THE ROLE OF NON-GOVERMENTAL ORGANIZATIONS(NGOs) IN IMPROVING HUMAN RIGHTS IN IRAQ

by

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Iraq has had a long history of human rights violations since its inception as a modern state in 1921. This is true especially under the personalistic dictatorship of Saddam Hussein. Under his regime, the Iraqi people suffered a consistent pattern of gross violations of internationally recognized human rights, including political imprisonment, torture, and summary and arbitrary executions. This regime used a variety of mechanisms to squelch political dissent, including house-to-house searches; arbitrary arrests, often in large numbers; surveillance; harassment and questioning of family members; detention of targeted individuals, such as those returning to Iraq pursuant to amnesties, at unknown locations; and the use of torture prior to and during interrogation.

Due to deep historical ethnic cleavages between its ethnic groups and religious sect, any attempt to build a country where human rights will prevail seemed unachievable. However, events after 1991, the initial Kurdish human rights experience showed different results with the intervention of the international community, especially under the impact of NGOs in the region. Most theoretical assumptions regarding human rights development fail to consider the complex, interconnected events, and historical and psychological

elements in Iraq since its formation as a modern state, and the rich political, social and history of one part of the country, namely the Kurdish people.

This research attempts to answer these interrelated questions: why was the Kurdish parliament able to pass some progressive laws regarding respecting human rights for women, children, and minorities? Second, how, and why was the international community, especially through human rights NGOs, successful in Kurdistan while the rest of Iraq failed to implement these human rights changes? This project offers a different perspective on how and why NGOs impact the process of human rights development in Iraq. It provides a comprehensive analysis of the largest qualitative dataset of NGO leaders to date to explain the process of human rights development, regarding women and minorities.

To *Salma Khalil Abubaker* and *Bakhshan Mustafa Abdulla*

Two Great Women in my Life. The First One Started the Difficult Journey

of my Life and the Second One is Proudly Finishing it.

To *Asos, Lisa and Laura*

Precious Gifts from God.

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GLOSSARY

KRG   Kurdistan Regional Government

Kurd   An Ethnic Group in Middle East (Mainly in Turkey, Iraq, Iran & Syria)

Kurdistan   Land of Kurds (a geographical area in Middle East)

NGO Elite   Current and former NGO leaders and activists

IPSL   Iraqi Personal Status Law

KPSL   Kurdistan Personal status Law

No-Fly Zone   Northern Iraq (Kurdistan) established by UN Security Council

Sunnie   One of the main sects of Islam (Majority)

Shia   One of the main sects of Islam (Minority)

Sharia   Islamic canonical law from Koran and traditions of the Prophet (Hadith & Sunna)

Marjaia   "religious reference", a title given to highest level of Twelver Shia authority.

Fiqh   Islamic jurisprudence. Human understanding & practices of the sharia.

Tribe Chief   The leader of a tribal society or chiefdom in Iraqi and Kurdish society

Mullah   An educated Muslim trained in religious law & doctrine, holding official post.

High Culture   A culture where laws and customs, norms are not written

Low culture   A culture where laws and customs, norms are written

Map of Iraq

TURKEY

Hakkâri

Urmia
Lake
Urmia

Mīāneh

Miandoab

Qecel Owzan

IRAQ

Zakho

Qamishli

Dahūk

Aqrah

Mosul

Erbil

Sinjār

Tall Afar

Great Zab

SYRIA

Raqqah

36°

Al Qayyarah

Sulaymaniyah

Sanandaj

IRAN

Hamādān

Kirkuk

Halabja

Deir ez-Zor

Nahr al Khābūr

Little Zab

Baiji

Tuz Khurma

Qaşr-e Shīrīn

Kermānshāh

Nahr al 'Uzaym

Khanaqin

Abū Kamāl

Euphrates

Buhayrat al
Qādisiyah

Tikrit

Samarra

Tigris

Borujerd

34°

Al-Qa'im

Anah

34°

Haqlaniyah

Lake
Tharthar

Baqubah

Ilām

Khorramābād

Akashat

Radhanek-ye Simareh

Ramadi

Fallujah

Baghdad

Mehrān

Al Waleed
(Border Crossing)

Wādī Hawrān

Habbaniyah L.

Dehlorān

Dezful

Ar-Rutbah

Wādī al Ghadawī

Razzaza
Lake

Kut

JORDAN

Trebil

Karbala

Hillah

Al-Hay

Amarah

Tigris

Ahvāz

32°

Wādī al Ubayyid

Najaf

Al Diwaniyah

Qalat
Sukkar

Qal'at
Saleh

32°

Nukhayb

Shatt al

Judayyidat Arar
(Border Crossing)

Samawah

Euphrates

Nasiriyah

Al Qurnah

Arar

Hammar L.

Abadan

Basra

Umm
Qasr

30°

IRAQ. عراق

Rafha

Persian
Gulf

✪ National capital

⊙ Governorate capital

○ Town, village

✈ Airport

▪▪▪ International boundary

▪▪▪ Governorate boundary

━━ Expressway

━━ Main road

━━ Secondary road

▪▪▪ Railroad

SAUDI ARABIA

KUWAIT

Al Jahrah

Kuwait

Al Ahmadī

Hafar Al-Batin

28°

| 0 | 50 | 100 | 150 | 200 | 150 | 300 km |

| 0 | 50 | 100 | 150 | 200 mi |

40° 42° 44° 46° 48°

Map of Iraqi Kurdistan

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CHAPTER ONE:

INTRODUCTION

Iraq has had a long history of human rights violations since its inception as a modern state in 1921. This is true especially under the personalistic dictatorship of Saddam Hussein. Under his regime, the Iraqi people suffered a consistent pattern of gross violations of internationally recognized human rights, including political imprisonment, torture, and summary and arbitrary executions. This regime used a variety of mechanisms to squelch political dissent, including house-to-house searches; arbitrary arrests, often in large numbers; surveillance; harassment and questioning of family members; detention of targeted individuals, such as those returning to Iraq pursuant to amnesties, at unknown locations; and the use of torture prior to and during interrogation. Any form of street protest was put down by force. Although these gross human rights violations continued until the removal of the regime by the US and the Allies in 2003, the initial hopes for human rights changes started in 1991 in the north (Kurdistan region).

The 1991 influx of international NGOs had a great impact on human rights development and these organizations were seen as the main actors propelling the progressive realization of human rights. According to the findings of those who work in this area, these human rights organizations achieve their aims by establishing transnational advocacy networks which influence the ideas, emotions, and therefore, eventually, the identities and practices, of state elites (Keck & Sikkink 1998; Risse et al.1999).

Due to deep historical ethnic cleavages between Kurds and Arabs on one side and old historical religious hatreds between the two major religious sects of Sunni and Shiite on another side, any attempt to build a country where human rights will prevail seemed unachievable. However, events after 1991, the initial Kurdish human rights experience showed different results with the intervention of the international community, especially under the impact of NGOs in the region. Most theoretical assumptions regarding human rights development fail to consider the complex, interconnected events, and historical and psychological elements in Iraq since its formation as a modern state, and the rich political, social and history of one part of the country, namely the Kurdish people. This research attempts to answer three interrelated questions: First, why did part of Iraq fail to pass laws that protect human rights despite the remove of the totalitarian regime in 2003 and holding free elections a couple of times? Second, why was the Kurdish parliament able to pass some progressive laws regarding respecting human rights for women, children, and minorities? Third, how and why was the international community, especially through human rights NGOs, successful in north (Kurdistan region) while the rest of Iraq failed to implement these human rights changes?

During my ten years of working with some NGOs in northern Iraq (formally known as the Kurdistan Region), I noticed that the NGOs were very effective and successful in impacting the central and local government's policies towards human rights issues in general and the Kurdistan region in particular. Unlike the rest of the country, a very steady improvement of human rights started to be observed in this region during that period (2003-2020). Despite the long personalistic regime history and deep ethnic and religious violence in Iraq, these organizations were able to grow rapidly and become an

effective part in the overall process of democratization in the region (Génot, 2010). Based on that observation, this study attempts to answer an important question regarding the role and impact of human rights organizations on government policies: How and why do human rights NGOs significantly impact changes in human rights in Iraq? Putting it a different way: Which factors and dynamics impact the effectiveness of these NGOs in improving human rights in Iraq? The purpose of this dissertation proposal is to answer this question. I argue that human rights NGOs are effective when three factors (International community support, adaptability to local cultures and tribal values, and using the remote managing strategy) are met in a post conflict country in the Middle East (Iraq).

This dissertation draws on existing theories of political and social changes, especially the role and impact of NGOs in post conflict societies, in combination with analyzing documents, laws and legislations by the parliament to explain why and how civil society players such as human rights NGOs successfully impacted the state behavior towards respecting human rights standards. Why did the human rights change process fail on the national level while a part of the country was able to step forward and perform radical legal, social, political, and economic changes regarding the rights and freedom of women, children, and minorities after 2003? An explanatory case study approach is applied, including interviews with 25 current and former NGO leaders and government officials, government and legislative statistics, and historical analysis. This dissertation reports the results from tests of three hypotheses about the effects of international aid, adaptability to local conditions, and using the strategy of remote managing. Multiple qualitative analysis methods and techniques are utilized to identify emergent themes and provide more accurate explanations of why and how NGOs were able to support and help

local government on improving human rights standards. I briefly present the original theory, the results of the tests and emergent themes from the qualitative analysis.

The theory of NGO success in Iraq (Kurdistan in particular) relies on three theoretical concepts: International aid and support, adaptability to local and socio-cultural conditions and actor, and utilizing the remote managing strategy. These three pillars of the theory of NGO success in Iraq (Kurdistan) are grounded in scholarship involving developing states and post conflict societies. The first pillar of the theory of NGO success is international aid and support. Many recent academic studies on human right development and democracy promotion have revealed close causal relations between human rights development and civil society formation and international aid. These studies of international aid reveal the crucial impact of NGO- Funder/ donor relationship on human rights development discourse as well as organizational reporting, monitoring, and learning. They are central to making sense of NGO behavior and change (Ebrahim, 2005). Furthermore, these studies show that aid for democracy promotion can be marred by the credibility and conflicting agendas of the donor governments. These studies show that international aid can produce the consequence of increased political control in the aid-receiving country because of donor government fluctuation between security and human rights concerns. The impact of aid may be limited by the fact that donors tend to establish ties with organizations that bear a resemblance to those at home and speak to donor priorities but may not be relevant in the aid-receiving countries (Özlem & Ahmed, 2012). This motivates the first hypothesis that the higher the level of support and aid from international agencies and NGOs, the more effective and successful local NGOs will be.

The second pillar of the theory of NGO success in Iraq is adaptability to local and sociocultural factors and conditions. Due to historical ethnic conflicts and instability in the Middle East, most Kurdish families have one or more family members in Europe. After the fall of Saddam regime in 2003, most of these people returned to their homeland. Before leaving, they created enough networks in Europe to establish effective human rights NGOs in Kurdistan. Many of these NGO leaders later became parliament members, legislators, justices, and human rights public figures. As a result of this, most of the human rights NGOs in Kurdistan are similar in their functions, structures, and mechanisms to the prominent international organizations. Thus, their effectiveness in achieving their goals depends on the way they are constructed and how they are operating (Gordenker &Weiss, 1995). These studies show that learning and adaptability of any organization, is an important factor for the level of success of their programs, agendas, and activities. This organizational learning and adaptability related to factors such as staff training, local and external advisors, and managing consultants. All this led to strengthening of capacities and facilitating organizational development and change. NGOs continually adapt their activities to local needs and thus retain their unique character over time (Ebrahim, 2005). This motivates the second hypothesis that the higher the level of NGOs adaptability to the local tribal and social environment, the better level of trust and positive relation both with the public and the political parties inside the government.

The final theoretical concept of NGO success in Iraq and Kurdistan is using remote managing strategy or policy. This strategy is a work policy utilized by some international, regional, and even local NGOs in Iraq during the period of 2003-2015. Due to ethnic violence and security concerns, these organizations decided to change their policies of

engagement. These alternative engagement policies included closing major NGO offices in Iraq, moving their headquarters to neighboring countries, removing and/or changing their office addresses from their physical locations, and changing their organizational logos, to name a few. Many goals were behind these new changes in the work policies; first, to protect their safety and the safety of the employees working with them since they were the target of extremist groups. Second, to better help, cooperate and coordinate with local NGOs in their works and projects (Rogers, 2006). This motivates the third hypothesis that the higher level of cooperation and coordination of NGOs, the higher level of their successful role in developing human rights standards and overcoming security challenges.

Rationale of the Study

Since its establishment in 1921, Iraq's human rights record had always been poor. According to US State Department annual reports, almost all Iraqi regimes since the establishment of the state in 1921, committed numerous human rights violations such as killing, disappearing, torturing, arbitrary, and unlawful deprivation of life, and many other forms of violating human rights. This intensified under the Saddam regime (Mertus & Hallward 2005). However, everything changed with the removal of the Iraq regime in 2003. With international community support, the influx of international organizations such as the United Nations and thousands of regional and international organizations, everyone was expecting a boom of democracy and human rights development. These human rights organizations achieved their aims by establishing transnational advocacy networks which influence the ideas, emotions, and therefore, eventually, the identities and practices, of state elites (Keck and Sikkink 1998; Risse et al.1999). However, the reality of this post conflict country showed something totally different. The Iraq case proved to be very exceptional to

the literature of human rights development inside one country. A part of the country jumped into these changes under these conditions, while the other part resisted legal, social, and political changes especially in regard to women, minority and children's rights.

