THE ROLE OF NATURAL RESOURCES DURING THE
STATE BUILDING PROCESS: THE CASE OF IRAQ

A Master's Thesis

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To my loved ones

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STATE BUILDING PROCESS: THE CASE OF IRAQ

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I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations.

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ABSTRACT

THE ROLE OF NATURAL RESOURCES DURING THE
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This thesis evaluates the relevance of natural resources during the state building process. In order to achieve its aim the thesis provides the reader with the relevant definitions. These include the definitions of state, nation building and state building. The thesis looks at the theories of state building. These are the Fast- Track Democratization, Security Firsters and Slow Democratization. It then provides the historical and current context of state building activities. It covers state building and the major state building actors since the end of World War One. Germany, Japan, Vietnam, Belgian Congo, and Bosnia as well as the role of United Nations, the United States of America and the European Countries and institutions are briefly given as examples of state building in different historical periods. This is continued by the analyses of state building activities in Iraq, from its inception until today. The case of Iraq is used to analyze the relevance of natural resources in the state building process. In conclusion, this thesis demonstrates that natural resources play an important role in Iraq´s state building process while a success depends on how the distribution, management and ownership of oil and gas resources will evolve.

Keywords: State, State Building, Nation Building, Iraq, Energy, Natural Resources.

ÖZET

DEVLET İNŞAASI SÜRECİNDE
DOĞAL KAYNAKLARIN ROLU: IRAK
Tulun, Teoman Ertuğrul
Yüksek Lisans, Uluslararası İlişkiler Bölümü
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Bu çalışma, devlet inşaası sürecinde doğal kaynakların rolünü değerlendirmektedir. Bu hedefe ulaşmak amacıyla, ilgili terimlerin tanımları okuyucuya sunulmuştur. Buna, devlet, ulus inşaası ve devlet inşaası terimleri dahildir. Bu tez, devlet inşaası kuramlarını da incelemektedir. Bunlar sırasıyla Hızlı Demokratikleşme Kuramı, Güvenlik Odaklı Kuram ve Yavaş Demokratikleşme Kuramlarıdır. Birinci Dünya Savaşı'ndan günümüze kadarki devlet inşaası süreçleri anlatılmaktadır. Bu incelemeler, Birleşmiş Milletler, Amerika Birleşik Devletleri ve Avrupa ülkeleri gibi devlet inşaası sürecine girişen aktörleri de kapsamaktadır. Bilahare, yerel ve uluslararası aktörler tarafından tarihi boyunca Irak'ta girişilen devlet inşaası süreci incelenmiştir. Irak sürecinin incelenmesindeki amaç, doğal kaynakların devlet inşaası sürecinde oynadığı role ışık tutmaktır. Sonuç olarak, bu tez doğal kaynakların Irak'ın devlet inşaası sürecinde önemli bir rol oynadığını gösterirken, sürecin başarılı bir şekilde sonuçlanmasının petrol ve doğal gaz kaynaklarının dağıtımında, idaresinde ve sahipliğinde kaydedilecek gelişmelere bağlı olduğu üzerinde de durmuştur.

Anahtar Kelimeler: Devlet, Devlet İnşaası, Ulus İnşaası, Irak, Enerji, Doğal Kaynaklar.

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LIST OF ABBREVIATIONS

BPC   : Basra Petroleum Company

CBM   : Confidence Building Measures

SCIR   : Supreme Council for Islamic Revolution

CPA   : The Coalition Provisional Authority

CJTF-7   : Combined Joint Task Force 7

DPG   : Directorate of Political Guidance

DRC   : Democratic Republic of Congo

FTD   : Fast – Track Democratization

HNP   : Haitian National Police

IAF   :Iraqi Armed Forces

ICJ   : International Court of Justice

INOC   : Iraqi National Oil Company

IGC   : The Interim Governing Council

IPC   : Iraq Petroleum Company

IRC   : International Red Cross

LoN   : League of Nations

MPC   : Musul Petroleum Company

MSUG   : Michigan State Universities Advisory Group

NIA   : National Institute of Administration

ONUC : United Nations Operations in Congo

ORHA : US Office for Reconstruction and Humanitarian Assistance

PA : The Popular Army

PMC : Permanents Mandate Commission

RG : Republican Guard

RoV : Republic of Vietnam

SD : Slow Democratizers

SF : Security Firsters

SRG : Special Republican Guard

TAL : The Transitional Administrative Law

TCCDR :Tribal Criminal and Civil Disputes Regulations

TNA : Transitional National Assembly

TPC : The Turkish Petroleum Company

UHI : Unilateral Humanitarian Intervention

UNGA : UN General Assembly

USC : United States Constabulary

WHO : World Health Organization

CHAPTER I

INTRODUCTION

The recent historical developments brought on the demand for questioning the sacred nature of the state. With the development of technology and deepening of globalization, the collectivist structure of the society was changing into an individualist one, thus, the view on the meaning and place of the state began to be discussed both in international relations and political circles. Once the state was seen as the protector of the individual against the tyranny of the market forces and of other individuals, organizations or states. Yet by the 1990s it was being seen as a unit that constrained the individual. It was seen as limiting the freedom and the potential of the individual.

Thus came the limiting of state responsibilities, power and function particularly in social and economic spheres. For example in the social field, from the 1990s onwards, the welfare systems began to be dismantled. The Non-Governmental Organizations (NGOs) are promoted to replace the social and economic functions of the state and the emphasis on human rights that would carry the world into the new millennium.

Yet by the beginning of the new millennium, the reality did not match the hopes. The world was in constant economic crisis. Politically it had witnessed intolerable violence on several fronts. Institutions which were supposed to replace the functions of states were not able to carry the burden thrust upon them. These were followed by the resurgence of the concept of failed states. Distance was not enough anymore to protect a nation from the negative affects of local or regional conflicts. The world witnessed the effects of missing state institutions, with genocides such as in Bosnia. The importance of state was especially seen in regions where state collapse had produced a dangerous environment. Thus, the term "state building" re-emerged from its post-World War One hiatus.

Within this framework, this thesis examines the re-emergence of state building efforts in the post-Cold War era and specifically the case of Iraq. The importance of natural resources in collapsed states is a specific concern not only to the state of the region in question but also to the international community. Due to the challenges in securing energy supplies, natural resources in collapsed states could have destabilizing affect in the world energy market and this could translate into international instability.

Thus, the case of Iraq is important to examine the conditions under which state building processes are influenced. First, its history demonstrates that Iraq's past, present and future has been a product of its natural resources, namely oil and gas.

Second, Iraq presents a case to question the role of national identity in state building process. Iraq since its inception has been marred with sectarian and ethnic violence. Third, its state collapse that occurred as a result of the 2003 US invasion

and its natural resources have a significant impact on the region and the international community at large.

Excluding the introduction and conclusion, the thesis is divided into three chapters. The second chapter contains the theoretical foundations of the thesis. It is divided into five sections. It presents the relevant definitions, the theoretical approaches and the history of state building. The examples of state building process are investigated in the light of three factors. These are namely, the level of engagement of the state builder, the importance of legitimacy and the role of regional factors.

The third chapter presents the state building history of Iraq. It covers the period starting from the invasion of three provinces of the Ottoman Empire by the British Force and ends with the 2003 invasion. State building activities during this period has been done by external (British Imperial Administration) and domestic actors. Thus, in addition to the above mentioned factors, this chapter examines three contingent factors in the historical trajectory of state building in Iraq. These are the importance of the army, identity and oil. The fourth chapter examines Iraq's state building process since the 2003 invasion, by utilizing the same analytical framework presented in chapter three. A constitution provides the framework and the foundation on which a state is built. It effects every aspect of the state and its subjects. Thus, a special emphasis is given for the constitution of Iraq.

CHAPTER II

THE FOUNDATION

This chapter defines the terms and concepts that are used in the thesis. In the second section the theoretical approaches are introduced. Other sections will deal with the history of the state building concept.

2.1 Definitions

Before embarking on any investigation, it is prudent to provide definitions for the key concepts to be used. The following concepts, namely "the state" and "state building" are defined below according to the literature review.

2.1.1 The State

In political science one of the most prominent definitions used for the term "the state" was coined by Max Weber. According to Weber, the state: "... is the human community that, within a defined territory— and the key word here is "territory"— (successfully) claims the *monopoly of legitimate force* for itself..." (Weber, 1919: 156).

Useful as this, the aforementioned definition needs additions to serve our purposes. The main reason for this need is the fact that, since 1918, our world has evolved and so did the definition of what a state is. Unlike the beginning of the 20th century, the state does not only fulfill security needs of the population it encompasses. For example, the state is no longer a mere bystander in social issues. A state is also an entity that can regulate, extract, appropriate or use resources in order to fulfill its functions. (Robinson, 2007: 3; Bräutigam, 2008: 2).Thus there are two main functions of a state. First, it needs to provide security for its citizens. Second, it needs to promote social and economic well being, and the development of its citizens.

Within this framework, the state is an entity that provides security to, and attempts to promote the social and economic well being, and development of its citizens.[1]

2.1.2 State Building

The second concept that requires a definition is State Building. There are many approaches to the concept of state building, and furthermore some studies also refer to the state building process by using different terminology (Dobbins et al., 2008: xv-xvi).[2]

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[1] Even though this thesis will discuss democratic state building, the definition of the state or state building will not be formulated in a manner to involve the notion of democracy. For a state does not have to be a democracy (World Bank, 2005: 46). Throughout history there have been states that had different regimes. This issue will be discussed more thoroughly in the last section of Chapter 2.

[2] State building in the context of the United Nations (UN) is referred to as peace building. In the context of Europe it is referred to as State Building. And in the context of American politics it is referred to as Nation Building (Dobbins et al., 2008: xv-xvi). There will be a detailed discussion at the final section of Chapter 2, as to why I consider them to be different terms. Further the logic behind my usage will be explained as well.

In very simple terms, state building can be defined as "... the creation of new government institutions and strengthening of existing ones...". (Fukuyama, 2004: ix). Yet as with the definition of the term state, many definitions of the concept of state building, are either too simplistic or too narrow (Bräutigam, 2008: 2).

State building is a process that increases or creates fiscal, administrative, and institutional capacity of governments to provide security to, and to promote the social and economic well being and development of its citizens.

2.2 Theoretical Approaches To State Building

There are three theoretical approaches in relation to the state building concept. The first is the "Fast – Track Democratization" (FTD) argument. There are two other approaches that disagree with the aforementioned argument. These are the "Security Firsters" (SF) and the "Slow Democratizers" (SD) (Hampson and Mendeloff, 2007: 679-680).

In order to understand the differences between these approaches, one can examine them in the light of four fundamental elements. The first element is that they are influenced by the writings of different political philosophers. Some of the philosophers that have affected the above mentioned approaches are respectively, John Locke, Thomas Hobbes and John Stuart Mill (Hampson and Mendeloff, 2007: 679-681). The second element is their view on the concept of "state of nature". Since they incorporate ideas from different philosophers, they each have a different view on the "state of nature" of human beings.[3] This in turn effects the third element, assumptions about the culture and the peoples who are the subjects of the state

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3   State of Nature can be defined as the state human beings have lived before they created a polity.

building process. Finally, the aforementioned element effects the methods employed during the state building project, the fourth element. (Hampson and Mendeloff, 2007: 679-697).

2.2.1 The Fast – Track Democratization

The writings of traditional liberal writers such as John Locke are important to understand the philosophical foundations and the assumptions about the ''state of nature'' in this approach (Hampson and Mendeloff, 2007: 679-697).[4]

For Locke in the "state of nature" human beings live in perfect freedom. They alone take decisions regarding their life and they decide their own fate. Locke also considers this state as the "state of equality". Since everybody is equal in the state of nature, they also posses the same faculties. Thus by nature, human beings use reason and reason would dictate that no individual would harm anyone else. This is referred to as the "Law of Nature".

It is possible for "state of nature" to turn into "state of war", even though it is not the usual state of affairs. If the "Law of Nature", which governs the state of nature is broken in any way, individuals must defend themselves and punish the transgressors. Their duty to punish the guilty party is not just about protecting themselves, but they must do it because the unlawful actions have hurt the species as a whole.[5]

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4   Traditional liberal theorists such as John Locke argue human beings overwhelmingly and most of the time act with pure intentions. (Locke, 1980).

5   Lock's belief in the Law of Nature is significantly effected by the concept of Monotheism. The idea that human beings were created by a singular god (Ashcraft, 1999: 238). Thus at times, his ideas are unrelenting and uncompromising. Furthermore, one can extrapolate from the concept "Law of Nature" that any polity founded on contradictory principles does not have legitimacy (Locke, 1980: 12). At least in theory, the FTDs also believe that all nations must adhere to their version of government.

Despite the perfect freedom provided in "the state of nature", because of rare but still possible occurrences of conflict, individuals would be willing to create a civil society/political society. This would entail relinquishing some of their freedoms, with which they would gladly comply. In the political society, to achieve the desired goal, the political body must be governed by the body itself. Hence emerges the concept of "consent of the majority" (Lock, 1980: 52; Ashcraft, 1999: 238; Hampson and Mendeloff, 2007: 681-682).

The FTDs built their theoretical approach towards nation building on the assumption of liberal democratic theory. The FTDs believe that since overwhelming number of individuals are somewhat like the individuals in Locke's "state of nature", a democratic state building project would not require a Herculean effort. Furthermore, in the policy arena FTDs perceive that it's a responsibility to engage against the transgressors worldwide.[6] The FTDs belief that due to inherit nature of humans, democratic societies can be created with limited effort.

This belief in the subconscious desire for democratic rule, in turn has effected their perception on the desired methods used for intervention. In one of the reference work of FTDs, four methods are recommended for successful intervention.[7] First, the intervening power has to commit significant military, civilian

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6 This feeling of responsibility can be seen in 2002 National Security Strategy (NSS) of the Bush Administration. The 2002 NSS, and the approach of Bush Administration itself to the idea of state building can be considered as a modern example of the traditional liberals and consequently the FTDs. However it should be noted that certain liberal theoreticians such as Immanuel Kant cautioned against such aggressive policies. Immanuel Kant argued that wars that aimed to spread democracies could have adverse effects for the war-waging democratic states themselves. (Hampson and Mendeloff, 2007: 682-683; Kant, 1991:164-171, 266).

7 Dobbins et al. , 2003.

and financial resources.[8] Second, multilateral interventions tend to yield more positive results.[9] Third, if the intervening parties are willing for a long term commitment, the resolution of the injustices committed in the past could be helpful in the state building process. Fourth, there will be less causalties if the interventionist forces are large enough to maintain order amongst the local population. (Hampson and Mendeloff, 2007: 685; Dobbins et al. , 2003: xx, xxi, xxv, xxvi, 20, 146, 165, 166).

2.2.2 Security Firsters

Despite the fact that FTDs effect on the international scene, there are views that have come to challenge it in regard to recent developments. One of them being the perceived failure of the intervention in Iraq and in Afghanistan. The proponents of one of these approaches are referred to as the "Security Firsters" (Hampson and Mendeloff, 2007: 686).

The SFs have been also effected by different political theorists. The writings of Thomas Hobbes can be used as an example for describing the assumptions and the theoretical foundations of the SF approach.

According to Hobbes, in the state of nature, human beings are free and have the will to do anything to survive. Hence he characterizes human existence in the state of nature as "solitary, poore, brutish and short" (Hobbes, 2001; 89). Thus in such an environment no individual is safe. In order to avoid this dilemma, individuals would relinquish some of their rights to a political entity, the Leviathan.

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8   It is argued that since democracy can be transferable to any society, one only needs the right amount of resources.

9   They also cost less, but present a much more complicated endeavor

This in turn would guarantee its subjects physical security (Hampson and Mendeloff, 2007: 687; Hobbes, 2001: 91).

The SFs argue when states fail, the physical security of most or in some cases all of its citizens are put in jeopardy. Thus, we observe the creation of armed groups which in turn causes the conflict to further escalate. Unlike in an interstate war, the cycle of violence in intrastate war rarely ends at the negotiating table. The parties do not believe the terms of negotiation could be upheld since there is no viable state that could enforce them (Hampson and Mendeloff, 2007: 687; Walter, 1997: 336-337; Walter, 1999: 129).

Thus the SFs hold the belief that the primary objective of state building process is solving the security problems. To achieve this in some cases, transition to democracy can be delayed for some time or could be shelved indefinitely. In the past, similar arguments were made by authors such as Samuel Huntington. He too believed in the importance of security. Also, democratic rule was not high on his list of priorities (Hampson and Mendeloff, 2007: 688; Ipek, 2007; Fukuyama, 1997:215).

2.2.3 Slow Democratizers

The last approach that presents the middle way could be described as a much more measured, or conciliatory approach. In the debate of state building, the supporters of this approach can be coined as the "Slow Democratizers" (Hampson and Mendeloff, 2007: 689).

The SDs take their fundamental theoretical elements from writers such as John Stuart Mill. Mill, just like the SDs, can be positioned between Locke and

Hobbes. Unlike Locke or Hobbes, Mill was not a proponent of starting a political debate from the point of state of nature. He believed that since human beings were born in a polity, it did not serve any purpose to start the academic inquiry from the point of state of nature. Thus, from his discussions one can extrapolate that he does not necessarily believe that human beings are docile or aggressive by nature. Whatever humans or societies in turn become, the issue resides more in how they are educated (Mill, 1904: 30-33; Ryan, 1998: 530).

Continuing in this line of thinking, Mill warned against the dangers of unregulated democracy. This could cause the oppressive rule of a majority, which he referred as the "tyranny of the magistrate". In his opinion there had to be guarantees so that non-mainstream ideas could be expressed (Hampson and Mendeloff, 2007: 690).

Within this framework, the SDs believe that the immediate establishment of democracies is not viable. In the absence of proper groundwork, there is a significant chance that attempting to establish a democracy in a society with limited prior experience would eventually create a "mob rule" (Hampson and Mendeloff, 2007: 690; Mansfield and Snyder, 2005).

In line with this theoretical background, the SDs methods of state building can be stated in four points. First, state building requires a state. Only when political institutions have been established and are operating with certain efficiency, can the state building project progress successfully. This can be seen both in the cases of Japan and Germany after World War Two (WWII). In both countries the highly efficient administrative apparatus was left intact (Hampson and Mendeloff, 2007: 690-692; Fukuyama, 2004: 51-52). Second, whether it be the media, the non-

governmental organizations (NGOs) or other elements of the civil society, they have to be educated for the state building process to complete. Third, the introduction of democratic elements in the society could be postponed until the first two elements had made some headway.[10] Fourth, in case of total state failure, all this could be done with the help of an international trustee. Meaning; an outside power could provide the necessary state functions until the collapsed state's institutions are rebuilt. This idea of "international trusteeship" or in some cases "shared sovereignty" can either be imposed on a nation or it can be voluntary. It can be related to a specific area, such as economic stewardship, or it can encompass all of the functions of a state (Hampson and Mendeloff, 2007: 692-693; Krasner, 2005: 70,76-79; Krasner, 2004: 86,97-120; Fearon and Laitin, 2004: 9-14) .

2.3 Why State Building And Not Nation Building?

In the case of the concepts of "state building" and "nation building", there is not just a subtle difference, but a significant one. Conceptual labeling requires special attention because different concepts effect how one perceives, thinks, and analyzes a problem. Different academicians have different approaches to this issue. Below the arguments of three important scholars in the state building debate are presented.

