international nongovernmental organizations for restoring justice and the social foundations of peace.

Biography: Hannibal Travis is Professor of Law at Florida International University where he teaches and conducts research in the fields of cyberlaw, intellectual property, antitrust, international and comparative law, and human rights. He obtained his J.D. from Harvard Law School and B.A. from Washington University. In addition to being a leading expert on intellectual property and internet law, he has published widely on international human rights, forced migration, genocide and ethnic cleansing and transitional justice. His works have appeared in *Genocide Studies and Prevention*, *Genocide Studies International*, with a recent chapter co-authored with Shamiran Mako entitled "The Right of Return in Iraq: Conceptualizing Insecurity, State Fragility and Forced Displacement," in *Transitional Justice and Forced Migration: Critical Perspectives from the Global South* (Canefe ed., Cambridge University Press, forthcoming 2019).

Theorizing Federalism's Challenges and Prospects for Peacebuilding in Iraq

Michael Youash

Abstract

Federalism remains an important component of the peacebuilding policy toolkit in a variety of post-conflict scenarios. Debates about whether federalism propels secessionism or reinforces territorial integrity readily graft onto analyses of intra-national violence. Iraq continues to be a critical case in studying federalism's impact on levels of violence, peace, and national stability. Resolving whether and how federalism keeps states together and on the road to a stable peace even while equipping ethnic and sectarian elites with the means to mobilize secessionist movements is the defining research question in the 'Paradox of Federalism' literature. This paper surveys prominent theories addressing the paradox of federalism to identify causal factors underpinning ongoing instability and violence in Iraq. Uncodified social and economic factors rooted in ethnic and sectarian group experiences since the formation of the Iraqi state appear to confound the potential of formal, federal institutional design in Iraq to promote peace and stability. A form of decentralized despotism cemented during British control of Iraq continues into the present and is operating through sub-national governments. Persistent democratic decline alongside ongoing violence and persecution in the country provide evidence of federalism's failings in Iraq while highlighting some of the causal mechanisms at work. The paper concludes with a discussion of possible solutions rooted in Iraq's federal system. Iraq's federal design provides for structures of intergovernmental relations that can contain ethnic and sectarian elites mobilizing groups towards violence. Possibilities also exist for citizen engagement through sub-national structures in various governmental processes to enhance democratic outcomes.

Biography: Michael Youash is a Ph.D. candidate at the Political Science Department at the University of Toronto with a background in constitutional design, public and international policy relating to institutional capacity building in emerging democracies, and states transitioning from authoritarian rule. He was previously tasked with strengthening South Africa's provincial parliamentary oversight systems. Later, he worked on policies to protect Iraq's most vulnerable indigenous populations. Michael worked as an academic and practitioner on issues relating to territorial and fiscal federalism, institutional capacity building, civil wars and group conflict, resource allocation and distribution, official development assistance, and conflict resolution in multiethnic states.