This study will focus on the role and impact of these organizations from 1991 to 2021. This period had been selected for two reasons; First, there had been lots of variations in the types, functions, and mechanisms of these organizations in Iraq and Kurdistan. Second, this period provides lots of variations both in the domestic and international level of the work of these organizations in terms of impacting state policy towards human rights issues and abiding by international human rights laws and rules. Third, the role and impact of these NGOs was supposed to be the same for all the country. However, the Iraqi case proved to be against these academic discussions. NGOs were successful in some places while not in other parts of the same country.

Definition of Terms

The main term in this study is non-governmental organizations (NGOs). For the purpose of this study, the term NGO is defined according to international law. It is regarded as a private organization, not established by a government or international agreement, which is capable of playing a role in international affairs by virtue of its activities, and whose members enjoy independent voting rights (Calnan, 2008). It may refer to 'various types of organizations, which may include associations, foundations, non-profit corporations, public benefit companies, development organizations, community-based organizations, faith-based organizations, mutual benefit groups, sports clubs, advocacy groups, arts and culture organizations, charities, trade unions and professional associations, humanitarian assistance organizations, non-profit service providers, charitable trusts, and

political parties' (ICNL, 2012). Regarding Iraq, the term NGO became popular after the first Gulf War in 1991 when international aid agencies and different international organizations and charities entered the region for helping displaced people and refugees who fled Saddam Hussein's military oppression. As a result of that, and with the help of international organizations, many local NGOs started to grow. Thus, despite the continuous military threat by the Iraqi military forces to the north (Kurdistan region), civil society and local NGOs continued to thrive in the area under the protection of international allies (Sheikhany, 2000).

The second main concept in this study is human rights. These rights can be defined as "equal and inalienable rights held by every human being that can be exercised against the state and society. This represents a coherent and progressive ethical and political response to the standard threats to human dignity posed by modern markets and modern states which dominate contemporary national and international societies. It could be said that human rights have become the most important issue that relates the state and its sovereignty in the international or global politics context" (Donnelly, 2009). These rights are generally presented as being inalienable and imprescriptible; they cannot be transferred, forfeited, or waived (Dembour, 2006).

The final term defined in this section is human rights development. This improvement or development will be based on legal documents enacted and passed by the parliament. The development is defined as any laws and legislations that are either directly related to improve basic human rights and fundamental freedoms of different groups in the country or indirectly impacting these rights and freedoms found with other laws and legislations. The study will specifically pay attention to recent laws enacted for women

rights, minority rights, and children rights. These are the most vulnerable groups whom rights are continuously violated. These measurements also include any other related laws, judicial decisions, and governmental decrees that have some reference or articles for defending and advocating the rights and freedoms of these three mentioned groups.

Procedures

This study uses an exploratory case study method design to examine the relationships identified in the theory of NGO success in shaping human rights in Iraqi Kurdistan. The foundation and basis for all other methodologies in this project is the qualitative analysis of the ethnographic interviews of 25 current and previous NGO leaders and human rights advocates. Interpreting and understanding viewpoints of people who worked / are working in important positions of government and legislative authorities provide unique perspectives on the process of developing and human rights legislations and the government policies towards women, children, and minorities. The qualitative dataset created offers a contribution to the existing limited literature on Iraq that has never been studied accurately. While there is challenge for any previous data about Iraq, this project collected data from the most prominent NGO leaders. Many of them are now human rights advocates and government officials. These 25 NGO elites are a representative sample of the religion, ethnicity, and regions of Iraq. These findings and conclusions drawn from these qualitative datasets will be a valuable contribution that challenges the existing literature that tribal societies in the heart of Middle East cannot develop human rights policies[1]

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[1] IRB approved this project on 03/ 26/ 2021. Project ID: 20768 IRB No. 20210320768EX

The qualitative phase of the research design focused on three types of data analysis. These are theory driven coding, data driven coding and thematic coding. First, through theory driven coding, the three hypotheses of international aid, adaptability to local conditions and remote managing strategy were tested. Using the MAXQDA software program, prefigured codes were established to generate frequency counts of the responses given in order to determine whether the hypothesis was received full support, partial support, or no support (Servin, 2021). Meanwhile, in the data driven coding process and concurrent thematic approach coding, emergent themes were identified from aggregate responses of participants though the domain and taxonomic coding method. These emergent themes were important for identifying the relevant causes and factors for the human rights development. This was very useful in making comparisons between Iraq and Kurdish regions for determining causes and factors for human rights development.

The results from the qualitative phase of this project were also triangulated with two additional methods: the document analysis and the historical analysis sections. Since "relying on one source of data is typically not enough to develop in-depth understanding" (Creswell, 2013 p. 100), additional methods were conducted during this study to gather additional information and validate the results. In this historical section, besides analyzing Iraqi and Kurdish history, legal document analysis both from Iraq and Kurdistan were analyzed. These major legal documents related to improving human rights, women rights, and minority rights. Besides that, other sources from international organizations and

foreign state documents have been refenced to track and document the growth and development of NGOs in Kurdistan.

The historical analysis about Iraq is important since the political and social behaviors of the Iraqi government and Iraqi society and the differences between the center and the region of Kurdistan cannot be understood without understanding their past. The document analysis was important for understanding the current trends in human rights development both in Iraq and the Kurdistan region. Since these two parts of the country deal with social and political issues separately, a comparison between the regions was important in regard to document human rights development for women, children, and minorities. The intent is not to tell the entire political history of Iraq and its relationship with the Kurdish case, but rather to identify the major junctures and key events of the state since its establishment in 1921. In regard to document analyses, the purpose is to show, track and document the major social, cultural and political differences between these parts of the country that later impacted their dealing with human rights development and democracy in the region. Along with the document analysis, this section also tracks, records, and identifies major NGOs in the country from 1991 to 2020. The intent is to show the significance and importance of these organizations in relation to human rights development. Finally, the findings from this phase of the research design were integrated to the emergent themes to identify and determine major factors that led to human rights development in Iraq and Kurdistan. These emergent themes discovered though the analysis of the ethnographic study interviews of current and previous NGO leaders and govern officials were important for understanding the social, political, and cultural differences

between the two main ethnicities in the country (Kurds and Arabs) that affect human rights developments.

Contributions

The findings and conclusions offer three major contributions to the scholarship involving post conflict countries and the very limited existing literature focused on Iraq, as well as foreign policy experts and decision makers. The first contribution is an original theory explaining why NGOs are successful in one part of the country while not in the rest. The theoretical framework presented in this dissertation can be applied to Iraq specifically. In addition to this, the framework can possibly be generalized to similar cases in the region as a broader research program.

This dissertation also incorporates the informed perspectives of large qualitative samples of current and former NGO leaders, human rights activists, and Iraq and Kurdish government officials. The perspectives of 25 NGO elites and human rights activists, as well as government officials, offer both a systematic and individual perspective of domestic, social, and cultural conditions of Iraq and Kurdistan. Ethnographic methods were used in this study to identify sophisticated meanings and inferences of responses given by top human rights activists and NGO leaders who hold high government offices. No other academic study involving Iraq and Kurdish region at the time of this research has conducted an analysis of NGO leaders on this scale. The findings from this qualitative analysis of this dataset, triangulated with legal document analysis, challenge previous assumptions that a country will either develop a human rights system or fail to do so as whole. The Iraqi case proved to be totally different where one part is moving towards developing a human rights system while the rest is against it.

Lastly, the theoretical model of NGO success in Iraqi Kurdistan provides policy makers with an empirical tool to evaluate elements of NGO and government cooperation and coordination. This is very important for policy implications both for Iraq and other Middle Eastern countries. Most Middle East countries are struggling in terms of how to abide by international human rights standards and norms. These countries are facing challenges as well in adapting these new standards and norms to the common Islamic values and Sharia law. These NGOs and local governments are influencing each other both in favor of and against human rights. Thus, any success of human rights NGOs will be important both for defeating the current growing extremist ideology in the region and helping these struggling governments in abiding by global human rights norms (Mokhtari, 2015).

Limitations

While this study contributes to a deeper understanding of human rights development and the role of NGOs in the country in this regard, there are limitations to this study. First, the foundations of this explanatory case study of Iraq and the Kurdistan region was the qualitative analysis of current and former NGO leaders, human rights activists, and government officials. Relying on the responses from a sample of the population that has experience and expertise about human right policies, laws and regulations and human rights development in the country could result in findings and conclusions that are not accurate or indicative of the country as a whole. This study tries to mitigate this inaccuracy by using another separate method of tracking human rights development through analyzing legal documents as an independent verification method. In addition, the study tries to track and record the NGO history and activity in the region as a strategy for validation purposes.

Another potential problem of this study is the reliance on data from the ethnographic interviews of NGO elites. This data raises validity concerns when conducting qualitative analysis based on responses from semi-structured interviews. Selection bias and methodological errors can raise when a researcher selects a sample that might not represent the wider population. For mitigating this problem, the NGO elites and government officials were selected from diverse ethnic and religious backgrounds and different regions of the country. Despite that, due to some security concerns, not all minorities and ethnic group leaders and NGO activists were able to participate

Another limitation of this research was lack of available and reliable data. While an original qualitative dataset was used effectively to test the three hypothesis and develop emergent themes from the responses of current and former NGO leaders both inside and outside Iraq, the ability to get important data information from government sources was limited based on data constraints. Although both the Kurdish government and the Iraqi central government have official websites for each department and ministry, they rarely publish data and numbers regarding most human rights violations or any other important records and data in this regard.

The final limitation in this regard is the potential researcher's biases. With previous NGO work and expertise, the researcher had multiple exposure to Iraq and human rights work. As a human rights activist and supporter for the work and development of human rights NGOs, my thinking was shaped, and assumptions formulated about human rights development. Besides that, being an asylee from that country based on religious and political persecution and being a Kurdish from the north of the country, has influenced my style of thinking and developing assumptions about Iraq. In order to reduce the likelihood

that my ethnic identity influenced my analysis and the responses from the participants, actions were taken to limit the chance for research biases. First, Participants were chosen from different ethnic and religious backgrounds. Each participant was asked the same questions in the same order with the same question protocol. Second, all participants had been informed prior to the interviews that the study was conducted solely for academic purposes. Besides that, they had been informed that their identity was protected. The researcher explained to all the participants that the study was not done for political goals but rather as an independent researcher. Finally, extreme care was taken to avoid ethnic and religious reaction and involvement during the interview discussions. The written responses were shorter and more straight forward than the recorded interviews, but all the participant responses were treated equally.

Organization

To answer why and how NGOs impact the human rights developments in Iraq and Kurdistan, this study is structured in six chapters to delve into the NGO success theory in Iraq and Kurdistan in particular. Chapter two is divided into three integrated parts. First, the historical and political development of the Iraqi state is discussed and reviewed. The goal is to understand the major historical and political junctures of the country from Ottomans rulers to the British mandate and later to independence in 1921. The Kurdish issue in Iraq has been analyzed as well. Although it can be studied differently from a broader perspective, the Kurdish issue cannot be separated from Iraqi political events. After the disintegration of the Ottoman empire, three regions (Wilayat) of Basra in the south, Baghdad in the middle, and Mosul in the north attached to each other to form Iraq. Mosul

was predominantly Kurdish in ethnicity (called Kurdistan "Land of Kurds") and was attached to modern Iraq by the British and French colonial powers after WWI.

Second, three legal documents related to human rights development have been discussed and analyzed. First, "Iraqi Personal Status Law" (IPSL) (Number 188, 1959). This law was the first in Iraqi history to organize and protect human rights especially for women. Second, the new Kurdistan Personal Status Law (KPSL) (No. 15, 2008). These legal documents are compared to each other between the central government and the Kurdish local government. Third, independent verification for human rights development was provided. These three documents do not follow each other, rather they are integrated into the historical political events of the country. A list of major changes and comparison between the two laws are attached to the end of the chapter. Without reference to these legal documents, it's impossible to track any changes in the human rights process both in Iraq and the Kurdistan region.

Finally, this chapter also tracks and discusses the first wave of NGOs that arrived in Iraq after 1991. These were mostly relief NGOs that provided physical needs for the local communities in northern Iraq (Kurdistan) such as food, shelter, clinics, irrigations, schools, hospitals, etc. A list of all the early humanitarian NGOs along with their nationalities and major relief tasks is attached as well. Although these early NGOs and organizations were diverse in task and mission, most of them were involved due to the humanitarian needs of the people back in 1991 and later.