James Dobbins of the RAND Corporation argues that, there is really no difference between any of the following three concepts: state building, nation

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10 It should be noted that, unlike SFs, for SDs, the non-democratic nature of the government during the transition period is a temporary phenomenon Any limitation on the freedoms of the people must be for the purpose of establishing a democracy in the future. This was Mill's argument as well. Unlike SDs, for SFs democracy can sometimes be forsaken for stability. Again unlike SDs, FTDs believe democratic governance must established from the beginning, regardless of any special circumstances (Hampson and Mendeloff, 2007: 692; Locke, 1980: 12; Mill, 1998: 14-15).

building, peace building.[11] He does not enter into any detail about the difference between nation and state. Furthermore he does not believe this to be a useful exercise. He accepts the term nation building because it is more commonly used in the American state building literature (Dobbins et al., 2008: xv-xvi).

Another scholar, Francis Fukuyama follows a similar path, but does try to explain the usage from an American perspective. He argues that due to the American experience in the creation of USA, the Americans refer to state building process with economic development as nation building (Fukuyama, 2006: 3-4).

It should be noted that, the American experience of creating a new nation from the combination of different people under one state is a unique experience. It could be counter-productive to set off to state building project with this experience in mind, because every nation is different from each other. In fact, the focus is not "nation" but the "state".

This is where the definitions come in. As previously stated "...the State is an entity that provides security to, and attempts to promote the social and economic well being and development of, its citizens...".

Yet the definition of nation, as Simon Chesterman points out is quite different. A nation is a collective that shares common customs, origins, history, and frequently language (Chesterman, 2005: 4-5).[12] In none of the activities conducted in state building efforts after 1945 can one observe an attempt at creating the elements

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11 Instead of the term state building, some, such as the United Nations, utilize the term "peace building". Yet the term peace building is a term that describes a far broader range of activities then "state building" (Chesterman, 2005: 4-5) The topic on definitions does merit a more through discussion. Yet in order not lose the focus of the thesis´ question, the term "state building" was used.

12 Some scholars could find this definition vague and too general. It is true that the term "nation", historically, is an important term. It is true that it merits more discussion. However, in order not to lose focus on the thesis, this general description will have to serve our needs.

provided in the definition of nation. This why the term state building is being used in the context of this thesis.

2.4 State Building, The History

After having investigated the different theoretical approaches to the issue, this section examines the historical cases of state building. If one attempts to categorize the history of "state building", WWII can be considered a benchmark.

Prior to WWII, there were operations conducted by states or international organizations in different international arenas. However, they were considerably different in nature when compared to current "state building" practices.

2.4.1 Pre-WWII Era

In the Pre-WWII era, there were three types of operations that predated the concept of "state building". They are different from the concept of "state building" because none of them intended to build, rebuild, or strengthen the state capacities of the region in which they were conducted. They were either created to serve the purposes of an occupying power, or were merely rudimentary efforts at conflict resolution or Confidence Building Measures (CBMs).[13]

The first system was called The Mandates System. The Ottoman possessions in the Middle East and the German territories in Africa and the Pacific are examples of this system. The major difference between the Mandate System and the state building projects of today is, state building projects, if not totally, are mostly made

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13 Confidence Building Measures are agreements between parties regarding the exchange of information and increase of transparency which aim to decrease the fears of the actors involved, for the purpose of preventing the outbreak of a conflict. CBMs do not have to necessarily deal with reduction of arms (Asada, 1988: 489; Nye, 1984: 401-414).

to benefit the people in question. The "mandate system" seemed to serve more the interests of the European powers such as France and United Kingdom. It was a method to extend their empires. The wishes or interests of the local populations were mostly disregarded (Chesterman, 2005: 13-18).

The second system involved the League of Nations (LoN). Some territories were administered by the LoN under the Treaty of Versailles. The Saar Basin, the city of Danzig and Upper Silesia were the examples of this exercise.[14] The common element in these examples is that they bare more similarity to CBMs.

From these examples, the Saar Basin example is worth investigating. Officially, the Basin was, until 1935, administrated by the LoN. However, the LoN never engaged in state building activities. Economic activities, such as the coal mines, were controlled by the French and the population mostly administered itself (Chesterman, 2005: 18-22).

The third system was the quasi-administrative activity by the LoN. The Memel territory in todays Lithuania and Leticia in Colombia fell under this category. They had two main characteristics. First, they were both issues outside the Treaty of Versailles. And second, they were an attempt at conflict resolution (Chesterman, 2005: 22-25).

2.4.2 Post-World War II Era

After WWII, we began to see what we can refer to as state building activities. WWII, destructive as it was, had changed the landscape of international

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14 Saar Basin geographically corresponds to current day German state of Saarland. The city of Danzig is located in current day Poland. Upper Silesia is located in current day Poland and the Czech Republic.

politics. Two new powers, the USA and the Union of Soviet Socialist Republics (USSR) had emerged from the ashes of war and a new balance of power was created. Colonial powers started to lose their overseas possessions. United Nations (UN) was established to serve the purpose of avoiding the escalation of conflicts into war, and to promote an environment of international collaboration.

It was in such an environment in which the world has witnessed four major state building projects until 1989, the end of the Cold War. These concerned the following countries: Germany (1945-1955), Japan (1945-1952), Vietnam (1954-1968) and Congo (1960-1964). The aforementioned cases have various similarities and differences. Five features can be provided to describe these similarities and differences.

First, of these four, Germany and Japan were a success.[15] In fact, today, the end result of these two cases are regarded as what state building should accomplish. The other two projects had different results. Vietnam was a failure and Congo was a partial success.[16]

Second, different countries were involved in two of these projects, Germany and Congo respectively. Thus they could be considered multilateral projects. The other two, Japan and Vietnam, were unilateral projects conducted by the USA.

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15 The cases of Germany and Japan are considered as a success from two different aspects. First, from the definition of state building provided in the first section of this chapter. The state building process indeed increased the fiscal, administrative and institutional capacity of the state to serve its citizens. Second aspect, from which these examples can be considered as a success, is the three theoretical approaches presented in this chapter. The FTDs believe that democracy can be easily transferred or established in nations with limited democratic tradition. The Germany and Japan case did verify this argument. For the SFs, the state building process requires security. In these two cases, it could be argued that the state building process progressed with relative ease because of the secure environment in which they were conducted. From the perspective of SDs, these cases also validate their argument about the importance of economic and social aspects of the state building process.

16 It should be noted that when we state that Vietnam project was a failure, we refer to the Republic of Vietnam (which was also known as South Vietnam).

Third, these four endeavors were undertaken under different international conditions. The operations in Germany and Japan were conducted right after a major war, and the necessary troops and personel were already stationed there. In the case of Vietnam and Congo a foreign power or powers had to intervene and send in the necessary personel outside of a major war.

Fourth, in each case the level of embededness of the state institutions in domestic structures varied. Despite coming out of a war, Germany's and Japan's state infrastructures were still present. Thus the occupying powers had something to start with, especially with the case of Japan. In the case of Vietnam, even if the state institutions or state traditions were not as efficient as in Germany and Japan, they had long, deep, and rich history of self-government. The case of Congo was different however. After the Belgian withdrawal, what was left of the state institutions had collapsed immediately (Carter, 2008:37-42; Chesterman, 2005: 83-84; Dobbins et al. , 2005: 5-9).

Fifth, due to the nature of the environment in which the state building efforts were conducted and the conditions prior to state building were different, the methods varied. In the case of Germany and Japan, no military operations were required because this had already been done during the war. Thus, intervening powers could focus only on the task of state building. Yet in the case of Vietnam and Congo the State Building process had to advance as the fighting continued. Furthermore, the cases of Vietnam and Congo represent two states that had emerged from imperialistic rule. Yet Germany and Japan, were both established powers with potent ideologies that had lost an interstate conflict.

Having provided a general notion about the four cases of state building after

WWII, they should now be individually investigated.

2.4.2.1 Germany

In the case of Germany, the Allies were faced with several challenges. These were in the fields of security, the humanitarian conditions, and the state apparatus. Since the German army was going to be disbanded, a significant Allied military presence was required in Germany to establish and maintain order. The issue was further complicated by the fact that troops were needed in Asia to win the war against Japan, and the American public demanded the return of the soldiers home (Dobbins et al. , 2003: 4-6).

On the humanitarian situation, since economic activity in Germany was severely disrupted, the population did not have the means to support itself. On the state apparatus aspect, the Nazi state apparatus had to be dismantled, the perpetrators of war crimes had to be punished, and a new system of government had to be created (Dobbins et al. , 2003: 5-6).

In order to solve these problems, different methods were adopted by the Allied powers. Until a professional German police was established the order was maintained through structures such as the United States Constabulary (USC). This was essentially a structure designed to train soldiers in order for them to fulfill policing duties (Dobbins et al. , 2003: 9-12).

The humanitarian situation was solved through assistance programs established by the Allied powers, and through civilian organizations such as the International Red Cross (IRC). On the issue of administration, some bureaucrats that were in one way or another affiliated with the National Socialist establishment were

incorporated in the new state apparatus (Goldstein, 2009:127). Essentially, the Allies administrated Germany with the creation of a German new bureaucracy (Dobbins et al. , 2003: 13-17).

The end result was a democratic Germany which operated under an open market economic system. In the state building literature, the German example is shown as a proof for the transferability of democracy from one country to another.[17] Countries defeated in war need significant amount of capital for the state building process to be completed. Also, forcing the perpetrators of past crimes to stand trial can be beneficial in the transformation of the country (Dobbins et al. , 2003: 20-21).

2.4.2.2 Japan

The USA's usage of nuclear weapons against Japan ended the war in 1945. Unlike Germany, Japan remained intact after the war ended. Thus, the challenges facing the U.S.A. were different in Japan from Germany (Dobbins et al. , 2003: 26-32). [18]

On the issue of security, Japan still had an army of over 6 million soldiers. It was not clear whether all of them would obey the Emperor's wishes to surrender. On the humanitarian side, after severe allied bombing the Japanese food distribution system had been destroyed, thirty percent of the population was left homeless, and its shipping capacity was severely depleted.[19] On the subject of the administration of Japan, the state apparatus, bureaucracy, and the parliament remained intact. The

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17 Germany's experience with democracy after World War One (WWI) was a painful and short experience.

18 Also in the case of Japan, U.S.A was the only foreign power shaping the state building project.

19 The shipping capacity effected its ability to supply the Japanese mainland with the necessary supplies.

question was should the administration be dismantled or not (Dobbins et al. , 2003: 26-32).

Since the challenges facing U.S.A. were different, different methods were employed in the case of Japan's reconstruction. On the subject of humanitarian challenges, unlike Germany, the Japanese were provided with limited assistance. When it came to the issue of administration and the system of government, unlike Germany the Japanese Civil Service was kept and the allies only assumed supervisory roles (Dobbins et al. , 2003: 32-51). [20]

The case of Japan provides us with different lessons from Germany. First, the Japanese case is referred as a case of state-building claiming that democracy was transferable to a non-western country. Second, the local bureaucracy can be very useful in the state building process. Third, unilateral action could speed up the state building process (Dobbins et al. , 2003: 51-53).

2.4.2.3 Vietnam

Unlike the cases of Germany and Japan, Republic of Vietnam (RoV) and Congo are often not presented as cases of "State Building". In fact, RoV is not mentioned at all.[21]

The reason why Vietnam can be considered as a state building project is because, between 1954-1968 USA implemented economic, political, and military policies that had far reaching effects. The projects included, but not limited to,

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20 Despite the fact that Japan also followed an extreme nationalistic ideology, unlike Germany, there was not a National Socialist apparatus to dismantle.

21 The study conducted by James Carters, called "Inventing Vietnam" is one most thorough examination of the RoV state building case. In the volume edited by Francis Fukuyama, RoV Project is mentioned in passing as "Nation Building Beyond Afghanistan and Iraq". (Ekbladh, 2006: 27-29).

creating a political system, administrative system, economic system, and significant construction projects[22] (Carter, 2008: 6,44, 79-81, 111-112).

Most studies focus on the American involvement in Vietnam after 1964. By this point, due to the failures of the state building activities, the military operations were increased. In fact American involvement had started in the early 1950s and increased significantly in 1954 with the withdrawal of France. The idea behind the American involvement was to establish a viable state in South Vietnam that would be able to participate in the international arena. One of the most important civilian figures in this process was the Michigan State Universities Advisory Group (MSUG), created in 1955 (Carter, 2008: 15, 20-21, 44,49).

Several examples can be given to support that RoV was a state building effort. For example, to train bureaucrats for the new civil service, the National Institute of Administration (NIA) was created. Another institution created to aid in the new state building project was the National Police Academy (Carter, 2005: 66-67, 71-76).

On the subject of political system, RoV eventually evolved into an authoritarian state. The RoV leadership, namely Ngo Dinh Diem had eliminated most of the opposition by the use of repressive methods. The authoritarian nature of the regime resulted in instability and eventually in its collapse. One reason for this instability was the fact that ordinary Vietnamese in the RoV had lost hope of expressing themselves. This was due to high rates of arrests by the state officials in an arbitrary manner (Carter, 2005: 59, 105-106, 143-149, 177, 232).

On the economic front, the RoV never gained strength to sustain itself.

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22 These construction projects included building hospitals, roads, infrastructure etc. (Carter, 2005: 6).

Throughout its existence industrial development and output were very limited, and it only managed to survive with the assistance provided by the U.S.A. (Carter, 2005: 93-105).

On the humanitarian front, especially after the escalation of conflict through military means in 1966, many rural RoV citizens became refugees in their own country. This not only added further strain on an already weak infrastructure and caused a serious health hazard, it also further alienated the people from the government (Carter, 2005: 228-229).

The RoV experience has important lessons for future state building efforts. First, unlike in the cases of Germany and Japan, in the case of RoV, the Americans had decided to build a new state apparatus and political system from scratch, disregarding any Vietnamese experience of self-government. Second, the Americans had allowed the RoV experiment to develop into an authoritarian state. It is very difficult to create a state without the participation and contribution of the local population.

2.4.2.4 Belgian Congo

Ravaged by the Atlantic slave trade, Congo was made a possession of King Leopold II of Belgium. Over the years Congo became a very lucrative business venture for the King. Yet the Congolese people suffered greatly, especially from the local constabulary called the Force Public. Due to international condemnation, the Belgian parliament removed the colony from the rule of the crown. It was ruled by the parliament until 1960, at which time Belgium gave Congo its independence (Dobbins et al., 2005: 5).

After the independence, elected [23] Congolese government asked the Belgian administrator staff to remain in Congo and staff the civil servant positions. At 1960, Congo did not have enough educated and qualified Congolese to fill the necessary bureaucratic positions to run the country. By 1960, the Congolese civil servants consisted of 21,890 individuals. Of these 11,550 were Congolese. Only nine of these were mid level bureaucrats. All 5,900 High level bureaucrats were European. (Dobbins et al., 2005: 5; Didier, 2002: 115).

One reason for the lack of Congolese administrative staff was the education policy of the Belgian government. In Congo, higher education was only introduced in 1954 by the Belgian government. By June 1960, only thirty Congolese had received university degrees.

It was at this time that, the old Force Public, the new Congolese rebelled. The country was immediately plunged into chaos. The Belgian civil servants mostly escaped or were killed by the mutinous soldiers. The remaining Congolese civil servants were inadequate in running the basic services. The state apparatus collapsed. Soon after the collapse of the state institutions, the economy and social order also collapsed. Katanga region declared its independence and the Belgian government, in violation of prior agreements concluded with Congo, sent Belgian paratroopers into Congo (Dobbins et al., 2005: 5-7).

After the involvement of Belgium, the Congolese Prime Minister, Patrice Lubumba, asked the UN to assist Congo in restoring order. It is with this request that the UN launched its first mission of this kind. This was also the only state building

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23 It is not argued that Congo was a democracy in terms of the modern world. However, the Prime Minister, and national and regional assemblies were elected by the Congolese people. For further information consult Didier (Didier, 2002: 112-113).

operation that UN conducted during the Cold War (Dobbins et al., 2005: 7).

UN was faced with several challenges in Congo. Security-wise there were several issues. First, the UN had to assist the government in removing mercenaries from Congo proper.[24] Second, the territorial integrity of Congo had to be preserved. Third, the objective was the departure of the Belgian troops from Congo. (Dobbins et al., 2005: 7-8).

On the humanitarian aspect of the conflict, with the exodus of Belgian medical staff the already strained medical system collapsed. Even the commercial food distribution system was adversely effected by the conflict (Dobbins et al., 2005: 8).

On the administrative side, the civil service had collapsed. The civil service received its first blow with the desertion of the Belgian senior staff.[25] After the vacuum created by this desertion, the remaining inexperienced Congolese staff either managed the necessary services inefficiently or in a corrupt manner. The UN was charged with providing assistance to Congolese government to rebuild the civil service (Dobbins et al., 2005: 8-9).

On the issue of the political system, there was no consensus internationally or internally about Congo's future. The Soviet bloc argued the new system had to ensure the removal of Belgium. The Americans claimed the political system had to serve the purpose of keeping USSR out of Congo. For the democratically elected Congolese government it meant ensuring the territorial integrity of the country in

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24 The mercenaries, composed of Belgian army officers and mercenaries from other Western nations, were hired by the secessionist Prime Minister of mineral-rich Katanga region.

25 The Belgian staff were responsible for heading the bureaucracy until the Congolese staff was trained.

order to create a strong Congolese state to keep the old colonial powers out of the region. Finally, for the break away, mineral-rich regions, the new system had to ensure their autonomy and the exclusive control over the natural resources (Dobbins et al., 2005: 9).

With the use of more than twenty thousand combat troops, and with a half a billion dollar in financing, the UN operation engaged in a serious state building activity (1960-1964). On the security front, among other actions, the UN launched three major offensives and ended the secessionist movement in Katanga after two years of heavy fighting (Dobbins et al., 2005: 13-18).

On the issue of humanitarian assistance, the World Health Organization (WHO) under the UN's auspice was not able to cope with the crisis by itself. Thus, the United Nations Operations in Congo (ONUC) received help from over 20 nations and from the Red Cross. Due to the extra help, ONUC was quite successful in not only strengthening the preventative health care services in Congo, but it also trained Congolese physicians. ONUC also supplied the Congolese population with enough food supplies until the necessary structures for food supply deliveries were established again (Dobbins et al., 2005: 18-19).

Administration wise, an entity named the Consultative Group (CG) was responsible for assistance to the Congolese government.[26] Despite certain failures such as putting a stop to corrupt government practices, CG had several successful projects. First, it created organizational structures for all the ministries. It supported the training of Congolese civil servants at home and abroad. In order the increase the pool from which the civil service could acquire new staff, it improved the education

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26 CG was the civilian branch of ONUC. However, it never received the international funding or support that was given to the military branch of ONUC (Dobbins et al., 2005: 20).

system of Congo. ONUC training programs also managed to significantly strengthen the central government's administrative capacity.

ONUC was least successful on the issue of establishment of a political system.[27] For example, both General Secretaries of the UN, Hammarskjöld and U Thant, intervened in the political system that seemed to be in favor of geopolitical preferences of the Western Bloc in Cold War politics.[28] Eventually, the unstable nature of the Congolese politics allowed Colonel Mobutu to create his dictatorial regime.

