

BUILDING SUSTAINABLE PEACE IN IRAQ

THE ROLE OF TRANSITIONAL JUSTICE AND POST-CONFLICT PEACE BUILDING

One of the most costly and aggressive interventions in American history, the invasion and occupation of Iraq in 2003 ushered in an era of state collapse, insecurity, ethno-religious violence, and new forms of authoritarianism culminating in the rise of ISIL in 2014. Current narratives of Iraq have eschewed tackling questions of transitional justice and post-conflict peace building. This workshop brings together leading experts on Iraq to explore how Iraqi state and society relations can benefit from peace-building paradigms as mechanisms for addressing stalled democratization.

SHAMIRAN MAKO

MARSIN ALSHAMARY

ZAHRA ALI

MICHAEL YOUASH

RUBA AL HASSANI

IBRAHIM AL MARASHI

TOBY DODGE

HANNIBAL TRAVIS

ALISTAIR EDGAR

APRIL 12
121 BAY STATE ROAD
8:30AM – 5PM

**BOSTON
UNIVERSITY**

Frederick S. Pardee School of Global Studies
Institute for the Study of Muslim Societies and
Civilizations

Institute for Iraqi Studies

Institute on Culture, Religion & World Affairs: CURA





Frederick S. Pardee School of Global Studies



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THE ROLE OF TRANSNATIONAL JUSTICE AND POST-CONFLICT PEACEBUILDING

12 APRIL 2019 / 8:30 AM- 5:00 PM / 121 BAY STATE ROAD

AGENDA

8:30 AM- 9:00 AM: Breakfast

9:00 AM- 10:15 AM: Session 1

Ruba A. Al-Hassani: Iraqi Peacebuilding with Storytelling at its Core

Zahra Ali: Building Peace and Recovering from Violence: Iraqi Civil Society Activisms

10:15 AM-10:30 AM: Coffee break

10:30 AM- 11:45 AM: Session 2

Toby Dodge: The *Muhasasa Ta'ifia* and the Failure of Liberal Peacebuilding in Iraq

Marsin Alshamary: The Marjayya between Conflict and Peacebuilding

11:45 AM -1:00 PM: Lunch break

1:00 PM- 2:15 PM: Session 3

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

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

2:15 PM- 2:30 PM: Coffee break

2:30 PM- 3:45 PM: Session 4

Hannibal Travis: Transitional Justice and Human Security in Northern and North-Central Iraq

Michael Youash: Theorizing Federalism's Challenges and Prospects for Peacebuilding in Iraq

3:45 PM- 5:00 PM: Special issue closed discussion

Shamiran Mako
Workshop organizer

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 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.

Iraqi Peacebuilding with Storytelling at its Core

Ruba A. Al-Hassani

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.

Building Peace and Recovering from Violence: Iraqi Civil Society Activisms

Zahra Ali

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 activisms 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 activisms 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 activisms are shaped by them and attempt to address them.

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

Ibrahim Al-Marashi

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.

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

Toby Dodge

The United States invasion of Iraq in 2003 and then attempts to stabilize the country and rebuild its institutions can be seen as a high water mark in post-Cold War interventionism. For nine years, from 2003 until the US pulled its ground troops out at the end of 2011, billions of dollars were spent trying to radically reform the institutions of the Iraqi state and their relationship with society. However, two very distinct models, both in tension with each other, drove US-led attempts at post-conflict statebuilding. On one hand, attempts to reform and rebuild the Iraqi state can be viewed as a form of kinetic liberalism, realized through the forceful imposition of neo-liberal economic reforms, the shrinking of the state's role in the economy and society and the imposition of a 'low intensity' democracy. However, running parallel to this and in the end dominating all attempts at statebuilding was the imposition of a post-war elite pact, the *Muhasasa Ta'ifia* or sectarian apportionment system. Far from building a neo-liberal state, this divided Iraqi society along ethno-sectarian lines and empowered sectarian entrepreneurs who claimed to represent three different and mutually hostile communities. State institutions became subject to elite capture, corruption became rampant and the rhetoric that justified this process

played a central role in the civil war that followed invasion and regime change. This paper will examine the tensions between two distinct discourses at the center of US plans to invade, reform and leave Iraq, neo-liberal state building and a sectarian elite pact. It will explain why the sectarian elite pact came to dominate and why this was so destructive for state building, undermining attempts at stabilizing the country and destroying the administrative coherence of the state.

Statebuilding minus Peacebuilding: 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 proscriptive peacebuilding strategies can be adopted to remedy de-Baathification and its outcomes.

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

Hannibal Travis

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.

Theorizing Federalism's Challenges and Prospects for Peacebuilding in Iraq

Michael Youash

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.