Chapter three outlines a review of the existing literature. This chapter is divided into two sections: In the first section, the literature of human rights has been reviewed in historical perspective. In his section, the focus is on human rights in the legal context,

international relations and the reason why states ratify human rights treaties. The rational for focusing on these specific topics is to understand the concept of human rights and the process of social and political change within the cultural and tribal dynamics of the Middle East. How do these cultures and societies react to international human rights standards and freedoms? Why do some countries ratify human rights treaties and incorporate them in their domestic laws? In the second section, the literature of NGOs and their relationship with the process of human rights development is reviewed with a focus on human rights NGOs. This section includes both humanitarian NGOs and Advocacy NGOs. This section also includes the role and importance of NGOs in the process of human rights development. The rationale for focusing on this topic of social science is to understand how and why these organizations can be effective in changing human rights standards in a post conflict society. NGOs were able to advance human rights in some cases and in some regions while they failed to do so in others. The last section includes discussions about the limitations of this literature.

Chapter four outlines the research design of this study. The foundation for this dissertation is the qualitative inquiry of ethnographic interviews from a representative ethnic and religious sample of current and former NGO leaders and human rights advocates that includes some government officials as well. The interview process includes current and former NGO leaders and government officials in Iraq and Kurdistan. These detailed interviews included 25 NGO leaders (NGOL) from almost all of Iraq's ethnic backgrounds, religious groups, and minorities. Some of these NGO elites are currently holding high governmental and legislative positions. In the subsequent transcription procedures, two sets of qualitative results were generated through the data analysis process. First, the hypothesis

coding method was conducted based on the frequency counts of prefigured codes through MAXQDA software program indicating support, partial support, or no support for the hypothesis tested in this study.

Besides using ethnographic interviews as a main source, this study also used historical analysis of secondary sources. This includes texts, sources, reports from local and central government, international and regional agencies, and other sources. The goal was to further validate emergent themes found in the qualitative phase in the last chapter. A detailed track and examination of historical development of NGOs has been conducted that started in 1991 with the establishment of No-Fly Zone area in northern part of the country (formally known as Kurdistan Region (KRG)). This historical background and discussion from 1991 to 2021 has been classified in three phases of development: (1991-2003), (2003-2014), and (2014 to 2021).

Chapter five presents the results and findings from the tests of the three hypotheses. Through the MAXQDA program, the hypothesis coding approach was applied to calculate the frequency of the prefigured codes discussed above in the responses of the 25 NGO elites and government officials interviewed. This process yielded patterns within the data to provide meaning, description, and consistency among the NGO participant responses. Thus, this process was used to test the hypotheses of the NGO success in Iraq (Kurdistan in particular).

Chapter six presents the inductive emergent themes found through the thematic, domain and taxonomic coding of ethnographic interviews of current and former NGO leaders and government officials. In this chapter, the themes of historical and psychological factors, tribal and cultural practices, international and financial factors, institutional and

legal practices are described and presented as additional explanations for the success of NGO in the region.

Finally, chapter seven presents a summary of the conceptual framework and theoretical revisions of the theory of NGO success in Iraq and Kurdistan. In the remainder of the chapter, theoretical and policy considerations are presented, as well as recommendations for future studies as part of a broader research program.

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CHAPTER TWO:

LITRETURE REVIEW AND THEORY

Tracking human rights developments in Iraq can be difficult for any kind of academic study, mainly due to Iraq's complex historical, political, and cultural past. Ethnic diversity, various religious and tribal entities, weak formal institutions, and a lack of national identity, along with other historical and political factors, are reasons it is difficult to establish theoretical and empirical explanations. Although many scholars deny Iraq has a national identity, the central government always tried to forcefully impose a national identity over its diverse ethnic groups. An act that always led to political instability and human rights violations since its establishment in 1921. This study draws upon the very limited existing scholarship to test the theory of NGO success in developing human rights through the analysis of ethnographic interviews of current and former NGO leaders.

In the first section below, the literature of human rights is reviewed. In this section, the focus is on the legal and institutional context, and why states ratify human rights treaties. The rationale for focusing on these specific topics is to understand the concept of human rights and the process of social and political change within cultural and tribal dynamics in the Middle East. In the second section, the literature of NGOs and their relationship to human rights development is reviewed. The focus is on the two types of NGOs (developmental and advocacy NGOs), and their major strategies in promoting human rights. The last section is about the limitations of the current literature. The rationale for focusing on this topic of social science is to understand how and why these agents of civil society can be effective in changing human rights standards in a post-conflict society. NGOs were able to advance human rights in some cases and in some regions, while

they failed to do so in others. In the third section, Human rights NGOs' strategies and mechanisms for protecting, promoting, and enforcing human rights norms are discussed.

The Legal and Institutional Context of Human Rights

The human rights literature has been dominated by several major approaches. These approaches can be divided into three categories: the first approach looks at human rights in the discourse of international relations and political science analyses; the second looks at human rights discourse in the aftermath of war or national atrocities, while the third considers the representation of human rights in the institutional and legal contexts. Here our focus is mostly on the legal documents of the Human Rights Declaration passed in the United Nations (Ousmane, 2021). Thus, the following sections cover only the legal context of human rights.

Human rights were initially developed in the international arena through diplomatic negotiations which led to the signing of treaties and conventions between states – most notably the UDHR and subsequent conventions derived from it. In recent times, moreover, the networks of intergovernmental and non-governmental actors engaged in trying to bring about human rights in practice have become so significant within and across states that it is now common to refer to human rights as globalizing (Brysk 2002; Coicaud et al. 2003; Mahoney, 2007).

Besides ideological, political, and cultural meanings, human rights also bear a legal significance, both in the national and the international realms (Freeman, 2017). Starting from the 19th century, laws originally regulating war and slavery expanded to cover issues such as labor standards, women's and children's rights, torture, and racism, to mention

only some of the areas covered, and the expansion has been particularly rapid since the 1940s. Human rights are legally codified in the articles of the UN's Universal Declaration of Human Rights, established in 1948. The United Nations (2020) summarizes human rights as follows: "Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination" (Kuosmanen, 2021). The adoption of a concept of universal human rights has not been an easy or straightforward process. International adoption of human rights laws has been met with concerns over cultural relativism, (neo)colonialism, unilateral imposition of Western values, and external monitoring of human rights violations – voiced not only by other nations against Europe and the United States, but at times also by Western nations themselves. By the 1990s, several countries, including China, had denounced universal human rights as a tool employed by Western countries to attack other nations (Burke, 2010).

Besides these categories, Human Rights Watch (2020), a prominent human rights organization, currently lists a wide range of topics on its website under the umbrella of human rights, including rights for LGBTQ people, refugees and migrants, business and health, free speech, and the environment (Kuosmanen, 2021). Thus, the concepts of human rights, and their understanding, have become an elaborate international practice. Since the end of World War II, this practice has developed on several fronts: in international law, in global and regional institutions, in the foreign policies of (mostly liberal democratic) states,

and in the activities of a diverse and growing array of nongovernmental organizations (NGOs) and networks (Beitz, 2009).

Although the exact nature of human rights has been debated for millennia, and is still a topic of debate today, the definition of human rights has been under a legal framework based on certain fundamental purposes and principles since the 1948 Universal Declaration of Human Rights (UDHR). This means human rights give humans/citizens special entitlements guaranteed by law, either national or international, or both (Manickam, 2017). Thus, human rights can be defined as 'equal and inalienable rights held by every human being, that can be exercised against the state and society.' This represents a coherent ethical and political response to the standard threats to human dignity posed by modern markets and modern states which dominate contemporary national and international societies. It could be said that human rights have become the most important issue that relates to the state and its sovereignty in the international or global political context (Donnelly, 2009). These rights are generally presented as being inalienable and imprescriptible; they cannot be transferred, forfeited, or waived (Dembour, 2006).

Article 1 of the UDHR sets out the philosophical foundations upon which the Declaration is based, using language similar to the French Declaration of 1789: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The Declaration therefore stresses the inherent value of human dignity, which should be recognized "without distinction of any kind." The Declaration sets limitations on the exercise of human rights, recognizing the need for social order for the full realization of the rights. Article 29 acknowledges that the individual owes certain duties to the community, "in which alone

the free and full development of his personality are possible." The limits imposed by these duties must be determined by law and can only be for the purposes of securing due recognition and respect for the rights of others, and to meet "the just requirements of morality, public order, and general welfare in a democratic society" (Calpham, 2007).

Due to its broad meanings, some scholars refuse to assign any sort of international or universal element to this concept. Instead, they argue that the concept of universal human rights has failed to become universal; they show this through an analysis of actor characteristics, structural dynamics, and the disconnect between international and local practices. Hopgood demonstrates that when human rights are tied to the economic, political, and security strategies of specific political actors (such as the United States), then the legitimacy of universal human rights is dependent on the legitimacy and power of that specific actor. When the actor falters, so too does the norm. When the actor is perceived as legitimate and has the power to unilaterally pursue policy, the norm is spread quickly. Norms that are spread through the legitimacy of actors that shape the norm to their own interests may become widespread but have shallow roots. In this way, his argument demonstrates that the success of the global human rights regime is tied to the dominance of the neoliberal order, and as a result, its survival is contingent on the maintenance of the neoliberal order (Hopgood, 2013).

In addition to a legal and institutional perspective, the study of human rights has developed on the historical stage. "The concept of human rights is a product of historical development. It is closely associated with specific social, political, and economic conditions and the specific history, culture, and values of a particular country. Different historical development stages have different human rights requirements. Countries at

different development stages or with different historical traditions and cultural backgrounds also have a different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all countries to comply with them" (Angle, 2002).

Does signing Human Rights Treaties Change State Behavior?

Since the nonbinding Universal Declaration of Human Rights, many global and regional human rights treaties have been concluded. Critics argue that these are unlikely to have made any actual difference. Others contend that international regimes can improve respect for human rights in state parties, particularly in more democratic countries or countries with a strong civil society devoted to human rights and with transnational links.

With having different views in this regard, scholars try to explain the relationship between human rights performance and ratifications of human rights regimes from a different perspective. For example, Neumayer (2005) wants to show the effectiveness of human rights treaties in relation to state behavior. State behavior, according to him, is related to the degree of respect of human rights norms by states ratifying human rights treaties. More specifically, the study is about quantitative effects of human rights on the actual behavior of the state. His argument is that states with a strong civil society and democratically accountable government show improvement in their respect for human rights after the ratification of international human rights treaties.

Neumayer shows that countries with low democratic standards do not usually comply with their international commitments to human rights. He found that the ratifications of these treaties improve human rights practices if a country has a higher

degree of democracy and strong civil society (Neumayer, 2005). According to him, rarely does treaty ratification have unconditional effects on human rights. Instead, improvement in human rights is more likely, the more democratic the country or the more international nongovernmental organizations its citizens participate in. Conversely, in very autocratic regimes with weak civil society, ratification can be expected to have no effect and is sometimes even associated with more rights violations (Neumayer, 2005).

Other scholars state that human rights institutions are always the link between international and domestic systems of human rights protection. Carver (2010) argues that some invocations in human rights treaties were the reason behind an explicit role of these national level institutions in treaty implementation. He states that these national human rights institutions invoke international law standards, and they increasingly report and monitor these bodies of laws. Thus, international human rights standards seem to have an impact at the domestic jurisdiction level (Carver, 2010).

Other scholar explains that ratifying human rights treaties due to domestic commitments will impact the state behavior. Moravcsik(1997), for example, focuses on the idea that, institutions impact state behavior by shaping state preferences. While for realists, what matters is only state overall capabilities, he explains that for liberals, state preferences really matter in world politics. He further explains that the role of domestic political representation in world politics is very crucial in this regard since international institutions, like their domestic counterparts, can enhance the capability of domestic political commitment. Many international organizations such as NAFTA, the Warsaw Pact, and ECHR, are all examples in this regard from a liberal perspective (Moravcsik, 1997)

Hathaway (2002), on the other side, states the importance of understanding how international practices are executed at the domestic level. Ratifications of human rights treaties are associated with worse human rights practices, contrary to the existing rational approach and normative models of compliance. She argues that states with worse human rights records ratify at higher rates than those with better records. For her, ratifications are always associated with worse human rights practices. She explains that treaties have two major effects: first, they create binding laws and practices for the countries that join. States can signal to important actors their commitment to human rights, but because unenforceable treaties are costless, they require no actual changes in state practices. So, secondly, once the state ratifies treaties, political pressure by other countries to promote human rights will relax and will consequently lead to more violations (Hathaway, 2002).

For other scholars, state human rights treaty ratification has other reasons and implications from a constructive perspective. According to Simmons, focus on legal commitment and compliance of states that ratify treaties can influence agendas, litigation, and mobilization in ways that should be observable in government policies post-ratification. Treaties change politics. He argues that one of the most fundamental changes in the phenomenon of human rights is that it is no longer acceptable for states to stick to sovereignty claims in defense of human rights violations. He argues that treaties now have powerful positive consequences. He states that the real motivation behind ratifying treaties is to avoid social and political pressure; therefore, states will ratify treaties that align with their beliefs and intentions (Simmons, 2009).

For other scholars, the entire system of human rights organizations and treaties is related to the horrific events of human rights violations. Skink states that the rapid growth

of human rights and its integration into the legal system greatly impacted the level of domestic sovereignty. In the EU and US, there have been lots of horrific human rights violations after the two global wars. These events pushed these countries to ratify and adopt human rights systems to help prevent further happenings of that nature (Skink, 1993).