The Congo example provides us with several lessons. In a state building effort, the civilian component of the operation is as important as the military component. Second, the unity of the command structure is important for a successful operation. Third, state building is a costly activity. Fourth, attempted manipulation of the political process to fit the desired geopolitical goals could have adverse effects in the future (Dobbins et al., 2005: 25-26).

2.4.3 Why Did State Building Became Important In The

Post-Cold War Era?

Contrary to the common belief, state building is not a new phenomenon. As discussed in the previous section, it is has been present for over fifty years. The appearance of being a new phenomena is caused by the fact that state building has become more important over the years. Why has it become so important?

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27 It should be noted that democratization was never a goal of the ONUC (Dobbins et al., 2005: 21).

28 For example, the UN was unable or, by the argument of some, unwilling to protect the elected Prime Minister of Congo, Lubumba from getting executed. U.S.A and also Hammarskjold, saw Lubumba as ally of the USSR. The interests of the Congolese was not a priority (Dobbins et al., 2005: 22).

Just like today, there were states that were far less efficient or successful then their counter-parts in the Western world in the post-1945 era. However, the Cold War policy had allowed them to survive with the help of either bloc. Each of these states were able to survive with the military or economic aid from either the US or the USSR (Robinson, 2007:8).

This foreign support had allowed them to survive without developing the necessary state institutions to fulfill its responsibilities. The end of the Cold War had changed the rules. The artificial stability of weak states that allowed them to survive for the duration of the Cold War ended. With the end of this, they began to collapse or enter into protracted civil wars (Ferguson, 2003: 2 ; Robinson, 2007: 8).

These conflicts began to have regional and global ramifications. These ramifications had economic, social and security components. Among the social ramifications one of the most important issues is the subject of refugees. As the neighboring countries began to take in refugees, the protracted nature of the conflict created social problems in the refugee camps, and between the refugees and local populations. The burden of dealing with these troubles was left to the host country (Collier et al. , 2003: 1, 33-51).

The social problems eventually contributed to the creation of economic problems. Not only did instability cause a decrease in regional investment, the neighboring countries were also left with the task of supporting significant number of refugees (Collier et al. , 2003: 1, 33-51).

As the conflicts progressed, security ramifications also become more apparent. With the breakdown of law and order, the conflict zones become the focal point of criminal activity. One example to this phenomena was the production and

trade of illegal narcotics (Collier et al. , 2003: 1, 33-51). [29]

After the realization of the importance of the state, it had become apparent that the failing or failed states could most likely be saved by outside intervention (Robinson, 2007: 8). This eventually led to rise of the concept of state building both in policy making and academic circles.

2.4.4 Post-Cold War Era[30]

Unlike the Post-WWII era, in the Post-Cold War era, the number of state building activities have increased significantly. As previously stated, there were only four state building activities before 1989.[31] There have been more then ten state building efforts since 1989.

Besides the increase in numbers of state building activities, the number of actors which engaged in such activity have also increased. During the Post-WWII era there were two major actors. The first major actor was the USA, which engaged in three state building efforts. The second major actor was the UN, which engaged in one state building effort.[32] After the end of the Cold War, there have been three actors that have engaged in state building. These are USA, the UN , and the European powers.

The reason for naming the title after specific actors is not because of the

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29 These are only some examples. There are many more that one can provide.

30 Each case in this section has been chosen because they are endeavors that have the goal to either increase or create government capacity to serve its population. Thus each case fits the definition provided at the beginning of this chapter.

31 Germany, Japan, Vietnam and Congo, respectively.

32 The U.N. is presented as a major actor in state building, because the Congo operation was one of the most significant events in state building history.

nature of these operations. In fact, all state building activity that will be mentioned in the coming sections have been multilateral in nature. In the post cold war era, the only operation that has some resemblance to unilateralism is the operation in Iraq. The sections have been named according to international actors because despite the multilateral character each operation had an actor that played a more important role in the operation than other nations.

One of the reasons for multilateral nature of the significant majority of state building cases can be traced to the hostility towards towards unilateral humanitarian intervention (UHI) in general. After the end of WWII, states were prohibited from using force in the international arena at all times expect in two specific situations. These were in case of self defense and in the case of authorization of the Security Council of the UN (UNSC) (Brown, 2000: 1687-1688; Kritsiotis, 1998: 1008-1009; Goodman, 2006: 111).

The hostility towards the legalization of UHI has been present among the majority of the UN members as well as the academia dealing with this issue. Furthermore, there is also a legal case which supports this attitude. The International Court of Justice (ICJ) has supported skepticism towards UHI in the case Nicaragua v. United States. The main reason for the presence of such a strong opposition against UHI has been the fear that the right to intervene would be abused by major powers for their own benefit. (Goodman, 2006: 107-112; Pugwash, 1999; Pugwash 2001; Brown, 2000: 1727; Goodman, 2006: 113; Kritisiotis, 1998: 1020).

2.4.4.1 Missions Led By The United States of America[33]

After the end of the Cold War, there were five USA led operations that had a state building element to it.[34] These were, Somalia, Haiti, Bosnia, Kosovo, and Afghanistan.[35] The above mentioned operations provided the USA and the international community with several lessons for future operations (Dobbins et al., 2003: vi-xxix). These lessons are examined according to three factors namely level of engagement, the role of regional factors, and the importance of legitimacy.

2.4.4.1.1 The Level Of Engagement By Intervening Actors

Three indicators can be used to assess the level of engagement by the international actors. These are the military and civilian scope[36] of the operation, and the level of political will put forth by the actors. In order to achieve economic and political development, a secure environment is needed which may include a military operation.[37] There are several reasons to this point. One of them is the fact that insecure environments hamper state building efforts by causing the intervening party or parties to leave the area. Somalia can be given as an example to this occurrence. After the US troops had left Somalia, the U.N. officials did not feel secure enough to continue their work. Thus they had to depart. This in part contributed to the further

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33 Unlike the operation in RoV, the post-Cold War missions were coalitions led by the USA. They were not unilateral engagements on the part of the USA.

34 Iraq is not among the five operations.

35 Somalia (1992-1995); Haiti (1993-2000, 2004-?); Bosnia (1995-?); Kosovo (1999-?); Afghanistan (2001-?).

36 The civilian scope involves, among others; economic reconstruction and law enforcement.

37 This need is more in line with the SD approach and SF approach. For SDs, security is not desired for its own sake but it is wanted to achieve other goals. For SF, most of the time, security is enough as an objective.

deterioration of the Somalia problem (Dobbins et al., 2003: 69, 146; Weinbaum, 2006: 128-130; Goodson,2006: 148-153; Murphy, 2007: 60-63; Dobbins et al., 2003: 63-64).

The second indicator for analyzing the level of engagement of the intervening actors is the civilian operation. The civilian side of the operation can range from law enforcement, economic restructuring, political development or designing bureaucratic structures. Accordingly, another lesson learned was the fact that all state building operations have to be multi-dimensional. (Dobbins et al., 2003: 69,84,107,126,127; Chesterman, 2005: 154-165).

For example, on the issue of law enforcement, the cases of Bosnia and Haiti can be used. In the case of Haiti, in order to supplement the military force, an international police force was deployed. This lifted a heavy burden from the military, which was not trained for policing duties. The international police force was later augmented by the newly trained Haitian National Police (HNP). At the beginning, the HNP was the most honest and effective component of the Haitian state. The Haitian example also provided the scholars with another lesson in the field of law enforcement. It is not enough only to create an effective police force. This must be augmented by an equally effective judiciary. Otherwise the system of law eventually breaks down (Dobbins et al., 2003: 75-78, 84).

In the case of Bosnia and Herzegovina (Bosnia) the importance of law enforcement was seen with the rise of criminal organizations. This hampered successful state building efforts. Moreover, when the international community arrived in Bosnia, there were three police forces present in Bosnia. These were Croat, Bosnian and Serbian police. This division among ethnic lines was not

conducive for state building purposes. Unlike Haiti, the international officers in Bosnia had duties as monitors and trainers. They were not armed. The training of a Bosnian police force allowed the international community to decrease the number of soldiers on the ground (Dobbins, 2003: 96-97).

Kosovo can be given as an example to the case of economic reconstruction. Besides Germany, Kosovo was the only state building project that enjoyed such a significant growth in terms of economic activity (Dobbins, 2003: 125). One of the most important effects of economic growth is the fact that it decreases the tension among the population and allows them to look to the future with hope. This in turn contributes positively to the state building project as it encounters less opposition.

The third indicator for measuring the level of engagement, is the notion of political will. Political will could effect the outcome of an operation. If it becomes apparent that the intervening powers will or cannot commit enough resources to the operation, it will most likely become a futile exercise. Besides the civilian and military resources, an operation requires political will. This was the first lesson of post Cold War state building efforts (Dobbins et al., 2003: 69, 84, 107; Edelstein, 2009: 83-90).

The first example of this lesson was the events in Somalia. After the losses incurred in 1993, the US administration decided to disengage from Somalia. Without the assistance of American troops, the UN felt that it could not continue with its operations. As such, it too withdrew from Somalia. After the ending of the US and the UN efforts, Somalia reverted back to its violent state (Dobbins et al., 2003: 60-64; Crocker, 1995: 5; Murphy, 2007: 48-63).

The second example was Haiti. After the serious losses inquired during the

operation in Somalia, the US planners interpreted the experience of Somalian intervention in terms of limiting their engagement in future operations. This led to the pre-determined exit-date strategy in Haiti. This approach eventually hampered the state building efforts and was counter productive to the entire process (Dobbins et al., 2003: 84).

2.4.4.1.2 The Importance Of Legitimacy

Another factor in assessing the lessons learned is the importance of legitimacy. One example for this factor can be given from Somalia. Somalia is a post-colonial state that was granted independence in 1960. Thus, when the fliers distributed by the US forces depicting an US soldier with a Somalian used the term "Slave Nation" instead of "United Nation" because of a mistake in translation, the suspicions of the ordinary Somalians grew about the intentions of the international community (Dempsey and Fontaine, 2001: 48). This action had hurt the legitimacy of the US led mission in the eyes of the ordinary Somalians.

Furthermore, there is another aspect of legitimacy that have come up in the case of US led intervention in Kosovo. As stated earlier, there is considerable skepticism towards the UHI among states and scholars. The only organization that is viewed to have legitimacy for any Humanitarian Intervention (HI) is the UN. Yet the case of Kosovo, according to some scholars, could be a sign that the traditional negative approach towards UHI could be in a process of change (Goodman, 2006, 108-112; Brown, 2000: 1684-1687).

2.4.4.1.3 The Regional Factors

Three indicators are used to examine the regional factors[38] in the lessons learned. These are namely the legacy of the country, the extent it is integrated into the international scene, and its ethnic composition. Accordingly, the international society has begun to acknowledge the importance of taking into account the history of a specific region. As one author has referred, the international community should shift from "cookie cutter" approach to "strategies tailored to specific contexts" approach (Call and Cousens, 2007: 13).

One example of the lessons learned under this factor can be given from the case of Afghanistan. In the case of Afghanistan the intervening coalition led by the US learned the importance of neighboring countries in state building process. Due to the suitable environment in the region, the intervening forces were able to remove Taliban from power. Furthermore, they were able to support the creation of a new Afghan government. If the neighboring countries such as Iran, India, Russia and especially Pakistan did not participate in such an effort, the chances of completing the set objectives would have been much harder to achieve [39] (Weinbaum, 2006: 134; Dobbins, 2003: 138).

Another indicator to assess the lessons learned is the importance of ethnic make up of the target region. The importance of this indicator is heightened in cases where there is a multi-ethnic society. An example can be given from the Bosnian case. Three main ethnic groups live in todays Bosnia. These are the Bosnians, Serbs,

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38 This also includes the domestic factors in a country.

39 Today the situation has reversed. Due to severe instability in Pakistan, the Afghan state building project has been adversely affected.

and Croatians.[40]

In the initial stages of the Bosnian intervention it became clear how ethnic tensions could undermine the state building effort. Initial structure of the Bosnian state had allowed the exclusion of moderates from the political process. Yet the fault lines were running much deeper then the overall political system itself. At the level of security forces, judicial staff including the judges, who showed severe bias, were based on their ethnic identity. The divided nature of the new Bosnian state further complicated the situation. Each ethnic group had their own administrative units even under same Cantons.[41] These administrative units had their own health care, education and pension systems (Roeder and Rothchild, 2005: 331-332).

2.4.4.2 Missions Led By The United Nations

With the end of the Cold War, as old problems ended, new problems arose. As previously stated one of these problems was the case of weak and failed states. These countries were destabilizing the regions they were in. Besides the USA , the second major actor which intervened in these countries was the UN. Since the Cold War ended, the UN has intervened in seven countries. These states were Namibia, El Salvador, Cambodia, Mozambique, Eastern Slavonia, Sierra Leone and East Timor.[42] (Dobbins, 2005: v-xxxviii). Over the years these operations have provided the scholars with different lessons that are assessed through the following factors.

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40 Together these groups are referred to as Bosnians.

41 Cantons are the smallest administrative unit in the Federation of Bosnia Herzegovina (FoBH). FoBH should not be confused with Bosnia Herzegovina (BH), which consists of FoBH and Republica Srpska (RS).

42 The date of the operations: Namibia (1989-1990); El Salvador (1991-1995); Cambodia (1991-1993); Mozambique(1992-1994); Eastern Slavonia-Croatia (1995-1998); Sierra Leone (1998-?); East Timor (1999-?).

2.4.4.2.1 Level Of Engagement By Intervening Actors

In the UN cases one of the important lessons learned was the importance of political will, which is an indicator for the level of engagement. For example in the case of Cambodia, the limited mandate and limited time frame provided limited results.[43]

In the case of Sierra Leone, the preoccupation of the Western powers with Kosovo and the disappointment in Somalia undermined the political will for a long term intervention. This contributed to the failure of the first UN mission. Only in 2000, when the Western world was truly interested in creating a peaceful environment in Sierra Leone, did the second UN mission succeed (Dobbins, 2003: 88-89, 147-148).

Another indicator for the level of engagement is the importance of civilian scope. Which can be observed in law enforcement. For example, usage of police force in El Salvador contributed to the successful continuation of the state building process. The deployment of an international police force and the training of a local police force was important in establishing law and order, as these allowed the state building process to advance more smoothly (Dobbins, 2005: 64).

2.4.4.2.2 The Importance Of Legitimacy

The international environment in the post-Cold War era underlined the importance of legitimacy that is conducive to state building efforts. For example, several developments in the international arena allowed the UN to engage in state building effort in Namibia.

As the Cold War was nearing to an end, Namibia was under the control of

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43 Although, the Cambodia case can be considered as a success. At the end, it did ensure the creation of a democratic government through a democratic election (Dobbins, 2005: 89).

South Africa (SA). In 1920, the LoN had granted mandate to SA over the territory (Namibia). After the dissolution of the LoN and the creation of the UN, the territory was supposed to be transferred back to the UN. Despite resolutions of the UN and the decisions taken by the ICJ, the SA refused to turn the territory over to the UN (Dobbins, 2005: 29, 42-43).

The situation was further complicated by the realities of Cold War politics. The SA had managed to convince the USA that Namibia was an ideological battleground between the Western and the Eastern Bloc.[44] This and other factors allowed the SA to hold on to the territory and kept the UN out of Namibia (Dobbins, 2005: 29, 42-43).

The end of the Cold War changed this situation. As the ideological battle had subsided, the international community supported the UN's jurisdiction over Namibia. This international legitimacy allowed the UN to start its state building process in Namibia. This was important because it was the first state building operation of the UN since 1964. Furthermore, it paved the way for more Humanitarian Intervention around the globe (Dobbins, 2005: 29, 42-43).

2.4.4.2.3 The Regional Factors

Under this category one of the most important lessons provided by UN led operations was the fact that the cooperation of neighbors is an important factor in state building efforts. This can be observed in the case of Namibia, Mozambique, Eastern Slavonia, and East Timor (Dobbins, 2005: 42,104,123,176).

For example in Eastern Slavonia, the cooperation of Belgrade was important

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44 The presence of Cuban troops in neighboring Angola exacerbated the situation.

in resolving the conflict peacefully. In another example, the cooperation extended by Indonesia was again important in the state building efforts conducted in East Timor (Dobbins, 2005: 123,125,176).

2.4.4.3 Missions Led By European States

The third actor in the state building arena was the Europeans. The Europeans were involved in six state building efforts. These were Albania, Sierra Leone,[45] Macedonia, Cote D'Ivoire, Bosnia[46] and Democratic Republic of Congo (DRC)[47] (Dobbins et al, 2008: v-ix, xv-xxxi).

It should be noted that the operations conducted by the Europeans were much more limited in their scope. They were also conducted in cooperation with different partners.[48] Yet, due to important contributions by the Europeans, their role as an intervening actor is examined in a separate section.

2.4.4.3.1 Level Of Engagement By Intervening Actors

European participation in different operations presented the importance of the level of engagement. One of the lessons learned has been about the role of combat units in an operation, which is a component of the security indicator for the

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45 Initially Sierra Leone was a U.N. led operation. However, after the failure of U.N. efforts, the operation was rescued by the United Kingdom (U.K.). Besides security, U.K. also provided assistance in restructuring the state bureaucracy (Dobbins et al., 2008: 40-42). This is why Sierra Leone is included in both U.N. section and U.K. section.

46 Bosnia was initially a U.S. led operation. The E.U. took over the state building effort in 2004 (Dobbins et al., 2008: 40-157).

47 The date and the nature of the operations: Albania (1997); Sierra Leone (2000-?) - joint operation with the UN; Macedonia (2001-?); Cote D'Ivoire(2004-?) - operation conducted jointly with the UN; Bosnia(2003-?); Congo (2003) - operation was continued by the UN (2003-?).

48 In some cases it was the USA, and in some cases it was the UN.

level of engagement. In state building operations, it has been seen that the support of well trained, heavy armed combat units can be important.[49] This was the case in the DRC operation (Dobbins et al., 2008: 134).

Lessons regarding another indicator, political will, has also been learned from the cases of the European interventions. In this case it was about the importance of unity of command.[50] Yet, the European case shows that under certain circumstances divided command structure can be sustained without harming the mission. This is what happened in the Sierra Leone case. In Sierra Leone, the UN and the UK structures were separate. However, with close coordination, compatible mission objectives, and the limited duration of operation, it was possible to maintain separate structures without negatively effecting the outcome (Dobbins et al., 2008: 25-48).

2.4.4.3.2 The Importance Of Legitimacy

One of the first lessons learned by the international community was the importance of legitimacy for a state building effort. Albania was the first state building process led by a European country, namely Italy.

Albania issocial and economic conditions steadily deteriorated in the 1990s. The situation was compounded by the January 1997 collapse of the widespread pyramid schemes in Albania. Following the collapse, due to significant unrest, such as rioting and looting, the Albanian state came to the brink of collapse (Dobbins et

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49 This is valid even in cases where there isn't any ongoing inter or intrastate war.

50 The term unity of command, despite having military connotation, can be much more comprehensive in nature. In the UN operations it refers to the command structure that administers the military and civilian aspect of the operation.

al., 2008: 7-8, 22-24).

The European countries initiated the Operation Alba because they were concerned that the unrest could destabilize the region. This operation had the backing of a UNSC resolution. The importance of international legitimacy to the operation can not be taken lightly. Yet there was a more important legitimacy issue that helped for the successful conclusion of the operation. This was the factor of domestic legitimacy. The European forces did not try to interfere in the internal politics of Albania and thus did not choose sides. This allowed for the members of Operation Alba to work more efficiently (Dobbins et al., 2008: 7-8, 22-24).

2.4.4.3.3 The Regional Factors

One of the lessons learned was about the importance of history and legacy of the state subject to intervention. This is an indicator of regional factors. The historical trajectory of state building in a specific region can benefit or hamper state building efforts. In the case of Cote D'Ivoire, the historical track and the colonial legacy left behind by a European power, namely France, was important. France was not only an old colonial power that had controlled the territory in question, but still had significant interest and investment there. The presence of French troops in Cote D'Ivoire caused uneasiness among the population. Since they were not trusted by the local population, the UN and the French efforts were significantly hampered (Dobbins et al., 2008: 97-99).

2.5 Discussion

As stated earlier there are three mainstream approaches to the issue of state building. These are the Security Firsters (SFs), Fast Track Democratizers (FTDs, and Slow Democratizers (SDs). In this section, the arguments of these approaches are investigated in the light of three factors, (the level of engagement, regional factors and legitimacy) which were demonstrated as important in various state building efforts taken by the USA, the UN and the European countries.[51]

The source of the difference among the mainstream approaches of state building are assumptions about human nature. The FTDs assume that all populations desire to create and live in a democratic state structure. Thus, the proponents of FTD argue that democracy can be rapidly transferred to any society.

Thus, in regards of level of engagement, the FTDs focus their attention primarily on the indicators of political will and military scope. This was the case during the UN operation in the Belgian Congo in the 1960s. There was a significant amount of political will behind the operation. This can be seen from the fact that despite the losses incurred by the UN troops, the international community kept the troops in the Belgian Congo until it reached a somewhat satisfactory conclusion. The troop presence and defeat of the non-governmental forces also show the importance attached to the military scope portion of the operation. Yet the limited nature of the economic and political scope of the operation eventually led to the establishment of an undemocratic system. This in turn caused regional instability in the 1990s and gave rise to the deployment of another state building operation in the Belgian Congo.

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51 The table at the end of the section could be consulted for a summary of the arguments presented in the discussion.

The FTDs do not consider regional factors to be an issue at the forefront of the operational agenda. The FTDs argument that democracy can be readily transferred to any society plays an important role in this assumption. The case of Cote D'Ivoire on the other hand does show detrimental affects of such an neglect. The presence of French troops in the European-led state building effort harmed the operation. This was due to the colonial history of Cote D'Ivoire.

The FTDs also do not attach the necessary importance to the legitimacy factor because they assume that the population in question already desires to live in a democratic state. Thus, in the minds of the FTDs legitimacy is already a factor present. Yet the case of Somalia shows that this might not be true in every case. In Somalia, when faced with the choice of choosing between foreign interventionist actors and the clan, the Somalians chose the clan.

The SF approach attaches importance to the military scope under the level of engagement factor. After the end of Cold War, the state building process in some poor developing countries resulted in failures. One of the earliest failures was the case of Somalia. The lack of security had played an important role in the unsatisfactory result of the operation. The Sierra Leone case was an important turning point. It showed the importance of security. Furthermore, the interventionist parties began to understand that certain situations required the presence of well armed troops. Otherwise the other aspects of the operation, such as the social aspects would collapse.

According to the SFs approach the regional factors are considered, albeit only in a limited scope, namely from the security scope. The USA led operation in Afghanistan initially achieved a satisfactory result because of the military

cooperation extended by its neighbors. Yet the cooperation with the neighbors of Afghanistan was limited to security issues. For example, the economic cooperation was not considered under the regional factors.

Legitimacy, for the SFs has a low priority. In the case of the RoV, the intervening power focused exclusively on the matter of security. This and other actions disillusioned the local population from the political process of RoV. Eventually the legitimacy of the state building operation was adversely affected by these developments. The result was total collapse of the state building process.

The third approach, the SDs focus on the political will and economic scope under the level of engagement factor. In the Kosovo case the intervention parties have observed the benefits of unity of command. This issue as an indicator of political will, contributed to the success of the Kosovo operation. Also the Kosovo case presents the importance of civilian scope in state building process. Due to proper planning and expending of the necessary resources, the economic activity was restored in Kosovo. The economic growth in turn contributed to the stabilization of the region and thus benefited the state building process.

Regional factors are considered by the SDs during state building process. During the East Slavonia case the extensive cooperation with the neighbors was important in the stabilization of the region. Also, in the case of Bosnia it was noted that if the neighbors are pulling a nation apart, the state building process becomes more diffusible.

The SDs put slightly more emphasis on the issue of legitimacy.[52] In the case of Namibia, the UN ensured the presence of international, regional and local

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52 It is slightly more because every intervention has its opposition. Thus it is very difficult to achieve a high level legitimacy.

legitimacy. This allowed the successful completion of the first state building effort since the end of Cold War. Thus, it was instrumental in ushering a new era of state building activities.

Until now, the most successful approach seems to be the SD approach. It has most success rate in the examples provided in the previous sections. The cases of Kosovo, Bosnia, East Slavonia and Namibia are some of the examples. However, some aspects of SD approach could be supplemented with the state contingencies of the given state subject to intervention. One of these contingencies is the historical trajectory of state building in the intervened state. Another contingency is the ethnic composition of a society. The relationships among different ethnic groups can be detrimental to the state building effort. Furthermore, the importance of legitimacy is not thoroughly mentioned in the SD argument.[53] For a successful completion of state building process local and international legitimacy seems to be the most important factor among all cases by all major intervening actors.

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53 Legitimacy is more important to the SD approach then the SF and FTD approach. Yet it does deserve significantly more attention then the SDs attribute to it.

Table 1: Theoretical Approaches, Factors of Analysis and Examples

	LEVEL OF ENGAGEMENT (ie. Military scope, political will, social scope)	REGIONAL FACTORS (ie. post-colonial, multiethnic)	LEGITIMACY
FAST TRACK DEMOCRATIZATION	Military scope and political will (Belgian Congo)	Not considered (Cote D'Ivoire)	Low (Somalia)
SECURITY FIRSTERS	Military scope (Sierra Leone)	Considered (limited scope, security only) (Afghanistan)	Low (RoV)
SLOW DEMOCRATIZATION	Political will and social scope (Kosovo)	Considered (East Slavonia and Bosnia)	Low-Medium (Namibia)

CHAPTER III

THE HISTORY OF STATE BUILDING IN IRAQ

As it was stated in the previous chapter, the level of engagement, regional factors and legitimacy are important factors in state building process. Moreover, the history of Iraq is pertinent to the current state building process in Iraq, because it had experienced similar state building process throughout its history.[54] Thus, the historical trajectory of the state building process and its related contingent factors, can provide the scholars of today with important lessons.

This chapter is divided into five sections. The first four sections represent the historical periods in which significant amount of power among external and local actors has changed. The fifth section discusses findings in previous sections.

3.1 The British Mandate Period (1920-1932)

The British military advance towards the Ottoman Empire in the Middle East was initially to ensure the security of its colonial interests in India. Yet, as the British forces were advancing, a significant bureaucratic mechanism was being built in the occupied territories. Although it was not explicitly stated, it seemed that the British

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54 Albeit an unsuccessful state building process.

government would officially occupy the territories even after the conclusion of the armistice. This ran contradictory to the stated prior objectives about the status of these provinces at the end of the war. It had been argued that the occupied land would be returned to the Ottoman Empire. The words of Major Sir Habort Young, who was part of the Expeditionary Force at Basra clearly shows the attitude even among the British ranks at the time. He argued that: " In those early days I naturally assumed, with everyone else out there, that Mesopotamia would be annexed to the British Empire, the only doubt being whether it would come under India or not..." (Dodge, 2007: 10).

However, even after the end of the war UK remained in the Middle East, and occupied the three provinces (vilayet) of the Ottoman Empire. These were Basra, Baghdad, and Musul. As the war was coming to an end, the initial desire in 1917 was that Basra province would be part of the British Empire, and the rest would compose of a new state backed by the British (Tripp, 2007: 30-38; Dodge, 2003: 10-11).

In order to achieve its goals, one of the initial concerns of the British Empire was to build its occupation on legitimate ground, both internationally and internally in Basra, Baghdad, and Musul. The question of legitimacy in the context of the international system was solved through the League of Nations (LoN). In 1920, at the San Remo conference, the UK was given a mandate by the LoN for the purposes of creating a new state that would be able to take its place in the international system. Despite the British attempt to annex Basra, one important unintended consequence of the LoN mandate and its subsequent oversight was that the UK could not annex the Basra province (Ismail, 2008: 10; Dodge, 2003: 1; Tripp, 2007:

30,41).

During the war, British did not encounter any serious opposition in their advance from the local non-Turkish community. The local elements either joined the invasion forces, or stayed neutral and waited for the events to unfold. This, however, was not the case after the war. The local local population did not trust the British intentions. Furthermore, the concept of Mandate was rejected by a significant portion of the population. The population of the three provinces felt they were becoming a colony of the British Empire (Ismail, 2008: 10; Dodge, 2003: 1; Tripp,2007: 30, 32, 40).

Due to the above mentioned dissatisfaction among the local population, resistance had already started by 1918. Two examples can be given from northern and the central Iraq. In the north the resistance was formed around Sheikh Mahmud Barzinji, and in the center an organization named Jam'iyye al-Nahda al-Islamiyya[55] was established in Najaf. However, all instances of resistance were eliminated by the British troops (Tripp,2007: 33).

By 1920 the local resistance had grown to mass protests, which was mainly organized by the middle class. These protests were repressed by the British through the use of force. This in turn led to the creation of a full blown armed rebellion (Ismail, 2008: 11; Dodge, 2003: 8; Tripp, 2007: 39).

The increased opposition to the British presence had emphasized the lack of legitimacy of the British presence. As it is the case today, the lack of legitimacy hampers state building efforts . In the 1920s, this was the case in Iraq.

Given the challenge of legitimacy for the British presence in Iraq, a new

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55 The Society of Islamic Revival.

cover was needed. This came in the form of Anglo-Iraq Treaty of 1922. Despite the criticisms that had emanated from in the domestic groups, the Constituent Assembly of Iraq voted in favor of the adoption of the treaty in 1924. The British threat of using force did play a part in the acceptance of the treaty. The treaty formalized the British presence in Iraq for a period of twenty years (Ismail, 2008: 11; Tripp, 2007: 51, 56).

Nevertheless, the suspicions of the local population continued, which British themselves accepted in the report prepared by His Britannic Majesty's Government (His Majesty's Stationery Office, 1925: 5). Although the British positions were relegated to the adviser status, it was British officers who were truly in charge. The treaty contained articles that could have been interpreted as confirming the fears of the Iraqis. One such article stipulated that "...the (Iraqi) King would heed Britain's advice on all matters affecting British interest..." (Ismail, 2008: 11; Dodge, 2003: 9; Tripp, 2007: 40). Thus, there has been no genuine support of the local people in state building efforts due to lack of legitimacy.

Furthermore, the state building efforts have been a total disregard of the historical (Ottoman) legacy of the three provinces. The view of the British officials at the former Ottoman provinces perceived the region from an Orientalist perspective. Accordingly, the Ottoman system was a brutal and corrupt system that was not worthy of continuation.[56] Thus, the state building process had to start from scratch (Dodge, 2003: 43-44, 48-51).

The attempt of the British to change the societal structure of the provinces

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56 It was not worthy of continuation because it was argued that the system was unreformable. This view is not totally in sync with the historical reality of the three provinces during the time of the Ottoman Empire (Cetinsaya, 2006: 147-152).

can be given as an example for the influence of the orientalist perspective. The British officials had not studied the Ottoman period, and the local population itself. As such, on top of disregarding the Ottoman legacy, they disregarded the legacy of the Islamic civilization on the local population.(Dodge, 2003: 64,74-76).

Instead they tried to understand the population in terms of Western experience of state building efforts. Thus, the Lockean perspective was the dominant one. Just like the FTDs, the British officials believed that the population desired a democratic, civilized rule. The British believed that this was in their nature. In the case of the provinces, the British argued that the tribe was the most democratic formation. Because the tribal leader had to listen to its subjects. On the other hand the state was foreign, despotic, and armed with weapons. The perception of the British can be seen from the following statement. In the Annual Report for the Basra Division of 1918, it was stated that "...These landlords are men of gentility and pride, occupying a position of influence and status reminiscent of that of the feudal landlords in English history..." (Oriental and India Office Records, 1918: 240; Dodge, 2003: 46,64,74-76,124-125).

With these kind of ideas in mind, the new Iraqi society was built around the Lockean premise. This also created a new structure of state-society relations. Accordingly, the rural population was organized under the strongest regional sheik. And the groups that did not fit the British tribal system were either overlooked or incorporated into the new system in a violent manner. One of the consequences of this system was that some elements of the society that did not fit into this tribal system could not even benefit from government programs. (Dodge, 2003: 46, 76, 84).

Prior to the invasion of the British, Iraq's rural societal structure was much more diverse in nature.[57] There were many different small and large formations However, the new rural structure of Iraq had become much more compact and hierarchical (Dodge, 2003: 81, 84,128,129, Tripp, 2007: 30).

Furthermore, in the future, the strengthening of tribal affiliations would cause problems to the unity of Iraq on different levels. One institution which the negative effects of such policies were seen was the Iraqi Army. To unite the peoples of the country, one solution that was put forth was the commencement of conscription.[58] It was argued that, conscription would allow individuals from different backgrounds to develop loyalty to the newly established state. Tribal leaders were opposed this idea, since as this process was uniting the country it would weaken their status in it. Due to the backing of the British, the idea had to be shelved for the time being (Al-Marashi and Salama, 2008: 22-25). It could be argued that this delay caused by the British officials harmed the creation of an efficient army that would be able to protect the unity of the newly developing state. Furthermore, it also hampered the efforts of developing a national identity that was in concert with the development of a new state.

Another factor important to examine in state building process is the level of engagement by the intervening actor. There was a high level of engagement on the part of the British towards the three provinces. One indicator of the level of engagement is the civilian scope of the operation. Accordingly, two examples can be

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57 This diverse structure presented itself in the form of economic, cultural or religious differences (Dodge, 2003: 92).

58 This was an important reason for the need of conscription, however it was not the only one (Al-Marashi and Salama,2008: 22-25).

given that resulted in divisions in the reconstructed Iraqi society. The first one was the electoral system. Due to the electoral system that was designed to favor the sheiks, 34 out 99 deputies of the first Iraqi parliament were sheiks or agas. While, the sheik was seen as an honorable individual, the urban representative was perceived as an irrational and violent lawyer/politician. This was one reason why the British favored the sheiks in the parliament (Dodge, 2003: 90-92).

The second example is the judicial system of the new state. The legal regulations that were implemented as early as 1918 changed little in character during the British Mandate period. According to this, the towns (cities) were subject to civil law that was based on the Ottoman law. This law was progressive and was able to adopt to changing times and situations. Yet this was not the case in the rural areas. In accordance with the British vision of how the Iraqi society was constructed, the rural areas came under the jurisdiction of a different code of law (Dodge, 2003: 92-100).

This was called Tribal Criminal and Civil Disputes Regulations (TCCDR). TCDDR was established and executed according to the Orientalist perspective that effected British officials in charge of the state building efforts. TCDDR was almost completely taken from the British colonial code of the Indian North West Frontier. The TCDDR was a major force reshaping the rural societal structure (Dodge, 2003: 92-100; Fattah,2003: 54).

This dual system of law contributed to the division in Iraqi society; namely the division between the rural and the urban societies, which eventually hampered the state building efforts.

Another indicator of the level of engagement of the UK in the three provinces was the political will. It effects the duration and the effort put in, and the

available resources for the state building process. While Britain had solved the legitimacy problem only at the platform of LoN, which was not representative of all international community, the international environment at the time was not supportive of state building activities of the UK. The WWI had caused not only political turmoil in the world but also an economic one. The new world order had weakened Britain both economically and politically. This in turn caused a steady decline of the British public support and the political will to commit resources in places such as Iraq. Consequently, the goals of the UK had changed overtime in Iraq. It became clear that Basra could not be annexed by the UK during the mandate period (Dodge, 2003: 2-4, 37,38,40,132; Ismael, 2008: 13).

However, by 1927 the internal politics of Britain, the factors in the domestic realm of the three provinces[59], and the post-WWI international environment had made the UK to give up the state building they envisioned for Iraq. In order to continue the engagement in the three provinces, the British officials even had make such statement as "... Iraq affords a splendid training ground for the Royal Air Force. Baghdad, so far as one can foresee, is likely to always be a pivotal point in our air communications with the East. In our own interests, quite apart from those of Iraq, we cannot afford to scrap the admirably efficient organization that has been set up...." (Dodge,2003: 9, 35, 40).

After 1927, the goal had been to create an authoritarian state that could limp on its own. This would allow not for a liberal state but a state that could provide social order. The end result would be a "... quasi-state, one which bore the

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59 These domestic factors did not only consist of mistakes made by the British government. The local population and elite also resisted the British attempts. Due to their suspicion of the British intent, they did everything in their power to gain independence as early as possible. Whether they were ready or not had not played a role in their calculations (Dodge,2003: 158).

appearance of a *de jure* national polity but whose institutions were in fact a facade built in order to allow Britain to disengage..." (Dodge,2003: 10,37,39 96; Tripp,2007: 30). In fact, in 1931 the British High Commissioner, Sir Francis Humphrys, in front of the Permanents Mandate Commission (PMC), argued (Dobbes,2003: 40) that there were two types of state:

> the "civilized nations of the modern world," and those like Iraq, where "the machinery of government . . . may not run quite so smoothly or so efficiently as in some more advanced and more highly developed State." A comparison between these two types of state was neither fair nor necessary. Both had the right to exist as independent states within the international community. Iraq, therefore, "given the support and inspiration of membership of the League, is now fit to stand alone; it is now capable of self-government, indeed for all practical purposes it is already governing itself.

Thus, Iraq declared its independence in 1932. The three provinces had formally turned into a separate state; namely Iraq. Oil was not at the forefront of the rhetoric, during the early state building process between 1918 and 1932. The public goal was the protection of the India route and elimination of the Ottoman threat. Even though it was more subtle, the oil factor was always present and it was one of the principles that guided the British actions in the three provinces. The protection of the Abadan Oil refinery and similarly, the eventual push towards Musul at the end of the war should be considered in the light of this fact (Mejcher, 1976: 1-21, 149-159, 165-168).[60]

The Turkish Petroleum Company (TPC) was responsible for the search of oil deposits in Iraq. Prior to the beginning of the First World War, the company was a joint venture between the Germans, the British and an Armenian by the name of

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[60] Oil deposits were not found in Musul until 1927. It can be extrapolated that the reason for this could be the resolution of the Musul question between Britain and Turkey that was solved only in 1926. The production had started in late 1930s and production in industrial quantity had not started until the 1950s (Mejcher, 1976: 1-21, 149-159, 165-168).

Calouste Gulbenkiyan. After the end of the war, the French took the position of the Germans in the company (Ulugbay, 2003: 215-231, 271,510-512). Eventually, the TPC was turned into the Iraq Petroleum Company (IPC). The only change was the joining of the Americans to the venture (Marcell, 2006: 17-18).