The Important Role of Human Rights NGOs

The relationship between non-state actors and human rights improvement has produced a lot of scholarly debate. How, why, and to what extent non-state actors, like civil society, non-governmental organizations, and others affect the process of development, democratization, and social and political change, has had a huge and extended impact on academic literature. The literature on human rights NGOs suggested four specific activities and indicators: agenda setting, creating norms and promoting policy change, building networks and coalitions in the target countries and regions, and implementing solutions through tactics of persuasion and pressure to change practices and/or encourage compliance with norms (Steinberg, 2102).

The historical phenomenon of NGOs is broad and multidimensional (Mencher 1999). Therefore, scholars have long searched for understanding the phenomenon of NGOs and their roles in societal development, policy change, democratization, etc. (Hilhorst,2003). Most of the literature on this subject focuses on the role of service-oriented NGOs in the process of social, economic, and political change. The literature acknowledges the role of NGOs in two ways. First, there is a creative and positive view, in which NGOs are regarded as facilitators or agents for changing social and political norms. In this view, NGOs are a means through which governments and states achieve their various goals and

purposes. Thus, NGOs are shown as separate from governments and states in their goals and functions (Cakmak, 2004; Martins, 2002; Tujil, 1999; Kamat, 200; Lai, 2011; Mencher, 1999). Second, there is a realistic, yet negative view, about the existence and purpose of NGOs. According to this view, NGOs are not independent from the state's structures. These organizations are tools through which the government performs its developmental programs (Marcussen, 1996). My dissertation research supports the first view: that human rights NGOs have a positive, sigifian impact on human rights in Iraq

Human rights NGOs have gained a lot of attention in recent years due to a couple of factors. A first reason is that, since the mid-1980s, the international human rights movement has been moving from an era of standard-setting to an era of enforcement. Another reason is that, despite repeated conclusions in the literature that domestic NGOs (DNGOs[2]) are crucial to any successful enforcement of human rights, there is almost no research on the existence of human rights NGOs across the globe. DNGOs have access to information on the ground through extensive contacts that INGOs cannot possibly get access to on their own. DNGOs have access to political and legal strategies within national jurisdictions that INGOs do not normally have. A third reason for the importance of research into DNGOs is that the processes of globalization and state transformation appear to be improving the ability of all NGOs, but especially DNGOs, to challenge governments and other entities on adherence to human rights standards. Human rights DNGOs mobilize the law in defense of human rights in practice, and facilitate their effectiveness in doing so (Calnan, 2008).

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[2] Domestic NGOs (DNGOs) are local nonprofit organization that are limited in their function and resources to a geographical location or a country.

Other analysis gives us a broader understanding of the role of human rights NGOs. Human rights NGOs have operated on several levels, including, initially, standard-setting and fact-finding. Later, they served as a kind of 'ombudsman,' intervening on behalf of prisoners of conscience or on behalf of the oppressed. Finally, NGOs became actively involved in the creation of various types of implementing agencies or institutions. Initially, at the level of standard-setting, the establishment of international norms by which the conduct of states could be measured or judged, was the primary preoccupation of NGOs (Korey, 1998).

Some scholars focus on the organizational factor of promoting human rights by these NGOs. There is a category of organization, however, that plays an important role in the monitoring and promotion of human rights throughout the world, despite its lack of status as a governmental body. This type of organization is aptly known as a nongovernmental organization and can be national or international in nature. Because NGOs have played such a pivotal role in the creation of human rights treaties and the monitoring of human rights violations throughout the world, it is essential to understand how they operate, if we are to understand the international human rights community at all (Asher et al, 2008).

International Theory and NGOs

NGOs have not received much attention from the field of international relations because its theories still place primary importance on nation-states. Realism has been the dominant paradigm for the last half century, and it is a theoretical approach that is notoriously indifferent to non-state actors. NGOs do not qualify as objects of realist

attention. Liberalism seems to be more favorable to the study of NGOs. Liberalism allows for more attention to transnational interactions outside the state for example, those between sub-national governments, agencies within national governments, and multinational corporations. It also posits a host of cooperative international relations outside realist concern with security (Ahmed & Potter, 2006).

Scholarly thinking about NGOs has gone through several phases both in international relations and international law. At the beginning, both disciplines ignored NGOs because they thought that NGO activities were peripheral to world activity. Both disciplines were mostly state-centric. Then in the 1970s and 1980s, NGOs gained more attention as they grew in number and strength. NGOs started to focus on issues like the environment, human rights, poverty, and security. Thus, NGOs assumed a presence in world affairs. By the end of the 1980s, scholars expanded their vision to see how NGOs worked not only at the governmental level, but also at the social, cultural, and economic levels (Wapner, 2003).

Two major types of Non-Governmental Organizations (NGOs)

In international law, an NGO is regarded as a private organization, not established by a government or international agreement, which can play a role in international affairs by virtue of its activities, and whose members enjoy independent voting rights (Calnan, 2008). NGOs include "various types of organizations, which may include associations, foundations, non-profit corporations, public benefit companies, development organizations, community-based organizations, faith-based organizations, mutual benefit groups, sports clubs, advocacy groups, arts and culture organizations, charities, trade

unions and professional associations, humanitarian assistance organizations, non-profit service providers, charitable trusts, and political parties" (ICNL & WMD, 2012).

Early scholarly efforts to understand the phenomenon of NGOs were very general in nature, and they were particularly focused on services and on the support received by NGOs either independently or through help from political actors like governments and states. NGOs were depicted as mechanisms through which social and political change could happen. These early explanations of the phenomenon of NGOs were mainly due to a limited understanding of NGOs' goals, such as providing food, education, medical support, and adequate housing, especially in developing countries. The shift in the role of NGOs towards improving human rights goes back to the end of World War II. The type of NGO laws depends on the type of regime in the country where a particular NGO operates, among other factors. However, might this pattern be changing, and could such a change reflect authoritarian leaning (Gilbert & Mohsini, 2020)? In this section, the focus will be on types of NGOs (Developmental and Advocacy NGOs), and the importance and role of these NGOs in the process of human rights development.

Humanitarian/Developmental NGOs

Scholars offer many ways to theorize about the NGO phenomenon. Some see NGOs in relation to the global economic and political process that involves an overall restructuring of public goods and private interests. Such scholars argue that community-based and advocacy NGOs have been successful in representing the public interest that presents a problem for global capitalist institutions. Global policy actors tend to incorporate NGOs in ways that advance the economic agendas of their institutions (Kamat, 2003).

Another way to look at the NGO phenomenon is through a social and interorganizational approach. This approach focuses on contact between NGOs at the level of their personal and distinct policies, as well as that of their leaders and their organizational roles. Grass root NGOs that focus on specific issues are very effective and influential (Gordenker & Weiss,1995). Thus, nowadays we see a complementary role between states and NGOs in the social and economic development process (Whaites, 1998).

David Korten has tracked the evolution of NGOs over four generations. In the first generation, NGOs function as welfare-oriented organizations. In the second generation, NGOs develop an economic base and evolve into sustainable, self-help organizations. By the third generation, NGOs become advocates of social change. And by the fourth generation, NGOs develop into bona fide social movements. As NGOs evolve, they risk becoming mainstreamed and institutionalized, and may compromise on their values (Ward, 2007).

Recently, there has been a change in the role and nature of NGOs, which has also affected the term of their involvement in a particular place. Instead of being limited to a specific time and place, NGOs now work towards adapting globally accepted norms such as neutrality, humanity, and non-political values. This is clear from the work and function of organizations like the International Criminal Court (ICC) and Amnesty International. These organizations have a non-governmental nature, but in many cases practice indirect political pressure in a way that has turned into development towards solving Third World problems (Chandra, 2001).

Some NGOs are more effective in contributing to the non-political environment. Services related to education, environmental care, health, the economy, and general

awareness may not be a point of conflict with governments. Other NGOs try to be active in a more political way. The relation of NGOs to the state is either complementary, which fills gaps and provides services, directly or indirectly opposing the government, or is reformatory, which means participating with the government to achieve any policy change (Marcussen, 1996). NGOs, as agents of socio-economic and political change, function most effectively when they focus on their areas of specialization, whether that be development, public service, or advocacy (Mencher, 1999).

NGO effectiveness can be related to change of leadership as well. Some NGOs have a practice of leadership change on a regular basis, both for being effective and for meeting their policy conditions of elections and democratic practices. Yet the democratization that NGOs represent is more symbolic than substantive. Instead of impacting deep social change through raising consciousness, making demands, and opposing the government, NGOs in Mexico, for example, changed to basically providing needs for needy people (Kamat, 2003).

Operational NGOs generally provide social services like education, health, clean water, and disaster relief, while advocacy NGOs work primarily in the field of lobbying governments and international organizations, with a view to influencing public policy. The former prioritizes social, economic, and cultural rights, while the latter one prioritizes civil and political rights (Tujil, 1999). These NGOs have become agents of development, rather than just facilitators between governments and the public (Pearce, 1993). Thus, these organizations have the capacity for producing alternative strategies for human rights development (Patnaik & Sigh, 2004). While international actors have played a central role in introducing specific human rights development ideas and practices to NGOs, such as

sustainable development, gender equality, and professionalism, NGOs are nevertheless not passive recipients of these discourses and are actively involved in contesting and reshaping them. Here, some high mechanisms guide and control the work and function of NGOs in their relationship with international networks (Ebrahim, 2005). In their position between choosing a developmental strategy or co-opting an agenda policy, the developmental capacity of NGOs is conditioned on their ability to attract support, and their ability to demonstrate that they can perform effectively and be accountable for their actions (Edwards & Hulme, 1996).

According to scholars, NGOs have a highly formative and contributory role in the improvement of human rights and norm-creating processes (Clark, 1992). With the increasing role of these organizations, power relations have transformed into economic, political, and social relations (Edwards & Sen 2000). As a result, a state's decision to commit to human rights can be regarded as coming under the influence of NGOs and other domestic civic society movements. (Hathaway 2007, Neumayer 2005, Routly 2012; Martens 2002; Cakmak 2004, Tujil 1999, Kamat 2004, Lai 2011, Mencher 1999; Goel & Tripathy, 2010).

Some NGOs are more effective than others in improving human rights. Their degree of effectiveness depends on several criteria. According to some scholars, unlike states, NGOs' power and impact do not come from coercion but rather from networking and sharing information and expertise in many different areas (Peter Willetts, 2010). NGOs can be very effective when they have the capability of transforming institutional systems of power. To put it another way, their effectiveness depends on the presence of institutional

and developmental imperatives for change. This happens through their program activities, constituency building work, and organizational praxis (Edwards & Sen, 2000).

Other scholars have preconditions for the degree of NGO effectiveness, such as functioning as a lobby group and organizing national and international campaigns for policy or legislative change (Kamat 2004). They can be very influential and instrumental in shaping the moral and ethical appeal of global standards for human rights, rule of law, and democratic governance, when they are empowered with information and communication-driven dynamics (Lai 2011). Their effectiveness relies upon their ability to convince and pressure their governments to translate formal agreements into reality (Neumayer 2005). According to others, NGO capabilities for social and political change can only happen when the values pursued by NGOs are relevant to the local people's situations and belief systems (Noh, 2017).

Advocacy NGOs: Better Development of Human Rights

Part of current literature focuses on how NGOs have a highly formative and contributive role in the improvement of human rights and norm-creating processes. The proliferation of these organizations, along with other civil society organizations, has contributed very effectively to the process of creating norms and values that further foster the discourse of human rights. NGOs could be regarded as having political development agendas, more than being seen as providing public services. Addressing issues like voting, political participation, democratic transition, empowerment, and mobilizing the public could potentially come into conflict with the role of the state. These are in effect policymaking or policy-changing NGOs (Clark, 1992). Moreover, the new era proved that under the increasing role of NGOs, power relations have been transformed in areas like

economics, politics, and social relations (Edwards & Sen, 2000). Thus, because of the influence of NGOs, a state's decision to make human rights commitments can be regarded as a result of domestic civic society movements. (Hathaway, 2007, Neumayer, 2005, Routly, 2012). The composition and function of NGOs in the transnational arena can be influential in promoting common goals at both the national and international levels (Martens, 2002).

Many national and international NGOs were instrumental in creating norms and standards on global and domestic levels (Cakmak, 2004; Martins, 2002; Tujil, 1999; Kamat, 2004; Lai, 2011; Mencher, 1999). These NGOs played an important part in the development and promotion of human rights (Goel & Tripathy, 2010). Generally, human rights NGOs play three roles with respect to norms: norm generation, monitoring, and enforcement (Thakur, 1994). In terms of norm generation, NGOs were active members of the committees that drafted some of the most important international treaties on human rights issues, including the Universal Declaration of Human Rights. More recently, Physicians for Human Rights took an active role in the campaign and treaty to ban landmines. Often, the ideas for new norms stem from NGOs, even if the legalization of new norms must come from governmental bodies (Asher et al, 2008).