The new company would set the rules for the oil sector throughout the former Ottoman territory. Another significance of the creation of the new company was the fact that it was stipulated that petroleum companies would not compete for concessions elsewhere in the former Ottoman Empire territory. This agreement, known as the "red line agreement"[61] was brokered by Gulbenkiyan. By the 1930s IPC was defining the structure of oil industry, and became *the* cartel regarding oil in the former Ottoman territories in the Middle East (Marcell,2006: 17-18).

The importance attached to oil can be seen from the fact that despite short comings in the state building process, the operations in the oil sector were not effected; not even from the violence caused by the armed rebellions by the local population. In fact, the main reason for the late development of the oil deposits was more about politics, since the reports prepared between 1925-1932 by the British government for the Council of the League of Nations on the administration of Iraq demonstrates the politics of oil in Iraq (Mejcher, 1976: 165-168). The sections of the reports dealing with the oil sector, do not show any problems regarding the oil sector, the exception being for the political negotiations (Majesty's Stationery Office, 1925-1932).

Besides being an important reason for the British state building efforts in the former Ottoman provinces of Basra, Baghdad, and Musul; oil would also come to

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61 Kuwait was excluded from this arrangement.

effect the future of Iraq. For example, there were reservations even among the British Military staff about the soundness of incorporating Musul into the new state. Some argued that Musul could destabilize the new state for various reasons. However, at the end Musul was integrated into Iraq in order to protect the British energy interests. Thus, the challenges of oil wealth and multiethnic structure of the Iraqi society had been set into the Iraqi political process.

3.2 The Hashemite Monarchy Period (1932-1958)

The British mandate period had set up a state that was marred with different problems in different fronts. Despite these troubles, Iraq was granted independence. One reason was the fact that Iraqi state was able to exert some type of control over its population. The second reason was the fact that the British oil interest had been guaranteed by this point in time (Samira, 1997: 82).

From the end of the Mandate Period in 1932 until the invasion by the US in 2003, the main factors that have defined Iraq's state building process could be determined as oil, identity, and the army. Oil has played a role in Iraq from the time it was invaded by the British. British role exacerbated the issue of identity during the Mandate period by supporting and also changing the tribal structure of the three provinces. The army factor became important especially after it was politicized, starting with the 1936 coup.

The importance of identity presented itself throughout the Iraqi state even from the start of its independence. By 1935, the Iraqi Shi'ites in the south and the Iraqi Kurdish tribes in the north were dissatisfied. The Iraqi Shi'ites believed that the newly created state was turning into a Sunni state. Certain events caused their

suspicions to increase. One of these events was the alienation of a politician, Ja'far Abu al-Timman. Unlike other politicians he had a diverse following and was able to cut across the social divisions in Iraq. The Shiites felt that the negative treatment he received in the political system was due to his Shiite connections. This reinforced the feeling that Iraq was a Sunni dominated state (Tripp,2007: 77-80).

A second event in 1933 that increased discontent among the Shiite population was because of the Gharraf dam project and the resignation of two Shiite ministers. In 1933 King Faisal, who was brought by the British as the Iraqi head of state, died. His son King Ghazi took his place. King Ghazi's actions increased the resentment of the Shiite population. One such action was the diversion of funds from the Gharraf dam. If the dam had been built as planned, it would have primarily benefited the Shiite population of Iraq. This was seen as another act of a Sunni dominated government. The resignation of two Shiite ministers in response increased the tension. Eventually this tension led to the Shiite uprising of 1935. In 1935, almost half of the Iraqi army was stationed in the south to quell the Shiite rebellion. The other half was stationed in the north. By 1935 the Iraqi Kurds in the north had rebelled as well. They felt that WWI promises of autonomy and perhaps even independence was not kept (Tripp,2007: 77-80; Al-Marashi and Sammy Salama, 2008: 33-34; Ghareeb, 2003: 170).

In 1935, this division of the country was tried to be rectified with the introduction of conscription.[62] The argument was that as every person, regardless of their cultural background, was to serve in the military, this would create and also reinforce the new Iraqi identity. The project was not a success. It only allowed the

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62 Conscription was introduced with the passing of the National Defense Law, (NDL) also referred as the National Service Law (NSL) (Al-Marashi and Sammy Salama, 2008: 33).

societal divisions, which were exacerbated during the Mandate period, to enter the lower ranks of the army (Tripp,2007: 77-80; Al-Marashi and Sammy Salama, 2008: 33-34; Ghareeb, 2003: 170). [63]

The Iraqi Army was a mirror of the Iraqi society. It was divided along ethnic, tribal, sectarian and ideological[64] lines. Most of the officer corps was dominated by the Sunni Arabs,[65] which were resented by other societal groups. Due to this imbalance at the officer level, the soldiers were also divided along societal fault lines. This could be clearly seen in the 1935 uprising, where many soldiers did not fight against their tribe. In fact, during the fight some soldiers joined the side of their tribe. The British report commissioned in 1935 about the army also states this point: "Many of the officers are believed to be in sympathy with the Government's opponents, and the majority of the rank and file, being Shi'ite . . . some few officers actually refused to proceed to the front..." (Al-Marashi and Sammy Salama, 2008: 34, 37-41; Ismael, 2008: 25).

By 1936, some Army officers believed that Iraq could not progress with these type of policies. Thus, the army entered into politics in 1936 with a coup d'etat. Major reasons for the 1936 coup were the discontent among the population (1935 rebellion) and the British involvement seeking its oil interest through Iraqi politics.[66] The army entered into the political power struggle, but it was still divided. This

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63 Another reason for the failure of the conscription program was because of its late introduction. This was due to the British opposition to the idea (Al-Marashi and Salama, 2008: 33-35). If it had been introduced earlier, before the cultural divisions were exacerbated, the program might have had a positive effect.

64 There were several ideologies that divided the society. Two important ones were Pan-Arabism and Communism (Al-Marashi and Sammy Salama, 2008: 37-41, Ismael, 2008: 25) .

65 The Iraqi state did not take any significant action to rectify this imbalance.

66 Iraq was granted independence in 1932. However, the Anglo-Iraqi treaty allowed the British to still influence Iraqi politics.

division is reflected in the different factions of the army which have initiated several coups from 1936 until 1958 (Al-Marashi and Salama, 2008: 46-49; Tripp, 2007: 86-96).[67] Thus oil was a fundamental question both for distribution of wealth so that to satisfy discontent among different social groups and for British involvement to secure access to oil resources in Iraq.

The rising civil discontent was closely related to sharing of the oil wealth. This eventually led to the 1958 coup, which would fundamentally change Iraq. Oil wealth was critical for economic development of Iraq. The agricultural[68] sector was inefficient and because of this more labor was needed in the agricultural sector. This in turn did not leave enough work force for the other sectors. This was important because unlike other developing nations, Iraq was under populated, which restricted the labor market. The income level of the majority of population was another challenge for economic development. Since the land was in the hands of the few tribal leaders, the income level of the agricultural workers was low. Even if there was an industry, the population did not have the necessary capital to buy the products it produced. (Samira, 1997: 55; Alnasrawi, 1994: 24).

Within this framework, oil was crucial for bringing prosperity to the dissatisfied social groups. The oil sector was not in need of capital, because the West was making massive investments through the IPC and its subsidiaries. However, the oil wealth and the investments did not benefit the ordinary Iraqi. Most of the workers in the oil sector were foreigners, and the needed labor force for oil

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67 The coups prior to 1958 and the 1958 coup had different characters. The Army did not rule the country in the coups prior to 1958. However; the 1958 coup brought with it the direct rule of the Army (Al-Marashi and Sammy Salama, 2008: 77).

68 The importance of agriculture will reveal itself in the coming paragraphs.

production was small anyway. Thus, job creation for the Iraqis were low. Moreover, since most of the machinery was imported from the West, which in turn impeded the development of domestic industry (Samira, 1997: 55,70).

By the 1950s, the Iraqis demanded for a change in their welfare and sharing the oil wealth. The 1952 petroleum deal between the Iraqi government and the IPC had raised the hopes of Iraq.[69] Up to 1952, the royalties that came from petroleum deal were limited. This changed with the 1952 petroleum deal. The revenue of the Iraqi government had increased significantly (Samira, 1997: 55,70,71). However, the increases in government revenues did not benefit the Iraqi people, and it also harmed the state building process by paving the way for an authoritarian and distributive (rentier) state structure.

In Iraq the Development Board (DB) was responsible for using the oil revenues in social programs. Yet, as the oil revenues increased in the 1950s, the first act of the government was to decrease the independence of this body. Furthermore, the new appointments politicized the body. The funds provided by the DB benefited mostly the already well-off tribal leaders/landowners. The DB also did not allocate enough funds to the agricultural sector, where most of the labor force was employed (Samira, 1997: 38,55,70,71,72-74,80; Alnasrawi, 1994: 24-34).

Besides not benefiting the Iraqi people, it also harmed the state building efforts. One way it harmed the state building effort was by further alienating the Iraqi state from the people. Especially from 1950 and onwards, the source of the revenue for the Iraqi state had changed. Taxes were not the main source of revenue for the state anymore, it was oil. This isolated the Iraqi state. Since the state was not

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69 This deal was made possible due to the actions of Mossadaq in neighboring Iran (Samira,1997: 71-72).

dependent on its people, it increasingly ignored their demands. (Samira, 1997: 38,55,70,71,72-74,80) The focus shifted from state building to maintaining the status quo and the power of the state elite. Furthermore, the increased social unrest eventually caused the 1958 coup. The importance of the 1958 coup was the fact that this time the Iraqi Army assumed the power of government directly. Consequently, the coup hindered the development of a civilian democratic Iraqi state.

3.3 The Republic (1958-1968)

Prior to the 1958 coup, there was an unwritten agreement among the elites of Iraq. This tripartite alliance was between the tribal leaders including landowners, the King and the political class. This domestic alliance was supported by an imperial power, the UK. The involvement of the UK had been through the use of the military bases in Iraq, treaty alliances, oil interests, and civil and military advisers (Alnasrawi,2002: 52).

The 1958 coup changed the nature of the regime. The public had expected the army would assume a moderator role. The civilians would still be in charge. This did not happen. The military machinery, dismissed many civilians and the rest refused to work for a military government. Among other problems this caused for the rise of unqualified individuals in the bureaucracy. The transition period had served the coup leaders goal of consolidating their newly established regime (Al-Marashi and Salama, 2008: 77-79).

The leader of the coup was Brigadier General Abdul Karim Qassim. His actions had started a new tradition in Iraq in which one individual would yield excessive power. This tradition would eventually bring Saddam Hussein into power.

Besides the nature of the regime, not much changed in Iraq. The Iraqi society and consequently the armed forces were still divided. For example, the officers who took part in the coup did not represent a monolithic group.[70] This caused the tradition of coups to continue throughout the Republic period of the Iraqi history. (Al-Marashi and Sammy Salama, 2008: 82-88).

The discipline of the Iraqi Armed Forces (IAF) was further deteriorating. The main factor in this occurrence was the entrenched tradition of coup attempts. The 1958 coup further deteriorated the situation by removing the last elements of somewhat a democratic regime in Iraq.[71] For the Iraqis, the only measure available for a government change became the instrument of coup. Thus, the most important legacy of the 1958 coup was that it further destabilized the country and the armed forces (Al-Marashi and Salama, 2008: 78-109; Tripp, 2007: 143-178).

The most important coup during the Republic period was the February 1963 coup. It was executed in conjunction with Colonel Abdul Rahman Arif supporters and the Arab Socialist Ba'ath Party (Ba'ath) members.[72] The coup was successful because of General Qassim's policies. Since no significant reform initiative was taken, he had lost many of his supporters. By November 1963, Arif had managed to remove the Ba'ath officials from power. Hence the tradition of strong man rule was

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70 One important divide that was present among the officers was about how to shape the future of Iraq, whether by pursuing Pan-Arabism or another approach (Marashi and Salama,2008: 82-84; Tripp, 2007: 148).

71 Besides Ba'ath, the Iraqi Communist Party (ICP) was the only other well organized political entity. Yet with the 1963 coup, they were mostly wiped out by the Iraqi leadership (Ismael,2008: 106-114).

72 Colonel Arif was one of the most important individuals in 1958 coup. His powers were later stripped by General Qassim.

continued under the rule of Colonel Arif (Al-Marashi and Salama, 2008: 78-93, 109).

The destabilization of Iraq can be also seen when the issue of identity is addressed. As the dictatorial tendencies of the Iraqi rulers was increasing, identity based violence also increased. Among the opposition groups one of the most violent were the Iraqi Kurdish groups in the north.[73]

Whether it be the identity question or the nature of the regime, oil was again at the center of most of the issues in Iraq during the Republic period. The armed forces consolidated their power by controlling the oil wealth. Similarly, distribution of oil wealth among the different regions and particularly the North increased violence. The main difference between the pre-1958 coup period and the post-1958 coup was the quantity of oil production in Iraq.

By 1958, despite vast reserves, Iraq was still lagging behind other oil producing countries in the region. One reason for this was the operational nature of the foreign oil companies operating in Iraq. The executors of the 1958 coup attempted to negotiate better terms for developing the Iraqi oil industry. At that time, the oil reserves of Iraq were developed by IPC and its subsidiaries.[74] Thus in 1961, the Iraqi leadership passed a new law that limited the IPC rights to produce oil in areas it was already producing oil. The new law was entitled as "Defining the

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73 Like other opposition groups, the Iraqi Kurdish groups cheered and supported the 1958 coup. They had hoped that the new government would side with them on important issues. However, their demands of autonomy, bordering on independence, were ignored by the central government. The Iraqi Kurds in the north, led by Mustafa Barzani, fulfilled their threat of increasing the level of violence. In 1961 they had began to occupy cities in the north. By 1963 the Barzani's supporters had gained momentum and were establishing themselves in the north (Farouk-Sluglett and Sluglett, 1990: 79, 80, 81, 102, 104).

74 The subsidiaries of IPC were the Basra Petroleum Company (BPC)and the Musul Petroleum Company (MPC). The participating companies in the IPC were based in Britain, USA, Netherlands and France.

Exploration Areas of the Oil Companies". It was also referred as the Law number 80.[75] This was the beginning of the rapid modernization process of the Iraqi Oil industry (Alnasrawi, 2002: 19-37).

In 1964, the Iraqi government created the Iraqi National Oil Company (INOC). Finally in 1967, INOC received the exclusive rights to produce oil in Iraq. This was another important step to develop the Iraqi oil industry (Alnasrawi, 2002: 19-37).

Despite creating the groundwork for a national oil industry, the production levels did not significantly increase until the early and the mid 70s. Between 1960-1970, the Iraqi oil output grew only by 4.3 percent. The regions' oil output on the other hand had increased by 13 percent. As the foreign oil companies were holding back the oil production in Iraq, they developed oil reserves in other countries such as in Saudi Arabia, Kuwait and Libya. Thus, the coup plotters had believed that the foreign intervention in Iraqi oil sector and in Iraq in general was an impediment for economic development (Alnasrawi, 2002: 43-53; Samira, 1997: 111).

The new regime that took power did institute some changes. It introduced the Detailed Economic Plan (DEP). This development plan for Iraq was the most sophisticated of its kind developed since Iraq's inception. Furthermore, agrarian reform was initiated and other social programs such as funding for housing projects were developed. Most of these reforms and programs, however failed or did not fulfill their objective. By 1968, the inegalitarian nature of the society had not changed (Al-Marashi and Salama, 2008: 82; Tripp, 2007: 143-186; Alnarawi, 1994: 35-55).

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75 The Law number 80 is still considered by many Iraqis as an important piece of legislation that is relevant in today's context. This will be throughly investigated in chapter 4.

3.4 The Ba'ath Period (1968-2003)

Despite losing to the side of Colonel Arif in 1963, the Ba'ath Party was still an important force in Iraq. They proved their strength by staging the successful coup of 1968. The members of Ba'ath realized the threat the Iraq Armed Forces (IAF) had posed to all Iraqi regimes in the past. By 1975, using the infighting among army officers, Ba'ath managed to eliminate many non-Ba'athist officers in the armed forces.[76] Yet the full control of the armed forces by the civilians was achieved only by 1979[77] (Al-Marashi and Salama, 2008: 112-116, Tripp,2007: 186-215).

Although the civilian wing, namely Saddam Hussein, had achieved significant control over the army forces, the threat emanating from the army forces would not stop. Coup attempts would continue until the invasion of the US in 2003. Having realized the threat armed forces was posing to any regime in Iraq, the Ba'athist regime decided to deal with this threat by making massive purges, raising the living standards of the soldiers and most importantly by creating parallel military forces and internal intelligence agencies (Al-Marashi and Salama, 2008: 120, 125, 127, 133, 175-176, 187, 188, 107-196).

Until 2003, Saddam Hussein had created several parallel military forces.[78] The Popular Army (PA)[79], the Republican Guard (RG) and the Special Republican Guard (SRG) are three examples of these parallel military forces. These forces were

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76 In the early 1970s, the Ba'athist regime had managed to thwart several coup attempts by the armed forces (Al-Marashi and Salama, 2008: 112-116).

77 After elimination of the non-Ba'athist officers, the military wing of the Ba'ath had to be brought under control as well. Thus, starting from 1968 until 1979, the army forces had to endure constant purges (Al-Marashi and Salama, 2008: 112-116, Tripp, 2007: 186-215).

78 These forces were also referred as the anti-military forces. (Al-Marashi and Salami, 2008: 124, 187).

79 PA was sometimes also called the People's Army or the People's Militia. (Al-Marashi and Salami, 2008: 125).

created in order to stop the army forces from mounting a coup.[80] To further consolidate control over the armed forces, intelligence organizations such as the Directorate of Political Guidance (DPG) was also established. In order to further diminish the chances of a coup, the armed forces direct access to ammunition was restricted by the Ba'ath officials (Al-Marashi and Salama, 2008: 120, 121 ,107-196).

Between 1968 and 2003 the dictatorial nature of the Ba'ath control over the armed forces had also acquired totalitarian tendencies and spilled over to the different segments of the society it was supposed to serve. The dictatorial regime with totalitarian tendencies exacerbated the violence that had its roots in the previous regimes. Iraqi Kurds under Mustafa Barzani continued to demand autonomy bordering on independence. There were several demands that were not acceptable in the eyes of the Iraqi people[81] and the leadership. The demands were control over Kerkük , having their own military forces independent from Baghdad, having a regional assembly and financial independence (Tripp, 2007: 193, 204, 234; Cordesman and Hashim, 1997: 95, 96; Al-Marashi and Salama, 2008: 107-196).

By 1974, the conflict between the Kurds and the government had evolved into a full blown war. The supporters of Barzani were fighting with support provided by the Iranians. However, the 1975 Algiers agreement between Iran and Iraq caused the fighting in the north to stop. This was because Iran had stopped supporting Barzani. The armed conflict restarted with the beginning of the Iran-Iraq war. The fighting continued until the defeat of the supporters of Barzani and Talabani in 1988.

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80 Interestingly enough the creation of parallel military forces forced the regime to create new parallel military forces to protect itself from the parallel forces it created. For example the reason for the creation of the SRG was to stop the coup attempts emanating from the RGs (Al-Marashi and Salami, 2008: 188).