Monitoring and enforcement of human rights norms occur in tandem. Keck and Sikkink (1998) describe the role of international NGOs and national NGOs in monitoring and enforcement efforts in the context of transnational advocacy networks. Local NGOs first become aware of issues and attempt to resolve them with their own local government. When these efforts to reach their government are blocked, they turn to their allies, the international NGOs, for assistance. Because the international NGOs have contacts outside

of the government in question, they can both appeal to national governments in the 'free' world, as well as international governmental organizations such as the UN, to do something about the situation. Those governments and governmental organizations, in turn, exert pressure upon the government in question to mend its ways. Perhaps economic sanctions are put in place, aid is withheld, or direct intervention is threatened. The result, ideally, is a change in the government's behavior. Because of the indirect way in which local NGOs effect change in their government, there would be no modern movement toward international human rights without the efforts of nongovernmental organizations. In all aspects of human rights achievements (norm generation, treaties and legal definitions, monitoring, and enforcement) NGOs have played pivotal roles and have allowed the progress seen in human rights and justice in the world today (Asher et al, 2008).

Besides being essential for the monitoring and enforcement of human rights norms (Johannsen, 1983), some NGOs "avidly target intergovernmental politics as they lobby and help formulate, implement, and monitor the policies of states and intergovernmental organizations;" others "eschew traditional political channels" and operate more like social movements. Most of them, however, interact with both sets of actors, "coordinating dialogue with the grassroots sector and [using] lobbying tactics to target governmental and international policymakers" (Gautney, 2009).   Besides all of the above, other studies show how NGOs pool expertise, information, financial, and other resources, including geographic proximity and local political access, through the development of advocacy networks. These studies identify NGO networks as "moral regimes" that perform legitimating functions for states. While these moral and technical regimes tend to lack the resources of a typical political action committee, they do shape public opinion and can

stimulate moral outrage through large-scale media campaigns, enabled by new technologies. Hence, despite their position(s) as 'outsiders,' NGOs shape public opinion within particular states and internationalized institutions (Burgerman,1998).

Indeed, advocacy involves not only direct lobbying of legislatures, but also a process of education and tools that informs policy choices. Advocacy may be directed to change or introduce specific legislation, or to influence special or more general opinions, attitudes, and behavior. These activities fall along a continuum from passive to direct engagement, from having consultative status with international organizations to broadly defined development education and public awareness campaigns, to very focused lobbying on specific legislation at international, national, or even local levels (Lindenberg & Bryant, 2001). The real significance of NGOs is that they often create inadvertent political consequences whose impact is more important than either success or failure in reaching official goals. (De Mars, 2005). These networks are very effective in several fields, such as framing debates and getting issues on the agenda, encouraging commitments from the state, causing procedural change at the international and domestic levels, affecting policy, and influencing behavioral change in target actors. Individuals and groups may influence not only the preferences of their own state through representation, but also the preferences of individuals and groups elsewhere and even in other states. This is through a combination of persuasion, socialization, and pressure (Keck & Sikkink, 1998).

In many cases, NGOs' roles as information and foreign aid providers overlap with their advocacy efforts. A strong tendency among NGOs, especially those involved in Transnational Advocacy Networks, is their identification as watchdogs, whose goal is to make states, corporations, and international institutions more accountable to their public.

Amnesty International, for example, carries out its mission "to protect human rights worldwide" by working to "mobilize the public to put pressure on governments and others with influence to stop the abuses;" the Global Policy Forum's mission involves monitoring "policy making at the United Nations, to promote accountability for global decisions, educate and mobilize for global citizen participation, and advocate on vital issues of international peace and justice;" Human Rights Watch is "dedicated to protecting the human rights of people around the world," as it aims to "challenge governments and those who hold power to end abusive practices and respect international human rights laws" by "enlisting the public and the international community to support the cause of human rights for all," and so on. These and other NGOs attempt to shape public opinion and engage in media crusades to force changes in domestic policy, protect citizens from abuse generated or ignored by their own governments, or, on the other side of the fence, aid governments in quashing armed insurrections (Gautney, 2009).

Besides influencing local governments, one of the most important global tools for NGOs is the human rights system of the United Nations. Supporting the development of the U.N. system of human rights can be summarized in three functions: standard-setting, monitoring, and implementation. These functions of NGOs are currently expanding to include a broader range of international organizations and the transnational private sector. Perhaps most importantly, NGOs have collected the information necessary to reveal the truth about human rights conditions in the most remote or politically oppressed corners of the world. Many cases of human rights violations fall through the cracks of local, national, and international systems of governance and justice; NGOs try to compensate for these gaps by invoking international human rights standards (Tujil, 1999).

Some studies focus on the role of NGOs in developing human rights through contacting and encouraging on the personal level during UN summits and meetings. These studies show that NGOs are more effective in developing human rights when they work on a personal level. Based on such relationships, NGO officials influence diplomats, journalists, and academics, and help to shape the framework through which security issues are evaluated. Keck and Sikkink describe this process as the "Boomerang Pattern," in which local NGOs "express their concerns" via international arenas to influence policy in their domestic arenas (Keck & Sikkink, 2014).

1- Localization of International Human Rights Norms

Other studies show that, in addition to working on the personal level, NGOs are also working to diffuse transnational norms on the cultural level. This is called the localization process of human rights norms. Within these processes, nongovernmental organizations (NGOs) play a central role and are commonly perceived as "translators" of global human rights norms in local settings. These studies often stress the crucial role of human rights NGOs in this process and tend to point to more dynamic processes of translation and modification of global human rights norms in domestic communities (Orr, Z. 2012). To gain legitimacy, transnational ideas introduced into domestic communities are adapted to local institutions and meanings. The symbolic dimension of adaptation is called indigenization and refers to changes in meanings, and especially how "new ideas are framed and presented in terms of existing cultural norms, values, and practices." According to Merry, the staff of human rights organizations take on a very central role in the process of adaptation. They serve as intermediaries who translate global discourses, practices, and agendas to specific situations and contexts of adaptation of human rights norms in local

settings and reframe and redefine the appeals against injustices in terms of violations of human rights (Merry, 2006).

The role of NGOs in improving human rights through personal influence and transitioning international norms to local cultures is seen as their constructive power to build democracy and development. Relevant studies show that NGOs have a very specific list of tasks, as described by the Council of Europe. These tasks are fighting individual violations of human rights either directly or by supporting particular 'test cases' through relevant courts; offering direct assistance to those whose rights have been violated; lobbying for changes to national, regional, or international law; helping to develop the substance of those laws; and promoting knowledge of, and respect for human rights among the population (Debobo, 2018).

To achieve these goals, NGO presence needs to be facilitated by local authorities and other agencies, and NGOs need access to information about the human rights situation in a country. In other words, NGO access, and the quality of the information that is accessed, depend on the national and local authorities. As a result of limited information access, some local and international NGOs enter into service agreements with the authorities in various parts of the initial reception process. This allows them to monitor and to identify human rights violations in their areas of operation, but this situation does not allow them to share information on human rights violations in a manner that could pressure the authorities to enact changes. Since access and the provision of their service is dependent on a trust relationship with the authorities, they rarely rock the boat (Debobo, 2018).

2- Influencing Local Governments

No one can deny the significant role of NGOs in helping and supporting local governments, in such areas as the eradication of poverty, and the promotion of gender equality, peace, sustainable development, and human rights. Most NGOs no longer work alone, but rather in networks that transfer information and other resources across borders. Today, this role is increasing, and NGOs are able to exert pressure on local governments to make changes in the area of human rights. The approach governments choose to take, regarding the increasing influence of NGOs, tends to have a domestic focus, where governments expect to have a certain degree of control. While NGOs need to persuade their governments to do the 'right thing,' such as to establish independent judiciary systems, provide protection against organized crime, create budgets for social services, pass laws to properly regulate labor relations, or set environmental standards, governments must in turn determine what kind of space to allow for NGOs. As a result, many countries experience heated debates on the development or enforcement of laws and regulations governing NGOs. In the past two years, for example, new proposals for a revision of NGO laws and regulations have been introduced in Albania, Brazil, Egypt, Japan, Mongolia, Pakistan, Iraq, and Uganda (Tujil, 1999).

While some studies limit the role of human rights NGOs to the national level, others explain the role of NGOs in human rights development on the global scale. These studies state that NGOs' influence can be highlighted in these ways: firstly, in shaping policy processes at the international, national, and local levels, by offering alternative perspectives and logic for socio-developmental options; secondly, in moving the human rights concern beyond a particular geopolitical space to the global level, shaping global norms,

politicking, and law governance for human rights; thirdly, in legitimizing non-state actors (NGOs) as global monitors and adjudicators of human rights; and last but not least, in providing for cross-national policy-praxis learning (Lai, 2012). Thus, the role of NGOs is not limited to norm creation, but they also assume responsibility for implementing those norms by pressuring target actors to adopt new policies, and by monitoring their compliance with the standards concerned (Keck & Sikkink, 1998)

3- Increasing Human Rights Education

The main purpose of human rights education is to create awareness concerning the content of human rights, and to build a culture of human rights through helping citizens discover their rights. Human rights education is one of the most important strategies of the UDHR, and is clearly laid out under article 26, which is the mother document in the sphere of international protection and promotion of human rights.

Article 26(2) of the UDHR states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, races, or religious groups, and shall further the activities of the United Nations for the maintenance of peace." In doing so, human rights NGOs can be engaged in formal as well as informal education of human rights as such. Human rights NGOs use an interplay of methods to inculcate the populace with the ideas of human rights. The general objective of human rights education is to help people assert their rights, and to make a human rights culture. NGOs play a crucial role in enabling people to realize human rights within their own governments and societies. NGOs do this, not so much through a theoretical presentation of human rights, as by enabling people to speak and act together

on public matters, through which they learn for themselves both their own worth as persons, and the treatment and opportunities they, their families, and their fellows deserve so as to live decent lives. NGOs offer the means to research on, be a witness to, and advocate for human rights enforcement within a concrete social context. (Goel & Tripathi, 2010)

4-Monitoring, Investigating, and Documenting Human Rights

There are various activities of human rights NGOs which lead to the enforcement of human rights both in the national and international arenas. Monitoring, investigation, and documentation of human rights are by far the most invaluable task of human rights NGOs. HR monitoring is a process that among other things involves the assembling, presenting, and dissemination of pertinent data in a form that enables HR performance to be assessed according to agreed-upon international standards. One problem regarding human rights monitoring is the lack of well-developed rules and standards that are internationally or nationally accepted. It is true that human rights NGOs function as unofficial monitors of human rights compliance by states. This being said, the information they gather should be subject to verifiability, reliability, and objectivity. Human rights monitoring presupposes fact-finding, an activity which by many standards they are better at than intergovernmental fact-finding activities and missions. This is because the reliability of information gathered by human rights NGOs largely depends on the procedures used to obtain such information. The main purpose of NGOs' fact-finding missions is the collection of information and dissemination of findings with a view to protect, promote, and encourage the enforceability of human rights (Goel & Tripathi, 2010).

5- Standard Setting and Procedure

Human rights NGOs perform a range of functions, some of which include the preparation of reports of human rights violations in countries across the world. Such reports create awareness of human rights issues among the media and help carry out the task of lobbying and advocacy with respect to such issues. NGOs have also made unparalleled contributions in national and international standard setting and procedures. HR NGOs are frequently influential, both in the national and international forum, in the development and drafting of human rights norms, and in the implementation of public policy. Standard setting is the establishment of international norms by which the conduct of states can be measured or judged. NGOs in general, and human rights NGOs, were in existence and active even before the establishment of the so-called New International World Order in 1945; and they made a significant contribution even in the drafting process of the UN Charter (Goel & Tripathi, 2010).

6- Advocacy and Lobbying

Advocacy and lobbying are some of the activities and tools of NGOs, which are aimed at bringing about structural adjustment or changes on certain issues. Advocacy means "actively espousing or taking up the claims of persons whose rights are alleged to be violated." Almost all activities of NGOs bear an element of advocacy. Greater awareness of the legal system of a given country through human rights education, for instance, is part of the advocacy activities of human rights NGOs. In addition to this, advocacy also involves recommending or otherwise seeking to provoke, in an essentially educational mode, specific policy choices in keeping with preferred values. With the same strategy, NGO lobbying is carried out to evoke specific policy responses by targeting and

gaining access to decision makers who influence and change policies affecting victims of particular human rights violations. In general, through the instrumentality of advocacy and lobbying, human rights NGOs greatly contribute to shaping public agendas and framing the nature of the rights discourse; and they do this by identifying and articulating areas and issues of human rights that require attention (Goel & Tripathi, 2010).

Moreover, because of their great expertise and involvement in international issues, NGOs have earned a measure of authentic autonomy from states even within intergovernmental organizations. For example, human rights NGOs regularly lobby diplomats at the United Nations who, in most cases, are not experts in human rights or international law.   Although diplomats formally receive instruction from their governments, information also flows the other way. The lobbying efforts of informal NGO staff can have a significant influence on shaping government positions. Over time, NGOs are likely to possess more extensive knowledge and a more comprehensive view on their issues than any given diplomat (Clark, 1995).