81 Despite the hostilities among them, this feeling was shared by the Iraqi Shi'ites and the Iraqi Sunni's (Cordesman and Hashim, 1997: 95-96).

The no fly zone created after the First Gulf War in 1991, allowed Barzani and Talabani to reestablish and solidify their authoritarian power in northern Iraq. (Sluglett,1990: 164, 165-167, 170, 171, 189, 190; Tripp, 2007: 204-205, 236-237, 256-257).

In the south the Iraqi Shi'ites did not trust the new Ba'ath regime either. Just like the previous regimes, they considered the Ba'ath regime an instrument for the Iraqi Sunni to control Iraq. The Iraqi Shi'ite opposition in the south did not perpetrate the same amount of violence as the Iraqi Kurds in the north. The events in 1969, 1974-1977 and 1991 can be considered more as disturbances.[82] Even though organizations such as the Supreme Council for Islamic Revolution (SCIR) in Iraq were founded and fought against the Ba'ath regime, they never represented all Iraqi Shi'ites. The Ba'ath regime used carrot and stick policy against the Iraqi Shi'ites. At certain times the regime provided benefits to loyal Iraqi Shi'ites and when it believed it was necessary it used force against them[83] (Tripp, 2007: 194-197,237-239; Cordesman and Hashim, 1997: 98-101; Wiley, 2003: 158).

The Ba'ath regime was able to build its military machinery and sustain its oppressive regime mainly because of the revenues acquired from the oil trade. Furthermore, one of the fundamental elements that had defined the conflict in northern Iraq was oil rich Kerkük. The Ba'ath regime built on the foundations of the oil industry, General Qassim had laid in 1958. By 1975, Ba'ath regime had

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82 These disturbances were not in the same scale as in the north. The events in 1991 are called disturbances because they were too small and sporadic in nature (Cordesman and Hashim, 1997: 101; Tripp, 2007: 248-249).

83 This cordial relationship based on the carrot and stick policy was also made possible due to the nature of the Iraqi Shi'ites. Iraqi Shi'ites are a minority from two perspectives. They are a Shi'ite minority among Arabs and a Arab minority among the Shi'ites. This allows, and forces them to be much more flexible then other groups (Wiley, 2003).

completely nationalized the oil industry. The IPC, BPC and the MPC were dissolved and their operations handed over to INOC. (Alnasrawi, 2002: 26, 54).

In 1972 Iraq began to use loans from the USSR, Hungary and East Germany to modernize its oil industry. The payment for the equipment and expertise provided by these countries was in the form of oil. It bought oil tankers, laid pipelines, developed markets at home and abroad, built loading terminals, export facilities and refineries. INOC was given the responsibility of funding the building of a modern, developed Iraqi state (Alnasrawi, 2002: 26-28).

All the above mentioned precautions had allowed Iraq to raise its oil production from 1.5 million barrels per day (MBD) in 1972 to 3.5 MBD in 1979. By 1979 the revenue from oil had increased to 26 Billion Dollars in 1979 (Alnasrawi,2002: 26-28). [84]

The Ba'ath regime did develop plans to use the oil revenues for developing different industrial sectors. This was desired because it was felt that Iraq had to diversify its economy in order attain a better development rate. Yet, just like in the previous regimes, the plans were never fully implemented. In fact, during the time of Ba'ath regime Iraq became more dependent on oil then ever before. (Alnasrawi, 2002: 48).

By 2003, the Iraqi oil industry, like Iraq itself was devastated. The damage inflicted to the Iraqi oil industry during the Iran-Iraq War (September 1980 - August 1988) and the First Gulf War (August 1990 - February 1991) was compounded because of the sanctions imposed by the United Nations Security Council. In 1996, after Iraq was able to resume its oil export, the long years of damage in the oil

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[84] For further information please consult Appendix D.

industry did not allow financing its reconstruction. Iraq's oil production was far beyond its capacity and the status of its oil sector further deteriorated until its collapse after the 2003 invasion (Alnasrawi, 2002: 135-159; Kumins, 2005: 2).

3.5 Discussion

Iraq's history until 2003 can be described as a repetition of failed attempts in its state building efforts and a consequent vicious cycle of unrest and at times violence. Iraq's future was sealed by the actions of the British Imperial Administration in the 1920s. The British rule had hampered the social and political fabric of the society and its leadership that would assure the weakening of its state building efforts and finally its collapse by 2003. The role of oil, national identity and the armed forces were particularly important in the historical trajectory of state building in Iraq.

Iraq owes its very existence to oil. As the British were invading the three provinces they wanted to ensure guaranteed access to the vast oil reserves in these former provinces of the Ottoman Empire. Thus, they "invented" Iraq. Oil was another excuse for the British to regularly intervene in the Iraqi politics. Furthermore, the Iraqi oil companies controlled by the Western countries, with Britain and British companies being the most important shareholders, did not give enough consideration to the needs of the Iraqi people. In the eyes of the Iraqi people, the Western powers saw them as a market for their goods and a cheap source for raw materials. This in turn fed the anti imperialistic tendencies among the Iraqi population.[85]

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85 The anti-imperialistic tendencies presented themselves in various ideological forms. Three of these were Pan Arabism, Iraqi nationalism and communism.

The role of national identity in Iraq's state building also deserves specific attention. In the late 19th century and early twentieth century, the Western world was moving towards a more individualistic society. Yet the British administrators, disregarding the history of the region, preferred to understand the region from an Orientalist point of view. They dismantled the societal structures in order to reconstruct it according to their world view. At the end they not only failed in this respect, but they also caused the creation of a more divided society. Furthermore, they allowed sectarian and ethnic divisions to enter and grow inside the government structures like the armed forces. All segments of the Iraqi society contributed to this by refusing to negotiate with other segments of the society, which in turn further destabilized the country.

The anti-imperialistic inclinations and the ethnic and sectarian fragility of the country gave birth to the modern IAF. The armed forces was seen as the only institution that could protect Iraq from the imperial powers and secure the territorial integrity of Iraq. Eventually, the army took upon itself the duty, to not only protect the country against foreign armed forces but also, to guide it to modernity. This process allowed the armed forces to evolve from a moderating actor to being the authoritarian ruling institution of the country. Moreover, the infighting among the officers in the army forces allowed a civilian, Saddam Hussein, to rise to power and guide Iraq to total ruin. The fuel of these failures that allowed state building efforts to go awry, was oil.

CHAPTER IV

IRAQ REVISITED

This chapter is divided into three sections. The first section deals with the historical progress of the invasion and its aftermath. The analysis is conducted in the line of three factors that have been introduced in chapter two, namely the level of engagement, regional factors and legitimacy. The second section and the third section presents the issue of the constitution and the Draft Federal Oil and Gas Law (FOGL). Despite being part of the legitimacy factor, the constitution is investigated under a separate section. Because it has a significant impact on the current state building process in Iraq. [86]

4.1   The US and State Building

As with the previous external state building efforts, the history of Iraq 2003 onwards is investigated in light of the three main factors. First, the level of engagement is assessed. Second, the role of the regional factors is examined. Third,

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86 Unlike the previous chapters the order in which the three factors are investigated is different. This because of organizational reasons. As the constitution was investigated as an separate section, the legitimacy factor had to be moved to the last part of section in order to achieve a smooth transition.

the importance of legitimacy is questioned. Furthermore, the specific historical trajectory of state building is incorporated into the analysis by examining how the development of the level of engagement, regional factors and the legitimacy of intervention interact with the issues of oil, national identity and the armed forces.

4.1.1 The Level of Engagement

Before the invasion of Iraq, there was considerable evidence that the US decision makers planned the intervention through the assertions of Fast Track Democratizers. The decision makers perceived that the US would invade Iraq and the people would welcome the US. After the invasion, the US would keep the formal institutions of Iraq and would use them for keeping the peace in the country. Eventually the former dictatorial state and its institutions would transform and Iraq would become a modern liberal democracy. It was believed that all this would require modest resources. This line of thinking could be seen from the statements of high ranking US Officials. For example, then the National Security Adviser of the US had stated that " … the concept was that we would defeat the army, but the institutions would hold, everything from ministries to police forces...". This state building process would be supervised by the Secretary of Defense Donald Rumsfeld. Yet mistakes made by the US did not allow the realization of the above stated plan (Dodge, 2009: 95). Some of these can be analyzed according to the three indicators (civilian, political and military scope) of the level of engagement factor.

After the initial invasion, the US Office for Reconstruction and Humanitarian Assistance (ORHA) was responsible for the reconstruction efforts in Iraq. After few months, the responsibilities of ORHA were transferred to a new authority, the

Coalition Provisional Authority (CPA). The new authority would effectively rule Iraq until June 2004. The CPA headed by Ambassador Paul Bremer, despite its short tenure, would have profound impact on what Iraq would incur during the coming years. As the CPA would be responsible for the civilian scope of the operation, the Combined Joint Task Force 7 (CJTF-7) would be responsible for the military scope of the operation. The CJTF-7 was initially headed by Lieutenant General Ricardo Sanchez (Al-Marashi and Salama, 2008: 201-204; Payne, 2006: 609).

The above organizational arrangement had several problems. One was regarding the structure of the CPA. According to the official description the CPA was a multinational organization. Yet in reality it received 60 percent of its funding from the US and there was a minority non US staff. One of the important positions under the head of CPA was supposed to filled by the British. Yet the British never got truly involved with the CPA (Dobbins, et.al. 2009: 13,14).

On other side, there was a problem with the US staff of the CPA and the US bureaucracy in general. Head of the CPA, Bremer, tried to reiterate that the CPA was not an US bureaucratic organization. Yet according to some US departments the CPA was part of the US bureaucracy and was thus subject to the same rules and command structures. One of the specific disagreements that occurred was about the funds generated by the Food for Oil Program of the UN. The disagreement was whether this money would be only utilized for the Iraqis. (Dobbins, et.al. 2009: 13,14)

The disagreement about the status of the CPA presented only a symptom of a larger problem, namely the lack of unity of command. The examinations of previous state-building efforts led by an external actor have shown that the unity of command can be very useful. However, in the case of Iraq the unity of command had broken

down. This in turn was detrimental to the above stated objectives of US decision makers.

The US had an operational procedure on what the relationship was between an Ambassador and the military on the ground. In order to avoid any complications additional measures were in put place. According to this, both the CPA and CJTF-7 would be responsible to the Secretary of Defense (SoD). SoD would be a conduit to the administration and would be able to iron out any troubles rising from jurisdictional matters. However, the head of CPA circumvented this system by communicating directly with the President of the US. This in turn caused the collapse of the system. Due to this the Defense Department (DoD) was not in charge anymore. Thus, it was not clear if the original plan advocated by the members of the administration would be employed. Besides the trouble of implementing the original plan, the unanticipated change in the command structure caused other problems as well. One of them was the issue of jurisdiction. The staff of the CPA and the CJTF-7 was colliding on different matters (Dobbins, et.al. 2009: 14-19).

Accordingly , the unity of command collapsed and the initial plan was not implemented. On paper the CPA was responsible for the civilian scope of the operation and the military scope fell under the jurisdiction of CJTF-7. Yet immediately after his arrival, Ambassador Bremer made one of the most important decisions that would fall under the military scope indicator. One of his first order was the dismissal of the entire Iraqi Armed Forces (IAF). This decision had a long lasting adverse effect in several ways. (Dobbins, et.al. 2009: 17, 18, 100-105; Al-Marashi and Salama, 2008: 204).

Initially, the head of ORHA, Jay Garner had announced that the military

would be kept intact and would help the coalition forces to rebuild their own country. Furthermore, the American military officials' silence was misunderstood by the civilian US Administrators[87] in Iraq. The US Army officials had believed that once the IAF was disbanded, the ex-army officers would be recalled to staff the new military of Iraq (Dobbins, et.al. 2009: 100-105; Al-Marashi and Salama, 2008: 204).

Paul Bremer had stated several reasons for disbanding the IAF. First of all, he stated that the armed forces had been the tool of oppression during Iraq's history. Second, the Iraqi Shi'ites and the Iraqi Kurds would not accept the continuation of such an organization and that this would be a counterproductive to the rebuilding process. Bremer even cited the words uttered by the Jalal Talabani, the head of the Patriotic Union of Kurdistan (PUK). Talabani had stated that the IAF represented the machinery of Arab nationalism that had plagued Iraq for so long (Al-Marashi and Salama, 2008: 203).

The removal of IAF was followed by the creation of the Iraqi Civil Defense Corp (ICDC) in 2003. According to the CPA the new Iraqi army would be constituted of 40,000 personnel. The IAF prior to the invasion was around 400,000 men. Furthermore, it would not have an air force or a navy. The idea was that the IAF would be composed of light infantry and would ensure security in Iraq and would be backed by the US Military. The US was following a similar tactic that the British Imperial Administration had laid down eighty years before the US presence in Iraq. They too envisioned an IAF consisting of light infantry which would be supported by the British Military (Al-Marashi and Salama, 2008: 210-213).

Due to the deteriorating security situation, the US administrators realized that

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87 This also included the highest civilian administrator, Paul Bremer.

the new IAF would not be able to hold its ground. Thus, the parameters were changed. The new IAF would now be composed of 200,000 men. Furthermore, it would include mechanized units, an air force and a navy. The ineffective ICDC would later be reorganized as the National Guard (NG). This reorganization coincided with the handing over of power to the Iraqis in 2004. In 2005, the NG was reorganized yet again as the new IAF. The ineffective nature of the new IAF had not changed. For example, by 2007 the Iraqi Air Force (IAF) consisted only of some helicopters and transport airplanes. It was not able to provide the necessary support to the army units (Al-Marashi and Salama,2008: 210-219).

This action by the CPA was in contradiction to the lessons learned in the previous state building efforts. It is accurate that in the case of Germany the US had demobilized the German Armed Forces (GAF)[88] . Yet there was not a security concern in Germany. The order had been maintained by US troops. Also the German police was being rapidly trained by the US to take most of their duties.

This was not the case in Iraq. The US Army was not even able to protect the Iraqi Ministries and their installations. Immediately after the conclusion of the invasion, 17 out of 23 ministries had been looted. Also, the Iraqi police which was not demobilized would become one of the least efficient institutions of the new Iraqi regime (Dobbins, et.al. 2009: 100-105; Al-Marashi and Salama, 2008: 204; Dodge, 2009: 95).

The above stated events in turn negatively affected the civilian scope of the operation. On the issue of economic development, specifically in securing employment for Iraqi people, the US had failed. This was especially the case with

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88 Despite the initial demobilization of the GAF, only a few years later the US had began to rebuild the GAF.

the members of the dissolved IAF. As the army was being dissolved, the compensations provided for the ex-officers were either too late, too little or both. This in turn, among other reasons, contributed to the growth of the military opposition against the US (Al-Marashi and Salama:2008).

Another problem that falls under the civilian scope category was the state of the Iraqi institutions. The first order of Bremer, as the head of CPA, was called 'The De-Ba'athification of the Iraqi Society'. This order had caused the dismissal of almost 120,000 bureaucrats of the Iraqi government. The de-Ba'athification program removed the last elements of the Iraqi bureaucratic infrastructure (Dodge, 2009: 95).

A civil service that had to endure abuse of a dictatorial regime, three wars, sanctions and post-2003 violence was dealt its final blow. Even by 2007 the Iraqi bureaucracy had not managed to recover itself from the this collapse (Dodge,2009: 96; Ballard, 2007: 202). This is another fact that shows the US had not studied the past state building processes carefully. Because even in cases such as Germany, except for the high ranking officers, the bureaucracy was left largely intact.

Under the civilian scope another problem had presented itself at the legitimacy front. The CPA under Bremer was essentially the legislative, judicial and executive branch of Iraq. Yet by the end of its tenure in 2004, the decrees of CPA were not being implemented by the Iraqi judiciary (Dobbins, et.al. 2009: 14, 15, 28-29).

4.1.2 The Regional Factors

The US' ignorance of the regional history had shown by negatively affecting the state building process. One of these mistakes was misunderstanding the concept

of Arab nationalism in Iraq. Emergence of Arab nationalism and hostility towards the West can be traced back to the actions of the British Imperial Administration. There were several facts that the Iraqi population, Sunni or Shi'ite, resented. An important one was the humiliation the Iraqi population had to endure in the hands of British. Since the Iraqis were not in control of their own armed forces, the British had established their own command structure. The Iraqi officers had felt that they were just a conduit to relay information to the soldiers (Al-Marashi and Salama: 2008; Dodge: 2003). This and other factors (see Chapter 3) had inflamed Arab nationalism which would eventually allow Ba'ath and later Saddam Hussein to come power in Iraq.

A similar path was taken by the US which resulted similarly. Thus, when the US had officially disbanded the IAF, feelings of betrayal and humiliation had resurfaced among the Iraqi population. Then, the Americans repeated the command structure of the British by establishing a similar chain of command for the new IAF. The IAF was to be commanded by an American structure called the Iraq War Multi-National Transitional Security Command (MNTSC). This compounded the feeling of humiliation among an important segment of the Iraqi population (Al-Marashi and Salama, 2008: 199-224).

Furthermore, the US administration and particularly the CPA misunderstood the historical context and structure in which the IAF was created and operated. CPA had believed that the IAF would not be accepted by the Iraqi Kurds or the Iraqi Shi'ites. Furthermore, the IAF was seen as an uncivilized institution that was designed for one purpose, torturing of the Iraqi people (Al-Marashi and Salama,2008: 199-224).

This was not the case. Despite its faults the IAF was seen as the protector of Iraq against domestic and international enemies. The IAF had acquired this reputation because it was the only institution that was able to stand up against the interference of foreign powers. Furthermore, this was not only the view of the Iraqi Sunni's but it was the view of the Iraqi Shi'ites as well. None of the regimes in Iraq could have survived without the cooperation of some Iraqi Kurds or the Iraqi Shi'ites. The cooperation could be seen in the history of IAF. The army was one of the most important government institution where individuals belonging to different ethnic, religious denominations existed together[89] This was another reason why the IAF was an important institution in Iraq (Al-Marashi and Salama,2008: 199-224).

Another perception that was inaccurate regarding the army was its nature. The CPA believed that the IAF was Saddam Hussein's personnel machinery that obeyed every command of Saddam Hussein. The previous chapter presented a different reality. The army was a complex Iraqi institution. It was a mirror of the Iraqi society. Furthermore, at various points, in various degrees it shaped the future of the Iraqi society. It never fully accepted the authority of the Iraqi politicians, including the authority of Saddam Hussein, or the King. It saw them as complicit actors working together with the imperial powers or it believed that the Iraqi politicians were incapable of furthering on the path of modernization.

The army's attempts of interference in the politics of Iraq had continued until 2003 invasion. The only difference was that Saddam Hussein's regime was able to stop the army much more successfully then any other regimes of Iraq. During these

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89 This does not mean that the army was an unbiased organization. It was marred with different problems. One of these was the opportunities the Iraqi Sunni individuals received for promotion. Yet in the context of Iraq, the army was far better then most other institutions in representing different segments of the Iraqi society.

attempts to remove Saddam Hussein, the Iraqi Sunni members of the army received the harshest treatment, whereby most of them were executed. (Al-Marashi and Salama,2008: 204).

Furthermore, not all of the atrocities attributed to the IAF were committed by the IAF. The Iraqi Security Forces (ISF) were not a monolithic organization. Saddam Hussein, in order to protect his regime, had created parallel security forces. For example, the Fedayeen and the SRGs were responsible for suppressing both the Shi'ite and IAF units rebellion in the South (Al-Marashi and Salama, 2008).

Another issue that the US had ignored was the fact of ethnic and sectarian divisions in the region. For example, CPA had allowed the individuals like Barzani and Talabani to keep their militias (peshmerges). The main argument for allowing to keep their militias came from Barzani and Talabani. Both stated to the CPA that the Peshmerge were not militias but the pride of the local population in the north. In turn the Iraqi Sunni and Iraqi Shi'ite leaders argued that as long as the Peshmerge were allowed to operate there was no reason for them to disband their militias. These and other actions further strengthened the positions of the militias and contributed to the deterioration of the security situation in the country (Al-Marashi and Salama: 2008).

The US occupation administration have contributed to this by indulging tribal and communal leaders in their exclusionary policies. It continued this even after the end of the tenure of the CPA and during the attempts to form a new IAF. These actions even caused demands for discriminatory rules. For example, the Iraqi Kurdish leaders demanded that only Iraqi Kurds should serve in the military units stationed in the north. This and other acts by the members of the Iraqi society had contributed to the creation of a new divided IAF (Al-Marashi and Salama, 2008:

217). The Iraqi history has demonstrated the dangers of communal divisions in the army, leading to military coups and negatively affecting the state building process.

Another lesson of state building the US had ignored was regarding the importance of cooperation with the neighboring nations. The Afghan and the Bosnian cases had clearly shown the importance of cooperation among the neighboring countries in the state building process. Although, rhetorically the goals of the neighbors of Iraq and the US were similar, the US initially precluded any cooperation with the neighbors Iraq (Oliker, et al, 2007: 29).

The uncooperative nature of the US was one of the reasons why some of Iraq's neighbors had began to support certain factions in the Iraqi Civil War. For example, as Saudi Arabia was supporting armed Iraqi Sunni groups, Iran was supporting armed Iraqi Shi'ite groups. Due to this support the conflict had ranged on more then it should (Oliker, et al, 2007: 29).

By 2007, the US had somewhat changed its policy toward regional cooperation. While the US had not attended the Iraq's Neighbors Conference (INC) before, it did attend the March 2007 conference. The successful conference process will continue with the 6th conference to be held in 2009. (Oliker, et al, 2007: 29; Cumhuriyet, 2008(a); CNN Turk, 2008; NTVMSNBC, 2008; BBC, 008).

4.1.3 The Importance Legitimacy

During the post-cold war era, which witnessed the majority of state building cases, the prevailing attitude was that the peacekeeping or state building operations had to be mandated by the UN. This provided the operation in question with legitimacy. Yet despite this fact, on the issue of legitimacy the US had continued to

ignore the precedences set by state building cases during the post-cold war era.

The majority of the international community did not support the invasion of Iraq. Specifically, UNSC members such as France, China and Russia opposed the invasion of Iraq. Due to this, even though the UN had acknowledged the US authority over Iraq, it did not endorse it. It treated the US presence in accordance with the relevant UN articles on invasion.[90] Thus, the US was not bound by the usual rules that associated with the UN Mandated Multilateral Peace Operations.[91] This gave the US a more free hand in its operations in Iraq. However, it also limited the help it received form the international community (Dobbins, et.al. 2009: 12-13).

Furthermore, a constitution is an important tool in establishing legitimacy and ideally a democracy during the state building process. It sets the rules for issues such as elections, governance of the country, civilian rule over the army etc. Despite its shortcomings an Iraqi Constitution was adopted by 2005 and is still in effect.

There are several elements which could be helpful in the analysis of the Iraqi constitution and the draft Federal Oil and Gas Law, (FOGL). The issues of national identity, the IAF and oil were important in the historical trajectory of the state building process in Iraq. These three factors and the method in which they were addressed were responsible for the collapse of the state building process in Iraq. Thus, it is important to understand how they were addressed in the current constitution of Iraq.

The Iraqi constitution was drafted in a hasty matter and at a time of civil war environment. The constitutional writing process commenced with the adoption of

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90 Iraq was treated as an conquered country. Because of this, the US drew even more international condemnation.

91 For example the US did not have to report back to a commission at UN.

the Transnational Administrative Law (TAL) by the Interim Governing Council (IGC). The TAL would hold elections in January 2005 and the resulting Transitional National Assembly (TNA) would draft a constitution by August 15 of the same year. This draft constitution would eventually be adopted by 15th October 2005. Yet the problems began during the election process itself. The Sunni parties wanted to boycott the election due to the fact that Iraq was a occupied country. The problems were compounded during the writing period of the constitution The ethnic and sectarian hostilities slowed down the process. The violence that was occurring at the time also effected the talks. At one point the Sunni parties withdrew from the process because of the assassinations of two Sunni politicians (Al-Marashi, 2005: 139-150). These events had negatively effected the end result, namely the final draft of the constitution. Thus, it can be said that it is a document containing unresolved issues and contradicting articles that put shadow over its legitimacy.

The analysis of the draft FOGL is particularly important because as demonstrated through the historical trajectory of state building in Iraq in chapter 2, Iraq's future is dependent on oil and gas in several aspects. An adequate law for the exploration of oil and gas reserves would secure sovereign rights on oil wealth and limit foreign influence. This in turn would not injure the pride of the Iraqi people. Thus, the Iraqi nationalism would not resurface in the same manner as it did in the past. This finally would contribute to the creation of a more peaceful environment which would not hinder the state building process of Iraq. Acknowledging that the constitution is the primary document, the draft FOGL is an essential complementary document that further clarifies what the constitution could not.

The Iraqi Federal Constitution can be characterized as a work in progress.

The constitution is made up of six sections and does address critical issues regarding Iraq. However, there are also gaps, contradictions and unclear issues in the constitution.

The constitution does try to address the historically problematic issue of national-identity. In Article Number 2 the Iraqi states religion is defined as Islam. This and other articles guarantee the Islamic nature of Iraq.[92] This was one of the goals of Shi'ite majority of Iraq (Al-Marashi,2005). The writers of the constitution tried to use a federal framework. For example, on the issue of language the complexity of the Iraqi Constitution emerges. Official languages are evaluated in two different levels. These are the national and regional level. At the national level all official documents must written in Iraqi Arab and Iraqi Kurdish languages. At the regional level according to the appropriate levels of density, Iraqi Turkmen and Iraqi Syriac languages could be used as official languages. Furthermore, the federalist nature of the constitution can be seen from the fact that it stipulates that any governor can adopt a language as official through the use of referendum (Iraqi Constitution, Articles 3 and 4).[93]

One of the contradictions can be observed on the issue of national identity. The preamble of the Iraqi Constitution starts with the phrase "...We, the people of Mesopotamia...". This phrasing mimics the approach of Saddam Hussein. During his reign he had attempted to develop an identity that the synthesis of Iraq nationalism, Pan Arabism and a so called Mesopotamian identity (Al-Marashi, 2005: 139). Despite this wording of the constitution and other actions, the unity of the Iraqi

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92 Although without elaborating much on this the constitution also states (Article 2.B) that no law shall be in violation of democratic nature of Iraq.

93 What constitutes as "dense" is not defined.

population has still not been achieved.

The ethnic tensions were fueled in part by the initial soft stance of the CPA which accommodated the secessionist tendencies of the Iraqi Kurdish leaders. One of these tendencies was actions like allowing the Peshmerge to grow in power and numbers.[94] Also another example can be given from the statements of the KRG leaders, who argued that only IAF units staffed exclusively by the Iraqi Kurds could be stationed in the north. This ethnically discriminatory statements are actually not allowed under the new constitution (Article 7). Yet no action was taken against the individuals which stated these views.

Despite the acceptance of the KRG of the Iraqi Constitution, it does still try break it in other ways as well. The KRG leaders act with secessionist inclinations. One way this is being done is by distorting the population facts. Since 2003, the KRG has been moving Iraqi Kurds into Kerkük in order to increase the chance of its claim that Kerkük belongs only to the Iraqi Kurds, as opposed to the entire Iraqi nation. This and other attempts at trying to change the multi-ethnic composition of Kerkük could potentially ignite a new civil war.[95] Kerkük has witnessed significant ethnic violence since 2003. [96] (Chuloc, 2009; Borger 2008).

On the surface the constitution seems to solve the question regarding the nature of the Republic.   According to the constitution: "...The Republic of Iraq is an

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94 As other militia groups were being disbanded.

95 Kerkük is composed of Iraqi Kurds (60 percent), Iraqi Arabs and Iraqi Turkmens (both totaling 40 percent) (Borger 2008).

96 One of them was when an Iraqi Kurdish mob attacked the headquarters of the Iraqi Turkmen party in 2008. It should also be mentioned that the Iraqi Kurds themselves also were the target of violence (Cumhuriyet, 2008b).

independent, sovereign nation, and the system of rule in it is a democratic, federal[97], representative (parliamentary) republic..." (Iraqi Constitution, Article 2). The constitution also does implicitly state that no entity in Iraq can secede from the Union. This can be seen from the wording of Article 107. It states that "...The federal authority will maintain the unity of Iraq, its integrity, independence, sovereignty and its democratic federal system...".

IAF, has been an important actor in the historical trajectory of Iraqi state building process. It has played the role of mediator, the role of the ruler and eventually caused the dictatorial regime in Iraq. This is turn caused the eventual collapse in 2003. Thus, on the issue of the IAF, the constitution is very clear. According to the constitution, the IAF is under the control of civilians (Iraqi Constitution, Articles 9, 73,78,80,99 and 110). In its composition and service, the IAF cannot discriminate among the citizens of Iraq [98] (Iraqi Constitution, Article 9). Thirdly, the Iraqi Army is prohibited in any way from trying to influence civilian democratic process. The members of IAF cannot participate in any civilian elections as long as they are part of the IAF.

Oil was a crucial mean for obtaining and keeping power in Iraq. This method was used first by the Iraqi elite[99], then the IAF and eventually Saddam Hussein. Accordingly, it is important to focus on how the constitution does deal with the issue of oil and gas. However, it does not manage to clarify the issue to any body's

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97 This point, according to some scholars is open to debate. Because the constitution does not utilize the Arabized English word "fidirali". They utilize the word "ittihadi" which comes from ittihad. Ittihadi can also be translated as the "the Union" (Al-Marashi,2005).

98 This is a reference the to pre-2003 IAF. Before the creation of the new IAF, the higher ranks of the IAF were primarily Iraqi Sunni in origin.

99 The King and the landowners.

satisfaction. Article 111 states that "...Oil and gas are owned by all the people of Iraq in all the regions and governorates...". Articles implicitly state that the natural resources should be under the jurisdiction of the federal government.[100] Yet Article 112.1 implies that the "present fields" be jointly operated. This presents a problem in many aspects (Ipek, 2007). One of them is regarding the definition of "present fields". Does "present fields" imply just the developed oil and gas fields or also the undeveloped oil and gas fields? It is stated in the draft FOGL that the final document will contain an Annex that lists the developed and the undeveloped fields (FOGL,Article 4 and Annex 3). This might provide further qualification regarding the term "present fields". Another problem is regarding the issue of revenue sharing. The Article 112.1 further states that the revenues acquired from the production of natural resource from the "present fields" shall:

> ...be (distributed) … in a fair manner in proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards in a way that ensures balanced development in different areas of the country...

This contradicts with article 111 which states that the oil revenues belong to all Iraqi citizens, regardless of their ethnic or sectarian affiliation. Also how will the unjustly treated regions be defined? It should be noted that the use of violence and oppression was not limited to the central government in Iraq. For example, the Iraqi Kurds under the leadership of Barzani (father and son) and Talabani have constantly employed the use of violence. This can be seen even today from the statements of the Iraqi Kurdish Regional Government (KRG) officials. It was stated that companies who will win the contracts awarded by the Iraqi Ministry of Oil (IMO)

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100 Since the natural resources belong to all Iraqi people.

cannot operate in the north safely without their explicit support. (Abbas, 2009; Rasheed and Web,2009a).

It should be noted that even though the draft FOGL extends the powers of the federal government, it does not necessarily achieve the desired outcome. A major reason for this is because it is still a draft (since 2007) and has not been approved by the Iraqi legislature.

On another point the draft FOGL does address the issue of operation of the oil fields. According to Article 5, The Council of Ministers (CoM) will be responsible for the formulation and implementation of oil and gas policy of Iraq. The CoM will be assisted by the Federal Oil and Gas Council (FOGC). The FOGC will be created by the CoM. The FOGC will consists of representatives from the following groups:

> 1 - the Federal Government's Ministers of Oil, Finance, and Planning;
> 2 - the Director of the Iraq Central Bank;
> 3 - a Regional government minister representing each Region;
> 4 - a representative from each Producing Governorate not included in a Region;
> 5- the Chief Executives of important related petroleum companies including the   Iraq National Oil Company and the Oil Marketing Company; and
> 6- Experts in petroleum, finance, and economy, with their number not exceeding three(3), to be appointed for a period not exceeding five (5) years based on a resolution from the Council of ministers (FOGL, Article 5).

The FOGL despite creating a complicated array of hierarchy regarding the oil and gas resources in Iraq, it does introduce more confusion regarding some issues. One of these is the overlapping jurisdictional powers. For example "...several parties are simultaneously responsible for pre-qualification of contractors, approval of

operators, approval of field development plans and third party financing..." (Said, 2007: 3).

Regarding the policy towards the multinational energy companies, the Law envisions that the already developed field would be operated by the INOC. Regarding the undeveloped fields it seems that the draft FOGL envisions for the fields to be divided between INOC and Multinational Energy Companies. Yet it does not state which fields will be open for MNCs and which fields will be reserved for INOC (FOGL, Annex 3).[101]

On the issue of revenue sharing, the draft FOGL envisions that all funds received from oil revenues be deposited into one fund. This fund will be refereed as the Oil Revenue Fund (ORF). The ORF shall be regulated by the federal revenue law. The funds available from the ORF shall be distributed by the federal government according to the constitution. Yet the current of the federal revenue law might cause a conflict in this regard. Since the oil reserves are clustered in certain regions this may create a conflict during the distribution of oil revenues.[102] The distribution scheme will also include the creation of The Future Fund (TFF). The draft FOGL states that certain amount of the funds in ORF must be transferred to TFF[103] (FOGL, Article 11).

4.2 The Current State of Iraq and its Oil and Gas Industry:

The state of the Iraqi petroleum industry as of July 2009 is chaotic. The draft

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101 This because the FOGL has been at the draft stage for over 2 years. The Annex number 3, which will contain this information will most probably be added when there is wider consensus among the members of the Iraqi parliament.

102 For further geographical information please consult Appendix B.

103 The amount will be regulated by law.

FOGL was not adopted by the parliament. Furthermore, it does not seem to have any supporters left to fight for it (Said,2007: 8-12; Earth Times, 2007; Swift, 2007; Jasiewicz, 2008; Jasiewicz, 2007; Stewart, 2007; Goodman, 2007). The situation has been exacerbated by the interference of the Western powers. Significant segments of the Iraqi society are viewing the creation of new contracts as a repetition of Iraq's history. Thus the public opinion in turn is mounting significant opposition to any deals signed with the foreign energy companies.

The interference came in different forms. In 2008 the IMO had opened certain oil and gas fields for bidding.[104] The initial reports in June 2008 indicated that the major actors in the energy industry were not to participate in negotiations with the IMO This was linked to the fact that there was not enough incentive and secure environment for the MNCs to invest in Iraqi oil industry. Yet by November 2008 the situation had changed. British Petroleum (BP), Exxon and Royal Dutch Shell (Shell) entered into negotiations for eight Iraqi oil fields. This represented 40 percent of the oil reserve of the entire Middle Eastern region (Webb, 2008; Macalister and Watt, 2008).

One of the reason for the opposition and resentment among the majority of Iraq's population was the cloud of secrecy surrounding negotiation process.[105] The mistrust in the public towards the oil deals was enhanced due to the news that the Iraqi government was under pressure form the British and US administrations. Furthermore, there were reports stating that the deals were made with the guidance

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104 The draft FOGL does stipulate this.

105The Iraqi government attempted to rectify this problem during a June 2009 oil and gas auction. The auction was broadcasted on television the entire day. This was an attempt to stop the criticism regarding the secrecy surrounding the oil and gas contracts (Williams, 2009).

of American advisers (Kramer, 2008a; Kramer, 2008b).

Within this framework, the Iraqi nationalism has been on the rise and presenting to an extent pressure on oil and gas deals. For example, in September 2008, Shell was awarded a natural gas contract. Shell was willing to pay 4 billion dollars for a reserve that was valued at 40 billion dollars. There was resistance to this contract from the beginning.[106] Yet by 2009 the resistance had escalated to full blown threats. By April 2009, key members of the Iraqi Parliament began to promise to revoke any present and future deals with made with foreign energy companies. (Macalister, 2008; Macalister, 2009).

The threats uttered by the key members of Iraqi parliament also shined light on another problematic issue, the jurisdiction on oil and gas sector. Neither the constitution nor the draft FOGL was able to structure an understandable system, with clear roles for each Iraqi entity. Thus, as the key members of the parliament uttered their threats towards the signed deals with foreign energy companies, the IMO declared that it did not need approval from the parliament to sign any deals with foreign energy companies (Macalister, 2009).

This is not the only jurisdictional trouble the Iraqi system faces. Another problem that is growing by each day is the dispute between the KRG under the control of the parties of Mesut Barzani and Jalal Talabani. Since 2007, the oil production from the northern fields began to increase.[107] By 2009, the KRG had

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106 Despite the fact that Iraq could loose over 30 billion dollars, there were also other objections. For example one of the objections was the secrecy surrounding the deal.

107 According to a report prepared by the Office of the Special Inspector General for Iraq Reconstruction (SIGIR), the oil production in the North rose from an average of 1 million barrels per month to more 13 million barrels a month. For more detailed production numbers please consult Appendix C (Tavernise, 2008; SIGIR 2008).

signed petroleum deals with the foreign energy companies.[108] By June 2009, reports

and comments began to surface that the IMO had given implicit consent to the KRG

deals and its export of oil. The reports further stated this action showed that the

low-on-cash government in Baghdad was accepting the interpretation of the KRG on

the matters of jurisdiction regarding natural resources. However, later reporting

stated that the dispute between the central government and the KRG had still not

been resolved. The IMO has denied the such reports and stated that the deals made

by the KRG were illegal (Tavernise, 2008; Abbas, 2009b; Abbas, 2009c; Abbas,

2009d; Alaaldin, 2009; Rasheed and Web, 2009b).

The parties still have not resolved the issue of what percentage the Regions,

Governorates and the Baghdad will receive from the oil revenues. Nevertheless, the

revenue sharing procedure is in a quite different state then the issue of jurisdiction.