Limitations of Previous Literature

In recent years, there has been lots of significant scholarly debate regarding the capacity of NGOs to foster democratization in both developing and post-conflict countries (Fagan, 2005; Mercer, 2002; Mohan, 2002). The literature on human rights NGOs suggests four specific activities and indicators which are: agenda setting; creating norms and promoting policy change; building networks and coalitions in the target countries and regions; and implementing solutions through tactics of persuasion and pressure to change practices and/or encourage compliance with norms (Steinberg, 2102). However, these studies have three main shortcomings. The first is that most of these studies lack a clear

connection between NGOs' function, type, and structure, and local cultures and domestic actors, and barely address that relationship and how it can lead to policy change.

In Iraq (Kurdistan), the impact of NGOs over state policy depends on the type of NGOs and the mechanisms of their working. The macro-analysis of the role of NGOs in improving human rights may not be very accurate for some parts of the world, without looking at specific situations and specific cases. For example, if we look at the Middle Eastern situation, most scholars think that NGOs have no role in improving human rights there. However, even though this is the conclusion of most scholars, it turns out that this is not always the case. There are cases in which NGOs are actively contributing to state policy regarding human rights. Thus, overgeneralization and macro-analyses are not accurate. There is proof that human rights NGOs are getting involved in policy making in some parts of that region. Moreover, some NGO executives are participants in the process of legislation in parliament.

The second problem with the current literature is that it has ignored the degree of trust and interaction between NGO leaders and political parties in a cultural context, thus overlooking the issue of culture. In some countries, especially where tribal identity is stronger than institutional identity, some political parties strongly support NGO agendas for social development and better political support. These tribal connections have a positive effect on NGO projects in the process of creating norms. The third problem with the current literature is that it mostly focuses on types of NGOs and their goals, without taking into consideration NGO management and administration. Most previous scholarly debates have assumed that NGOs are managed from inside the government with local staff and local leaders. This limitation in scholarly explanation encourages us to see the issue in a different

way. NGOs, as I theorize, have outside management and outside leaders that have sufficient experience to interact with the local culture and to impact the process of human rights improvement. If we look at the big picture surrounding the role of NGOs in democratization and government policy change, we find that the literature has treated this issue in a classic way according to a dominant view. This is the realist perspective, which ignores NGOs almost completely and does not give any significant role to any such organization in the process of development and democratization. Since this perspective focuses on the state as a unitary and main political actor both nationally and internationally, the role of NGOs in the discourse of human rights improvement is totally absent.

Finally, the literature does not mention in detail the new strategy of "Remote Managing" in which NGOs, whether local or international, will function outside the target country. This strategy is a new way of projecting a policy where international NGOs and local NGOs depend on each other for helping a country that is undergoing political and ethnic instability, or even ethnic violence. According to this mutual strategy of working, both INGOs and LNGOs help each other in and outside a target country. This strategy was very successful in Iraq after 2003, where most INGOs relocated to neighboring countries due to political and ethnic violence (Genot, 2010).

CHAPTER THREE:

METHODOLOGY AND RESEACH DESIGN

This chapter presents the research design implemented to answer why and how human rights NGOs are/were effective and successful in the process of human rights development in Iraq in general, and in the Kurdistan region in particular. These organizations include both local and international NGOs working in Iraq and the Kurdistan region from 1991 to 2021. Our purpose is to examine the associative relationships that led human rights organizations, especially human rights NGOs, to work strategically with both the regional government in Kurdistan (formally known as KRG) and the central government of Iraq (federal government), pushing the agenda of human rights development forward in a country that has witnessed a lot of human rights violations since its establishment in 1921. This will be done through a descriptive explanatory case study designed to test the theory of NGO success in developing human rights in Iraq and the Kurdistan region in particular.

This chapter covers three main components. The first is a set of ethnographic interviews of 25 current and former NGO elites. These are used to test the three hypotheses of international aid, adaptability to local culture, and remote managing strategy among local and international NGOs. The second is historical description and analysis. The purpose of including this section is not to delve into detailed Iraqi political history, but rather to understand the main political junctures and events that impacted overall human rights development. Finally, there is legal document analysis. The goal of incorporating this component is to analyze some legislation and laws passed by the Iraqi and Kurdish

parliaments regarding human rights development, and to compare differences between them. The focus will be particularly on laws related to the rights of women, children, and minorities.   Next, I discuss the three main components of this study (ethnographic interviews, historical descriptions, and legal documents) in turn.

Ethnographic Interviews: Data collection and analysis

I gather data and information from a wide range of civil society elites. These elites (displayed in Table 1) specifically include former and current NGO leaders, advocates. Some of the former NGO leaders now hold positions such as members of parliament, government officials, and tribal and political party leaders. This sort of data collection offers a great opportunity for getting a high level of representation and inclusiveness. The data collection period was from March to May 2021. Examples of transcripts of the interviews are available in Appendix No.1 and Appendix No. 2 of Chapter 5.

Some of these NGO leaders and elites have now become legislative members of the local and central parliament, leaders within political parties, regional governmental officials, community leaders, and even tribal chiefs in some cases. These include people of different genders, as well as people from different ethnic and religious backgrounds. The NGO leaders are mostly from specialized human rights organizations inside and outside Iraq. They specifically include NGO leaders from women's rights movements, children's rights advocates, and minority group networks that work with all ethnic and religious groups all over Iraq.

All of the officials interviewed were - at one time or another - affiliated with NGOs. Arguably this raises potential bias issues in the sample, because NGO officials - whether

former or current - may be predisposed to believe that NGOs are important actors. Future research should broaden the sample to include key actors - such as government officials - who are not affiliated with NGOs. I elected to use current and former officials because they are the best-positioned to know about some of the main theoretical arguments: NGO receipt and dependence on aid; their adaptability to local conditions; and remote strategies. By including both current and former officials, I argue that those no longer affiliated with NGOs are better able to evaluate NGO influence at arms-length, while still possessing expert knowledge required to measure the main variables in my theory.

For this project, ethnographic interviews of 25 NGO current and former elites will be the primary method of data collection. These are used to test the three hypotheses of international aid, adaptability to local culture, and remote managing strategy among local and international NGOs. Some of the prominent NGO elites (from Iraq and the Kurdistan region) currently hold high government and legislative positions, including legal advisors to both the Iraq and Kurdistan President, members of the central and regional parliament, legal advisors at the Department of Justice, regional positions with United Nations agencies, and other important legal and governmental positions. Although they have previous NGO experiences and expertise, inclusion of government officials might raise concerns about the selections bias as they might have different views about the role and impact of NGOs in the process of human rights development.

In most cases, in-depth interviews did not require any sort of formal government permission; rather, tribal, family, or personal relation's permission was needed. Getting permission for any sort of interviews or survey questions is mostly a personal matter and/or a matter of tribal relations in Iraqi and Kurdish society. Through tribal and sometimes

family relations, or 'snowball' techniques, we found access to most participants in the region.

In most cases, the consent form was not required by the individuals themselves. With that said, some participants refrained from interviews due to bureaucratic and institutional concerns. Some NGO leaders from some ethnic groups refused participation, due to fear of being persecuted or because of legal restrictions. With the bad experience under the former authoritarian regimes in Iraq, most people, not only NGOs, are still afraid of signing papers. This is due to long-lasting authoritarian regimes which oppressed civilians, particularly in the area of freedom of expression. The lack of mutual trust between political authorities (governments) and their citizens has a long history in this country. Data collected in this process basically come from the views and insights of these participants. In most cases, with some cultural considerations, participants did not require any sort of financial reimbursement.

These ethnographic questionnaires are meant to result in insights and feedback, and to encourage discussion with 25 human rights NGO leaders, many of whom are key stakeholders in the region. This group of current and former NGO leaders includes government officials, members of parliament, tribal chiefs, and other community activists and civic advocates. Understanding the viewpoints of these groups who were/ are part of this process will be very important for tracking and discovering trends of progress in human rights in the post-conflict country of Iraq. It will also reveal the ways and mechanisms by which domestic politics and the international community interact in a Middle Eastern society. The researcher's focus is solely on specialized human rights NGOs in Iraq and the Kurdistan region. Therefore, these interviews specifically include five NGO leaders

specialized in women's rights, five NGO leaders specialized in children's rights, and five NGO leaders specialized in minority rights. Table (1) below shows the NGO elites and their current position.

Table 1: Current Occupation and gender of interviewees

	NGO Elite Code	Current Occupation	Gender	
1	NGOE 1	Government	Male	
2	NGOE 2	Government	Male	
3	NGOE 3	Parliament	Female	
4	NGOE 4	Government	Male	
5	NGOE 5	Government	Male	
6	NGOE 6	Political Party	Female	
7	NGOE 7	UN/UNAMI	Male	
8	NGOE 8	NGO	Male	
9	NGOE 9	NGO	Female	
10	NGOE 10	NGO	Male	
11	NGOE 11	NGO	Male	
12	NGOE 12	NGO	Male	
13	NGOE 13	Journalist	Male	
14	NGOE 14	HR activist	Female	
15	NGOE 15	NGO	Female	
16	NGOE 16	NGO	Male	
17	NGOE 17	NGO	Male	

18	NGOE 18	NGO	Female	
19	NGOE 19	NGO	Male	
20	NGOE 20	NGO	Female	
21	NGOE 21	NGO	Male	
22	NGOE 22	NGO	Male	
23	NGOE 23	NGO	Female	
24	NGOE 24	NGO	Male	
25	NGOE 25	NGO	Male	

Hypothesis Testing

For testing the study's three hypotheses of international aid and support, adaptability to local conditions and factors, and remote managing strategy and partnership, the ethnographic interviews include the questions found in Table 1 below. Since my family and I are asylees from Iraq, the USCIS and immigration lawyer highly recommended that I do not go back to Iraq, except for family emergencies. Because of such legal restrictions and security concerns, the interviews were conducted through phone calls and online tools such as Skype, Messenger, and Viber. All responses were recorded directly at the interviews, after explaining the goals of the study to the participants. Table (2) below shows the main interview questions.

Table 2: Interview Questions

Q1:	What are some changes in human rights in Iraq and Kurdistan since 1991, and in what areas?
Q2	What do you think accounts for these human rights changes in Iraq and Kurdistan?
Q3	What role did NGOs play in this human rights development?
Q4	What do you think of the role of international funding (aid) in human rights progress?
Q5	To what extent did local conditions and people such as tribal and religious leaders) contribute to this progress?
Q6	What was the role of partnering international NGOs in neighboring countries in this progress?
Q7	What is something you were unable to achieve?

Data Collection Process

Only 11 out of 25 participants' interviews were done online through phone calls, Viber, Messenger, and Zoom appointments. Due to security concerns and various bureaucratic and organizational policies and restrictions, the rest of the participants (14 of the participants) preferred to answer the interview questions in writing and send them back to the researcher. They answered the research questions either in Arabic or Kurdish. The recorded interviews were generally much longer than answers in writing. All participants preferred not to disclose their names. All of the participants were talking and/or writing either in Kurdish or Arabic. These interviewees were from various Iraqi ethnic and minority backgrounds and represented most Iraqi religious groups.

The online interview procedures were very challenging due several factors. First, there was much confusion with appointment scheduling; there are 8 time zone differences with Iraq, which caused delays and confusion on both sides. Second, there were the participants' language preferences; most of them preferred to be interviewed in Kurdish or Arabic, with only one out of 25 participants ready to be interviewed in English. Third, the procedures did not follow the same protocol for every participant. One group, who agreed for the interview to be recorded, was given a brief introduction about the researcher and the researcher's goals, listened to a reading of the voluntary consent, informing them about the goals of the study, and were asked whether they had any questions or concerns. However, as mentioned earlier, due to security or other concerns, the remaining 14 participants agreed only to answer the questions in writing. They told the researcher they did not like their voices to be recorded. Some of their concerns were related to their institutional and organizational policy restrictions, or to fear from future persecution.

The duration of the online interview was not the same for all of the participants. It ranged from 1 hour to 2 hours. The written interviews were generally short, and straightforward answers were given to the questions. All of the participants who wrote their answers to the interview questions were provided with some written instruction, and their questions and concerns were answered prior to the interview, mostly through phone calls or other online tools. After contacting the first 10 NGO leaders, the rest of the participants were found and contacted through the snowball sampling technique, and through family and personal contacts and relationships.

Sample Demographic Information

As noted, data were collected from NGO leaders from different ethnicities and minorities in Iraq and Kurdistan. These ethnic and religious groups and minorities include Kurds, Arabs, Muslims (Shias and Sunnis), Christians (Assyrians, Chaldeans), Yazidis, Kakaie, Zoroastrian, and Feylis. Due to security and other concerns, five NGO leaders from some other Iraqi ethnic and religious backgrounds refused to participate in the interview process. These groups include Baha'i followers, Mandaeans, Armenians, Shabaks, and Jews. The majority of these ethnic and religious groups are living in the Kurdistan region, as they are legally recognized by the local government.