This is because one issue does seem to be resolved. This is the fact that the money

earned from any contracts will be deposited to the Federal Ministry of Finance

(MoF) in Baghdad.[109] In response to the agreements made by the KRG, the IMO

stated that the agreements were illegal and that the foreign energy companies that

operated the fields would not get paid. The official response from the KRG stated

that the money would be deposited to the MoF. By June 2009, the payment for the

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108 As of September 2008 these companies are: DNO (Norway), Addax Petroleum
(Canada/Switzerland), Genel Enerji (Turkey), Western Zagros (Canada), Pet Oil (Turkey), Prime
Natural Resources (U.S.), Oil Search (Australia), Crescent Petroleum (UAE), Dana Gas (UAE),
Norbest (an affiliate of TNK-BP of Russia), OMV Petroleum Exploration (Austria), Hunt Oil
(U.S.), Hillwood International Energy (U.S.), Perenco (France), Aspect Energy (U.S.), Gulf
Keystone Petroleum (UK), Texas Keystone (U.S.), Kalegran/MOL (Hungary), Reliance Energy
(India), Heritage Oil and Gas (Canada), Sterling Energy International (U.S.), Niko Resources
(Canada), Vast Exploration (Canada), Groundstar Resources (Canada), Korea National Oil
Corporation (South Korea) and Talisman Energy (Canada) (Ipek, 2009, 18).

109 This includes the percentages of the Regions and Governorates.

future of KRG contracts were still unclear. (Abbas, 2009d; Firch and Moskwa, 2009).

CHAPTER V

CONCLUSION

This thesis evaluates the important factors that have an influence during the state building process and how they are addressed in the mainstream literature. Accordingly, there are three mainstream approaches, namely the Fast-Track Democratization (FTD), Security Firsters (SF) and the Slow Democratization (SD). Moreover, given the lessons learned from cases in the history of state building activities, three major factors are determined as important in the process. These are the level of engagement, regional factors, and legitimacy. Iraq is analyzed as a case study of state building, to examine the role of natural resources in the state building process.

In chapter two, according to the historical examples investigated under the three state building actors, namely the US, the UN, and the European countries, the most successful approach seems to be the SD approach. Compared to other examples, the case of Bosnia, East Slavonia, Kosovo, and Namibia have experienced more successful state building processes. The state building processes under the other two approaches have experienced more difficulties. For example, this could be

observed from the case studies of Afghanistan, Sierra Leone, Cote D'Ivoire and Congo. Furthermore, some state building processes under these approaches have failed. The RoV and Somalia are two such examples.

The success of the SD approach seems to be related to its interpretation of the three contingent factors. For example, unlike the two other approaches it does consider the regional factors as important, and does place more emphasis on the issue of legitimacy. Furthermore, on the factor of level of engagement, it argues for a multidimensional approach. Thus, it places emphasis on political will and civilian scope of the operation.

In chapter three, the importance of the historical trajectory of state building could be seen in the case of Iraq. The foundation laid by the British imperial administration in the 1920s and 1930s have shaped the coming decades of Iraqi politics. Consequently, unless the historical trajectory of state building efforts is thoroughly analyzed, the state building process could be hampered.

Such negative effects are presented in chapter four. The historical trajectory of Iraq has shown that there are three important specific and contingent factors in the case of Iraq. These are the issues of national identity, the IAF and the production and ownership of oil, and the distribution of the oil revenues. Yet, the US by ignoring the Iraq specific contingent factors, presented in chapter three, and the general lessons learned from the state building efforts, presented in chapter two, has hampered its own state building efforts.

The prior state building efforts have shown that the SD approach for now seems to be most suitable approach at hand. The Iraqi case shows the validity of SDs arguments by providing the reader with seven important lessons for the successful

completion of a state building effort.

First, as the Iraqi case presents that without security the pace of the state building effort is seriously slowed. Second, in order to ensure security, the monopoly of violence must remain with the state.[110] Third, in order to create the above mentioned secure environment, a system (democratic or not) can initially focus primarily on security related issues. Fourth, a newly created state, even in its infancy must contain pluralistic elements.[111] Fifth, the problems associated with the establishment of a democratically elected government does not negate its value in a successful state building process. Sixth, the creation of even a vague constitution can improve the situation by providing the actors of the state building process with certain legitimacy. Seventh, the Iraqi case shows that the lack of or the inadequate nature of economic and social programs could demolish all the gains made through the creation of a constitutional democracy.[112]

Despite its strengths, the SD approach does omit certain elements that could

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110This was also stated in the definition of the term "state". This requires the dissolution of all non governmental armed entities in a country If this is not done properly, this can, as it was the case in Iraq, be even the cause for civil war.

111 Thus, even if the state builders focus on primarily security related issues, the legitimacy issue cannot be overlooked. Also, this is especially important in divided societies. This division might be in the form of ethnicity, denomination, religion etc. A pluralistic environment provides a place of growth for any and all identities present in the region which is subjected to state building process. However, they must not be allowed to threaten the identity that binds the nation together. In the case of Iraq this can be seen with the example of KRG. The KRG was given special rights and attention during the establishment of the new Iraq state. In the constitution, the only other entity besides the federal government and Baghdad is the KRG. This might seem as an approach of respecting different identities. Yet it only feeds the secessionist tendencies of the Iraqi Kurdish segment of the society. This in turn has several detrimental affects. One of these negative effects is that it increases the chance of discrimination. As it was seen with the statement of the KRG, which had opposed the presence of non Iraqi Kurdish soldiers in the north. This might further feed the secessionist tendencies of a certain segment of the society. In the case of Iraq, the international community was faced with the fact of population distortion attempts by the KRG. These lessons learned from the Iraqi case are important parts of a democratic state.

112 This could be seen during the rehabilitation program of former IAF members. After the dissolution of the IAF, many officer and soldiers could not find jobs. This in turn forced them to join anti-government forces. Thus the strength of the insurgency grew.

also be important for the state building activity. One of these elements and the focus of this thesis is the importance of the state contingencies and the historical trajectory of state building. The presence of natural resources can be beneficial to the state building process. However, if these resources are not handled well they can also hurt the process, and cause the eventual collapse of the state building operation.

This thesis provides the reader with lessons regarding the importance of natural resources in a state building project. First, safeguarding of democracy against tyranny and role of natural resources are important. If Iraq did not have important natural resources certain segments of the society would find it harder to achieve their divisive aims. Also, the conflict caused by the presence of different identities is increased with the presence of natural resources. If Kerkük did not hold a significant quantity of the Iraqi Oil reserves, it is doubtful that different identities would compete for the ownership of such a town. Similarly, it might be argued that as the management of the natural resources is distributed among different segments of a society, there will be less chance for any one entity to capture the state and eventually establishing an undemocratic system.

Second lesson is regarding the importance of a centralized system in natural resource rich developing countries with no tradition of democracy. Natural resource rich environment could exacerbate secessionist demands if the control over the natural resources is decentralized among different segments of the society. This is the case in Iraq. The north is trying to use the implied decentralized system for its own benefit. This in turn deprives resource poor Governorates from much needed funding for their development projects. Consequently, this presents us the importance of a centralized structure for the management of natural resources in

state-building process.

The importance of safeguarding against such possibilities[113] is important. However, the decentralization of the management structure for natural resources should not be considered as means in achieving this. The decentralization in itself is not a significant safeguard. Furthermore, it could produce the opposite effect in smaller scale. One example is the monopoly on the political scene of the regional leaders of Iraq. The natural resources funds could be used to create smaller, yet still authoritarian systems. Even if the democratic reforms would safeguard democracy in a state building process, decentralization of the control over natural resources do not necessarily guarantee the establishment of a more democratic state. This is because interest groups in decentralized regions may continue to be authoritarian and sustain rentier-distributive nature of their rule to legitimize and consolidate their power by oil wealth controlled in their hand.

In conclusion, this paper has demonstrated that natural resources play an important in a Iraq's state building process. The funds received from the natural resources can provide important help for a state building process. Yet it was also demonstrated that their use is of limited nature. If the structure for the ownership, management and the distribution of revenues of the natural resources is not set up properly, they could be instrumental in hampering the state building process.

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113 Possibilities such as secessionist demands and the consequent violence to power over the natural resources.

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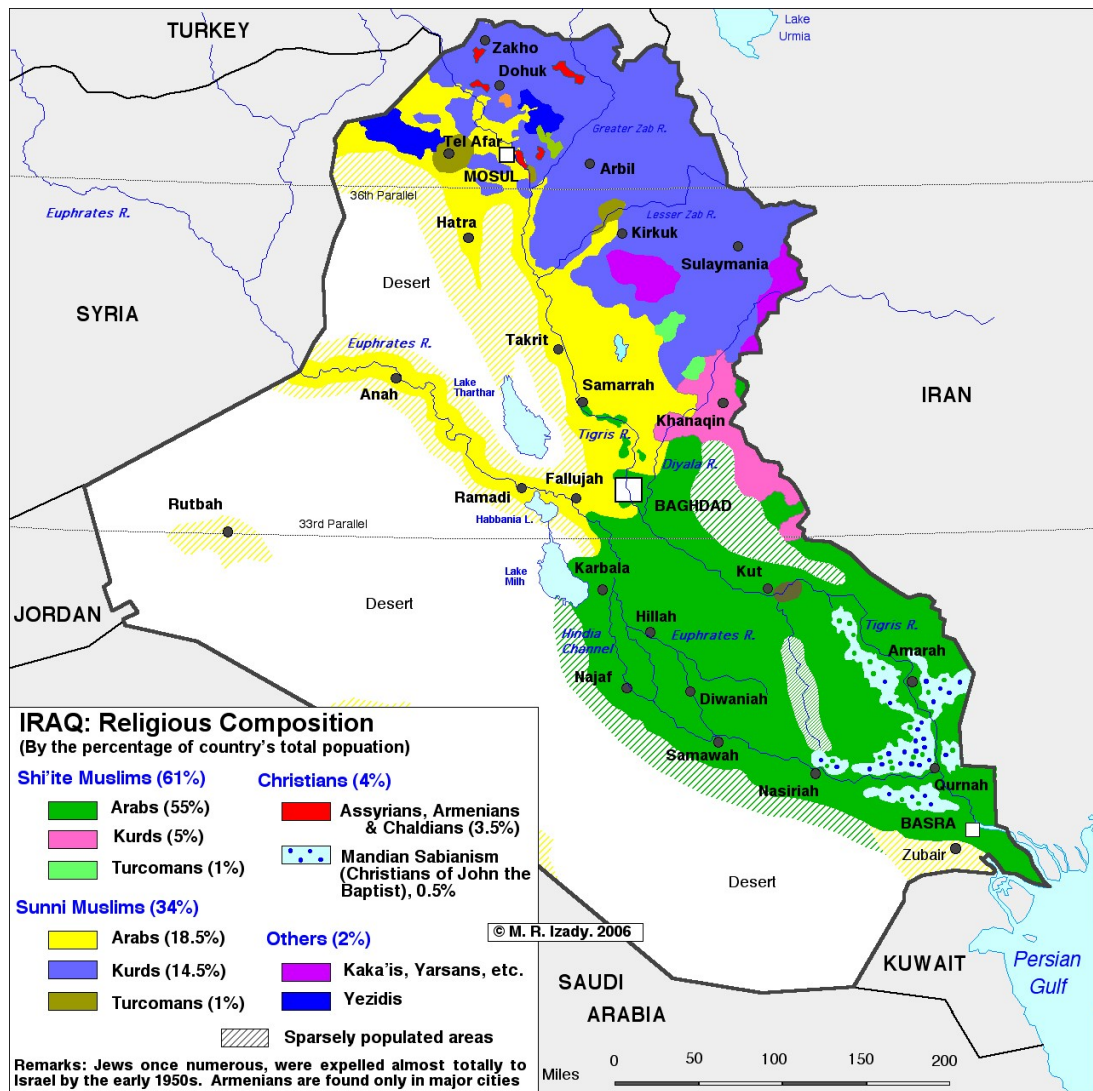
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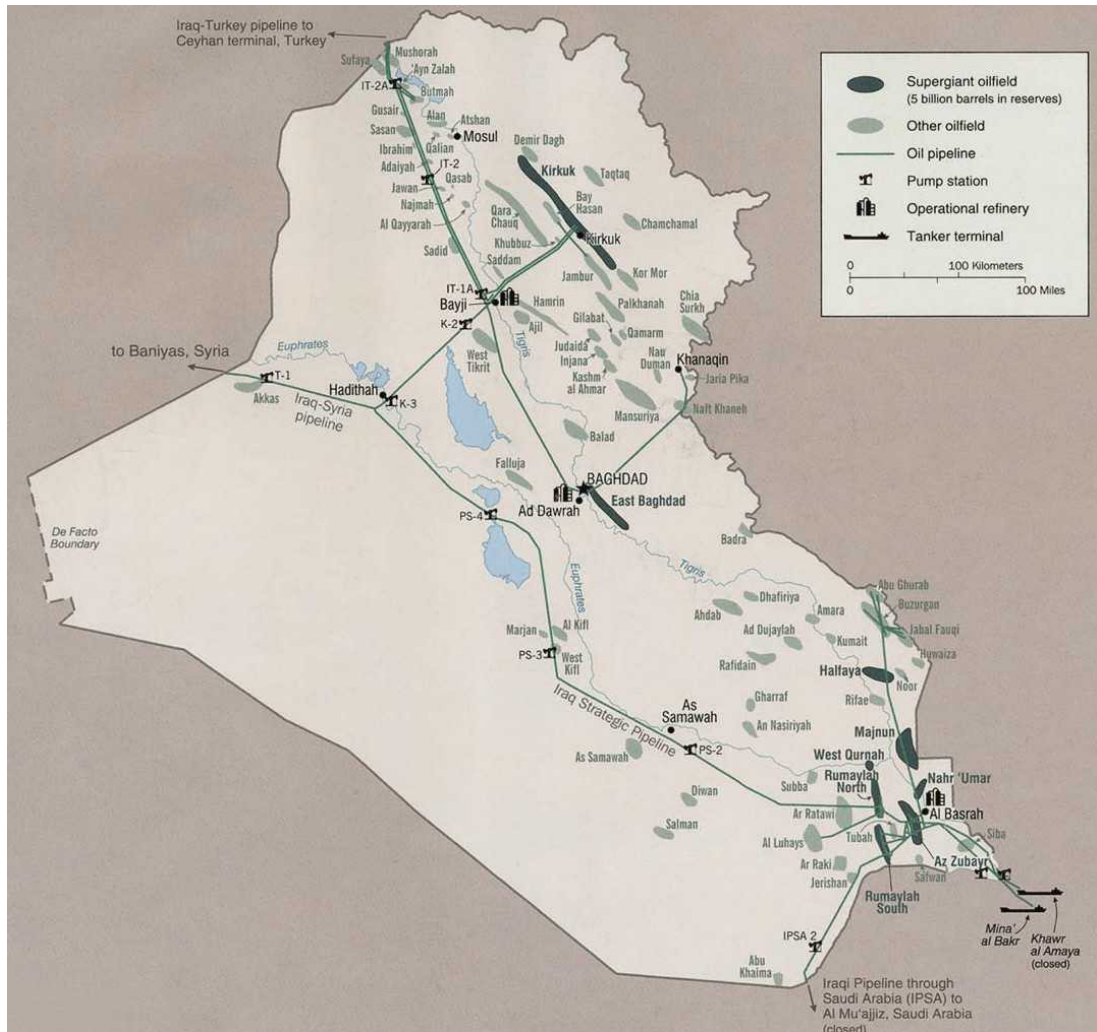Williams, Timothy. 01.07.2009. "Few Bidders to Develop Iraqi Oil and Gas Fields," *the New York Times*, A12.

Iraq's Religious and Ethnic Composition

TURKEY

Lake Urmia

Zakho

Dohuk

Tel Afar

MOSUL

Arbil

Greater Zab R.

36th Parallel

Euphrates R.

Hatra

Kirkuk

Lesser Zab R.

Sulaymania

SYRIA

Desert

Takrit

Euphrates R.

Anah

Samarrah

Lake Tharthar

Khanaqin

Tigris R.

Diyala R.

IRAN

Fallujah

Ramadi

BAGHDAD

Rutbah

33rd Parallel

Habbania L.

Lake Milh

Karbala

Kut

JORDAN

Desert

Hillah

Hindia Channel

Euphrates R.

Tigris R.

Amarah

Najaf

Diwaniah

Samawah

Nasiriah

Qurnah

BASRA

Zubair

Desert

IRAQ: Religious Composition
(By the percentage of country's total popuation)

Shi'ite Muslims (61%)

- Arabs (55%)
- Kurds (5%)
- Turcomans (1%)

Sunni Muslims (34%)

- Arabs (18.5%)
- Kurds (14.5%)
- Turcomans (1%)

Christians (4%)

- Assyrians, Armenians & Chaldians (3.5%)
- Mandian Sabianism (Christians of John the Baptist), 0.5%

Others (2%)

- Kaka'is, Yarsans, etc.
- Yezidis

Sparsely populated areas

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SAUDI ARABIA

KUWAIT

Persian Gulf

Remarks: Jews once numerous, were expelled almost totally to Israel by the early 1950s. Armenians are found only in major cities

Miles 0   50   100   150   200

APPENDIX B

IRAQ'S PIPELINES AND OIL RESERVES

CRUDE OIL EXPORTS TO TURKEY VIA KERKÜK

Source: THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION, 2008

APPENDIX D

Iraq's Petroleum Production and Consumption, 1976-2008
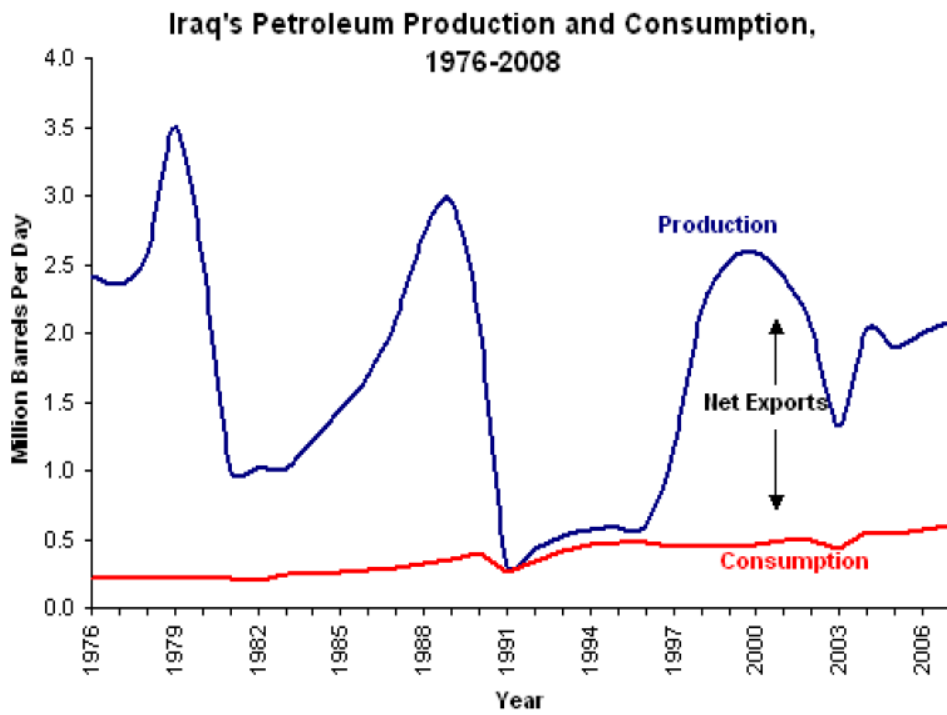
Source: ENERGY INFORMATION ADMINISTRATION, 2009