Participants in this study are all current or former NGO elites both in Iraq and outside Iraq. Some of them have decades of civil society experience in Iraq and Kurdistan. Some of them currently hold high governmental positions, while others hold high political positions in local political parties. The highest positions among them are: Human Rights Advisor to the current Iraqi President, Department of Justice legal advisor, and UNAMI Human Rights Coordinator for the United Nations. The rest are working within different local and international nonprofit organizations in Iraq and Kurdistan. Some of these NGO leaders are still living outside Iraq and hold dual citizenship in a European or North American country. The majority of the participants interviewed served with more than one local and/or international NGO between 1991 and 2021. Some of them used to work with an international NGO before they established their own local NGOs. A complete list of the current and former NGO leaders who participated in this study is given in Table (3) below.

Table (3) List of Participants Interviewed

Participant Code	Position in the Government/ NGO	Current Occupation	Ethnicity	Religion	Gender	Province
NGOL1	HR advisor of Iraqi President	Government	Kurd	Muslim	Male	Erbil
NGOL2	Legal advisor/ Justice Dept.	Government	Kurd	Muslim	Male	Erbil
NGO L3	Parliament Member	Government	Kurd	Muslim	Female	Sulaymaniya
NGOL4	Ministry of Interior	Government	Kurd	Christian	Male	Duhok
NGOL5	Head department	Government	Kurd	Muslim	Male	Mosul
NGOL6	Political Leader	Political Party	Kurd	Muslim	Female	Erbil
NGOL7	UN/ UNAMI	NGO	Kurd	Turkman	Male	Erbil
NGOL8	LNGO Leader	NGO	Arab	Muslim	Male	Baghdad
NGOL9	LNGO Leader	NGO	Arab	Muslim	Female	Baghdad
NGOL10	LNGO Leader	NGO	Arab	Muslim	Male	Basra
NGOL11	INGO Leader	NGO	Yazidi	Yazidi	Male	Mosul
NGOL12	INGO Leader	NGO	Yazidi	Yazidi	Male	Duhok

NGOL13	HR Journalist	Journalist	Assyrian	Christian	Male	Erbil
NGOL14	HR activist	NGO	Kaldanian	Christiaan	Female	Erbil
NGOL15	LNGO Leader	NGO	Kurdish	Kakai	Female	Halabja
NGOL16	LNGO Leader	NGO	Arab	Muslim	Male	Najaf
NGOL17	INGO Leader	NGO	Kurd	Atheist	Male	Sulaymaniya
NGOL18	LNGO/INGO	NGO	Kurd	Muslim	Female	Duhok
NGOL19	LNGO Leader	NGO	Arab	Muslim	Male	Baghdad
NGO L20	LNGO Leader	NGO	Kurd	Christian	Female	Erbil
NGOL21	LNGO Leader	NGO	Arab	Muslim	Male	Anbar
NGOL22	LNGO Leader	NGO	Kurd	Zoroastrian	Male	Suleimani
NGOL23	LNGO Leader	NGO	Arab	Muslim	Female	Babel
NGOL24	LNGO Leader	NGO	Kurd	Muslim	Male	Duhok
NGO L25	INGOLNGO	NGO	Kurd	Muslim	Male	Erbil

Nex, (Figure 4) is a map of Iraq showing the distribution of Main ethnic and religious group distribution. The source of the Map was from the United Nations documents (UN documents archive). Figure (5) shows the autonomous area of Kurdistan government and the contested zone between Iraq and Kurdistan.
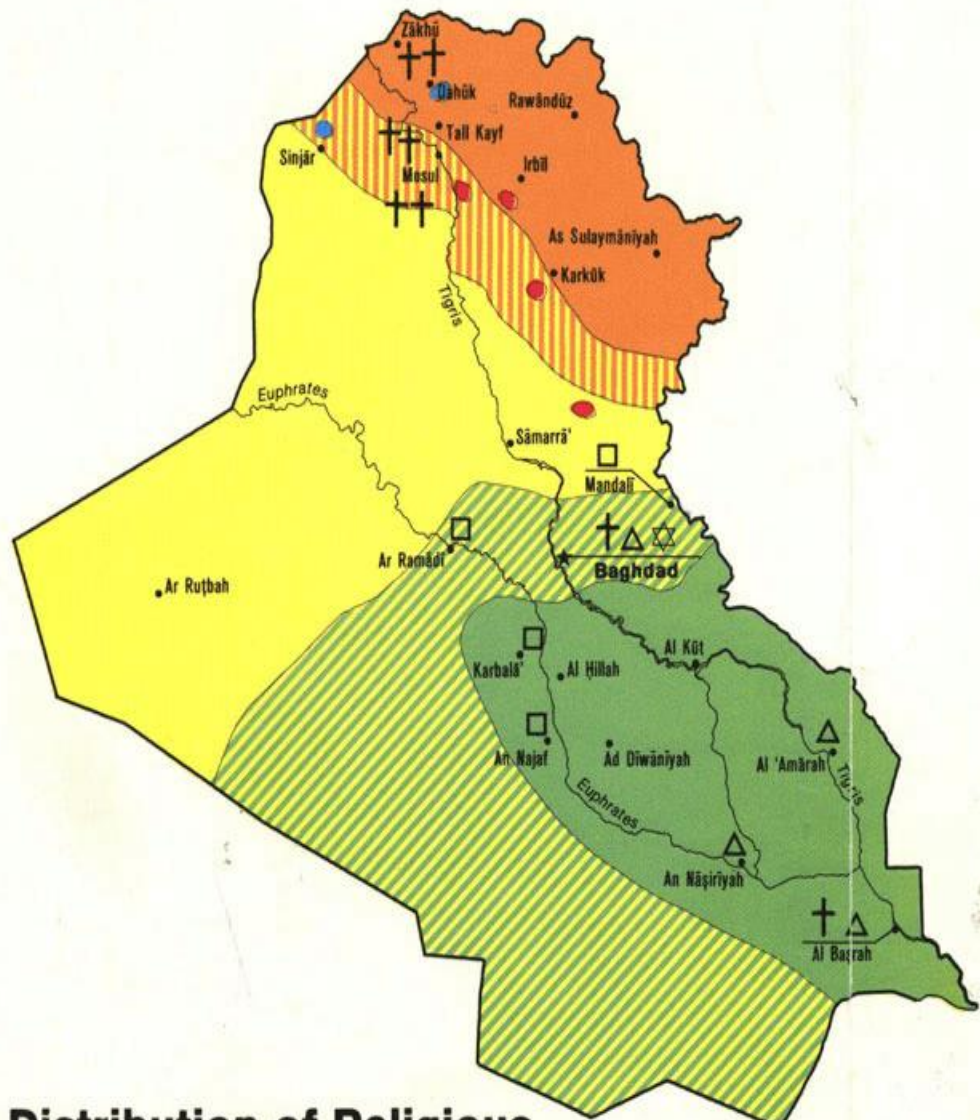
Distribution of Religious and Ethnic Groups

MAJORITY GROUPS

- Sunni Arab
- Sunni Kurd
- Shia Arab
- Sunni Arab and Sunni Kurd
- Sunni Arab and Shia Arab

MINORITY GROUPS

- Yezidi
- Turkoman
- Iranian
- Christian
- Mandaean
- Jewish

Christians represent different sects and ethnic groups.

Yezidis, Mandaeans, and Jews, although shown as religious groups, may also be considered as separate ethnic entities.
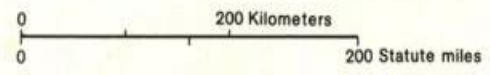
0   200 Kilometers
0   200 Statute miles

Figure (5)

The Map of Iraqi Kurdistan (Source: Iraqi Kurdistan Government KRG.gov)
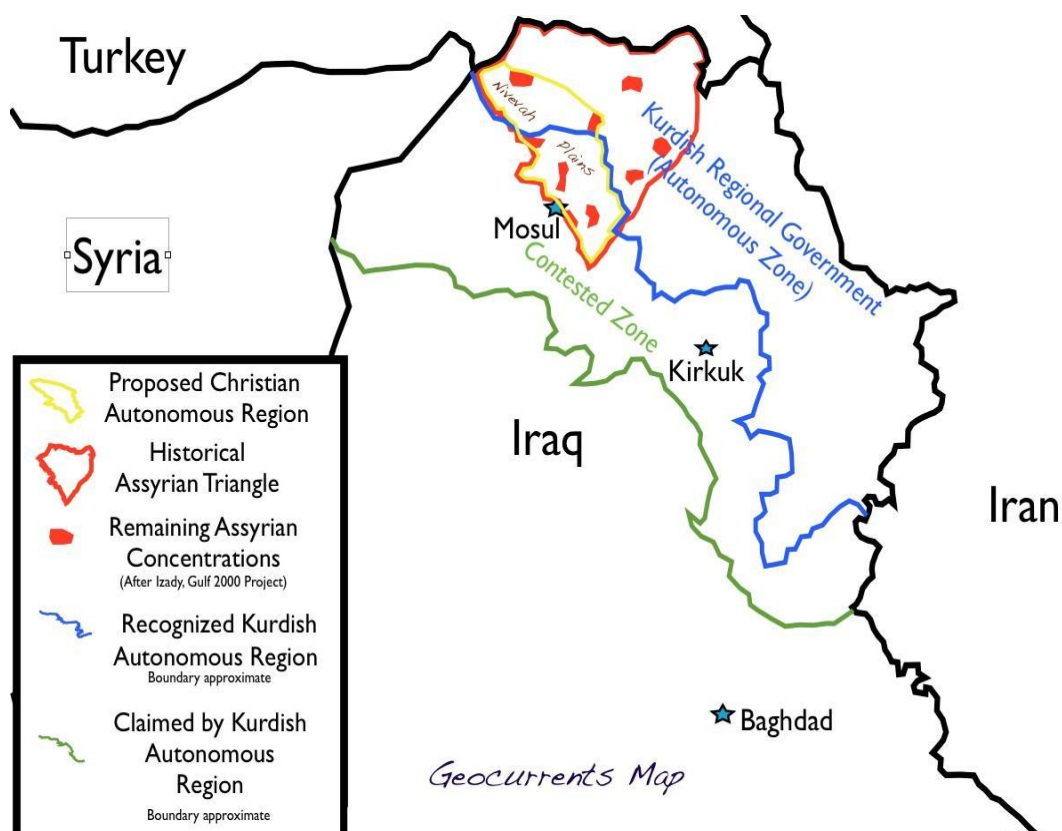
Ethical Considerations:

After I received approval from the International Review Board (IRB) at the University of Nebraska-Lincoln, in March 2021, I explained to the participants that their identities would not be disclosed. The goal was to protect the anonymity of current and former NGO leaders, and government officials. These measures were taken to ensure the validity and reliability of the information provided by the participants. In post-conflict countries such as Iraq, the concern is not just on the personal level; it is also on the level

of family and sometimes even the tribe, as concerns might arise within extended family relationships. This was mostly true within minorities, and ethnic or religious groups who suffered a lot of political and religious persecution in the south and in central Iraq, rather than the Kurdistan region. Since Kurdistan is relatively more secure and has legal protection for freedom of speech and expression, most of these concerns and fears were observed in NGO leaders from central and southern parts of the country.

Besides the previously mentioned challenges, I struggled with other difficulties during and after the process of the interview. First, maintaining objectivity during the collecting and analyzing of data in the face of ethnic and political problems between Kurds and Arabs. I did my best that this will not impact the quality of the data since Kurdish region has always been referred as more democratic than the rest of Iraq. Being native to the north, I tried to keep myself in an objective position while asking the questions and handling the interviews. I tried to avoid sensitive issues between these two ethnic groups. For example, Arabs never use the term Kurdistan. Instead, they use Northern Iraq, and this tends to provoke Kurdish people.

Second, there is language challenge. Iraqi society is regarded as a tribal society. People follow their own language codes and terms and concepts in their daily life. Some NGO leaders were using a lot of abstract terms and concepts that existed only within "High Culture[3]" societies, where one word or concept could have different meanings and connotations. They assumed that I could easily understand them, since I was native to the region; but their language was not as straightforward as they thought it was. In many cases,

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[3] High culture societies are a term used to describe cultures where writing is not fully integrated in their daily life. It has a lot of illiteracy rates; most people follow their tribal identities rules and customs rather than government institutions. Most Middle eastern countries, African and Asian countries are still regarded as high culture societies.

the NGO leaders left the meaning of something for the researcher to understand. They used a lot of "around the bush" terms. The expression, "You know what we mean by this," was used a lot in the interview process. This has something to do with historical and psychological factors that have affected Iraqi and Middle Eastern societies. Historically, freedom of speech and expression has been absent from these societies, and people have always been afraid of being punished over what they say or express. I tried to mitigate this problem by asking questions in more than one way, or by asking for more information or explanation. As stated by David Glenn, most social science is not permissible without ethnographic inquiry of some kind (Glenn, 2009). To mitigate this challenge, I have followed some strategies such as speaking with the same language of the interviewee, not telling the interview about my religion, political beliefs, or the region, and explaining the academic standards of the study. By doing this, I tried to get as much information as possible about human rights developments and changes from the interviewees.

A third challenge was the transcribing process. I used "Word Dictating[4]" to help me in the process of transcribing, but this eventually resulted in other difficulties. The software was not able to transcribe the exact words or expressions that I was saying during the translating phase. Since English is not my first language, I had to do a lot of editing and reviewing of the original translations and transcripts. So, having so many grammar mistakes was an exhaustive process.   Yet another challenge is in relation to the subjectivity/objectivity issue. I am from the Kurdish region of Iraq. The Kurdistan region has much more developed laws in regard to human rights, including laws for protecting

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[4] Word Dictating a general command in the menu bar of the Word Program. This command lets you use speech-to-text to author content in Office with a microphone and reliable internet connection. The program needs exact pronunciation to transcribe it correctly.

minorities, religious groups, and women and children, than the rest of Iraq. Anyone who reads this study and refers to the results can easily accuse the researcher of being biased to the Kurdish region. Being objective is the only way to mitigate this problem. Therefore, I thought it good to include a diverse range of NGO leaders from various ethnic, religious, and minority backgrounds from across the whole country.

Finally, due to the nature of Iraqi society, there were a couple of times during the Interview process when I was personally asked about my religious and/or political affiliation by some of the participants. This is a normal thing in a country that has lots of ethnic tensions and political instabilities, with a history of sectarian violence. This challenge was mitigated by explaining the objective goals of the study to the participants.

Despite all the above, there were also positive things that happened. One good thing that most participants did was referring me to additional NGO leaders. They were also very helpful in finding and sending me additional useful information and resources concerning human rights cases, laws, and developments. Thus, I found that working through personal relations was much more useful and practical in regard to gaining information, compared to working through institutions. In most cases, government institutions and officials would not provide you with official data regarding any case in Iraq.

Data Analysis

This process included translating from the Kurdish and Arabic languages, editing the interview transcripts, preliminary reading through the database, several coding phases and organizing themes, representing the data, and forming interpretations of them. (Creswell, 2013) After finishing the transcription of the interviews, coding cycles were

completed as following: in the first cycle of coding, the entire body of interview reduced to create initial codes. The information that was relevant to human rights development was coded whether to support, partial support or no support. Many of these initial codes were overlapping and have shared patterns. Therefore, in the second and third cycle of coding, they were further reduced to categories themes. In this cycle two types of information were coded: information about human rights development through NGOs and Emergent themes. Emergent themes were any new information that was relevant to the process of human rights development. During this coding process, I was also taking detailed notes and analytical memos during and after each interview. After this, inductive coding and later themes were developed.

For data analysis, we followed two separate processes: theory driven coding, and data driven coding. Unlike data driven coding where emergent themes are identified, in the theory driven coding, prefigured codes were applied to the entire body of the transcribed data. Analyzing the data required using the theory driven coding approach, in order to test the three hypotheses:

Hypothesis 1. The higher the level of support and aid from international agencies and NGOs, the more effective and successful NGOs would be in developing human rights standards.

Hypothesis 2. The higher level of NGOs adaptability and flexibility to the local factors (cultural, religious, and social environment), the better the level of trust and the more positive the relations with both the formal and informal institutions (community and the government).

Hypothesis 3. The higher the level of cooperation and coordination of NGOs (partnership policy), the higher level of their successful role in developing human rights standards and overcoming security challenges.

In the first cycle of coding, initial codes were developed for each hypothesis. These codes were applied to determine whether participant responses supported, partially supported, or did not support the direction of the hypothesis. After that, the hypothesis coding method was used to calculate frequency counts to determine if the hypothesis was supported, partially supported, or not supported. This process yielded patterns within the data, which provided meaning, description, and consistency among participant responses.

The data analysis process used to identify emerging themes[5] was the data driven coding approach. Emergent coding approach is a qualitative data analysis mode used to identify some findings around a broad set of themes (Saldana, 2021). In this process, in the first and second cycles of the coding approach, emerging codes were extracted from the data. These emerging codes were from the various responses of the participants, apart from the prefigured codes. First, all relevant emergent codes were identified that could explain why NGOs were successful in certain cases but not in other cases, as well as show the challenges NGOs faced, and the shifts in their strategies. After finishing that process, I classified codes into domains of strict inclusion, based on sharing certain identifying attributes. Finally, the domains constructed were categorized under inductive themes.

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[5] Emergent Themes are areas of interest that the researcher come across them during the data analysis and coding processes. They are come either from a preset of codes or through a common and repeated occurrences throughout the study. These emergent codes usually provide new topics for analyzing in relation to preset codes (Simmons, 2022).

Due to the rich input by participants, new themes developed early in the data collection process, and even after that, during the data transcription and second and third phases of the coding process. Since Iraqi society is a high culture[6], I have also used domain and taxonomic coding methods. The purpose of using this type of coding is to understand and explain the cultural knowledge people use in their daily life and in interpreting their daily experiences. Domain and taxonomic coding are especially effective in identifying semantic relationships (Saldana, 2021).

Comparative Historical Analysis

Data Collection

Besides using the ethnographic interviews, this study also uses historical analysis as a secondary source. This includes articles and reports from local and central government, international and regional agencies, and other sources. The use of historical analysis has three goals. The is to understand the main political junctures in the history of Iraq that impacted human rights development. Many legal and social changes have resulted from political changes in Iraq since its establishment in 1921. Second, the country's inter-ethnic relations and conflicts cannot be understood without explaining its past. This is especially true of the among Kurds in the north, the Sunnis in the middle, and Shiites in the south. These political and ideological differences between these three religious and ethnic groups have had a huge impact on the legal aspect of human rights development in the country.

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[6] High culture is a society where many norms and rules, related to knowledge and behavior, are in daily use, but are not written down. It is especially prevalent in tribal cultures, where individual behavior is determined by many daily norms and rules.

Finally, historic analysis will be helpful for tracking the arrival and development of NGOs in the country. More specifically, it will help test the hypothesis which states that international aid and support was a crucial factor for the success of human rights development. A detailed tracking and examination of the arrival and development of NGOs has been conducted, beginning with the establishment in 1991 of the No-Fly Zone area in the northern part of the country (formally known as Kurdistan Region (KRG). This period of history, from 1991 to 2021, has been classified into three phases: 1991-2003; 2003-2014; and finally, 2014 to 2021. This historical background regarding the human rights movement and NGO development in Iraq can be dated back to 1946, with the establishment of some forms of NGOs by Kurdish political parties, but under different names, structures, functions, and goals, and not exactly like modern NGOs.

Historical Analysis

To understand the real causes behind the development and growth of international NGOs in Iraq and Kurdistan, we think it is important to check the historical development of these organizations from 1991 to 2020. This is especially important for understanding their positive role in the economic, social, political, and legal developments of the past 30 years. The goal of this historical analysis of NGO development in Iraq and Kurdistan is not just tracing the chronological history of NGO involvement in a post-conflict country, but rather to provide a rich description of how and why international and local NGOs developed from service NGOs to more specialized advocacy organizations.

By focusing on historical analysis, this study can identify "observed outcomes, often in particular times and places, and to develop explanations that identify the causal mechanisms that enable and generate these outcomes" (Thelen & Mahoney, 2015). What

were the reasons behind shifting their strategy of work from service NGOs into more specialized NGOs in the area? How and why did NGOs gain social trust among local communities and use religious institutions and tribal centers for their mission? Even though there are concerns regarding the use of the historical analysis approach in social science, such as bias and selectivity (Cameron Thies, 2002), this approach is especially useful for developing explanations that identify the causal mechanisms that enable and generate observed outcomes (Thelen & Mahoney, 2015).

This analysis phase of the study relied on many resources such as texts, articles, previous surveys, reports from foreign countries and international and regional organizations and agencies, and data and reports from local and international NGOs. Also included were available official data from the Iraqi government, and local data from KRG. The NGO general directorate in the KRG government was especially useful for this purpose. Many other documents were obtained from other government offices, departments, and agencies, such as court cases, government reports, independent international and regional agencies, and some studies and journal articles. Moreover, some other more formal websites and archival resources were particularly useful, such as the United Nations and human rights annual reports by the US State Department.

Although this chapter traces the initial development and forming of NGO-like organizations back in 1945, it especially focuses on the arrival and growing waves of NGOs in 1991, when the Western Allies established a No-fly Zone for the Kurds in the north, to protect civilians from the military oppression of the Iraqi government under the rule of the previous dictator Saddam Hussein. After establishing these historical periods, the concepts of international aid, adaptability to local and tribal culture, and the remote managing

strategy were applied to these periods. Finally, the ensuing emergent themes of historical and psychological factors, tribal and cultural practices, international and financial factors, and finally institutional and legal practices, were applied to these historical periods.

Legal Documents: Laws and Legislations

Data Collection

Besides ethnographic interviews and historical analysis, this study also utilizes legal document analysis. This includes analyzing some important legal documents passed by both the Iraqi parliament and the Kurdish parliament. These documents are related to human rights development, such as women's and minority rights. These laws and legislations are either directly related to improving basic human rights and fundamental freedoms for different groups in the country, or indirectly impacting these rights and freedoms with other laws and legislations. The study specifically pays attention to the recent laws enacted for women's rights, children's rights, and minority rights. These measurements also include any other related laws, judicial decisions, and governmental decrees that defend and advocate for the rights and freedoms of these three mentioned groups.

The sources of these legal documents are the official websites of the Iraqi parliament and the Kurdish parliament. These laws and legislations either directly address women's and children's rights issues, or indirectly refer to these topics. The three main legal documents covered in this section that are related to some change and development in human rights in Iraq are mentioned next. First is the "Iraqi Personal Status Law" (Law No. 188, 1959-IPSL). This law was the first law to organize and protect some individual

and family human rights for women in Iraqi history. The second is the Kurdish Personal Status Law (KPSL) (Law No. 15, 2008). This law is an update or a replacement for the first one. The third is the Law of Protection of Minorities called Law No. 5, 2015 "Law of Protecting Rights of Minorities in Kurdistan." Iraq does not have any laws related to minority protection.

The goals of legal document analysis are first, to discuss and analyze the gradual development of the human rights process both in Iraq and Kurdistan. This development was not the same in the two places. Kurdistan has adopted much more progressive laws and legislations, especially in regard to polygamy and women's social and political rights. Further, the Iraqi parliament is still unable to enact a law to protect persecuted minorities who have been under religious and political persecution for a long period of time, whereas in the Kurdistan region this has already been achieved. A second goal is to compare these legal documents to verify which side is moving towards meeting international human rights standards for these groups (women, children, and minorities). A final goal is to test the third hypothesis which states that human rights NGOs were able to impact government policy using the strategy of partnership. No other research to date has collected or analyzed the legal documents and legislative acts between the Iraqi government and the local government of Kurdistan in regard to the human rights process.

The articles and provisions from the above-mentioned documents related to women, children and minorities reveal the key legislative and legal junctures in the process of human rights development in Iraq and Kurdistan. First, both IPSL and KPSL are discussed and analyzed to identify the political and social rights and protections for each of the three groups. The fist comparison is straightforward since both sides (Iraq and

Kurdistan) have their own Personal Status Law. The second comparison is limited to Kurdistan only since Iraq has not passed any laws related to protection of minorities and children. Although Kurdistan has passed a specific law for children, it has included it within a law that bans family violence, where the children are also mentioned. Iraq has neither a law for children nor a law for protecting minorities.

The analysis for these legal documents is also limited, due to the document itself. Both the Family Violence law and the Minority Protection law are short and do not contain detailed articles. This makes analysis even harder, due to the ambiguity of the articles of these laws. For the purpose of this study, the development of human rights in Iraq and Kurdistan is measured by the number of relevant legislations and laws enacted by both the central and the regional parliaments. Although this process dates back to 1991 in the Kurdistan region, the focus of the study will be mostly on changes after 2003, with the removal of Saddam's regime by international allies.

Conclusion

For testing the theory of NGO success in developing human rights in Iraq and the Kurdistan region, this descriptive explanatory case study utilizes three main methods. The first is the ethnographic interviews of 25 current and former NGO elites. These are used to test the three hypotheses of international aid, adaptability to local culture, and remote managing strategy among local and international NGOs. The second is historical description. The goal of including this section is not to delve into detailed Iraqi political and legal history, but rather to understand the main major junctures and events that impacted overall human rights development.

The last one is legal document analysis. The goal of incorporating this component is to analyze some legislations and laws passed by both the Iraqi and Kurdish regional parliament regarding human rights developments. This will be through comparing the differences between them. The focus will be particularly on laws related to the rights of women, children, and minorities. Relying on one method will not be enough for understanding the historical legal, cultural, and political complexities of a post conflict society that has overlapping tribal, religious and government institutions.

In the following chapters, the findings from each phase of the research plan will be discussed in detail. In the next chapter, chapter four, comparative- historical analysis of Iraq and the document analysis results are resented chronologically. In chapter five, the results from the qualitative testing of the three-hypothesis mentioned earlier are presented. Chapter six explore the emergent themes obtained from the ethnographic interviews of the former and current NGO elites. In the last chapter, chapter seven, the theoretical and policy implications, study limitations and the contributions of this study to the existing academic literature of the of NGO success in in post conflict countries are discussed.

CHAPTER FOUR:

IRAQ: A TURBULENT HISTORY OF HUMAN RIGHTS

This chapter includes three parts: First, Pre-Saddam Iraq. This part includes a short overview of some political events that resulted in initial changes regarding human rights. This happened after a successful military coup in 1958 that ended monarchy and the establishment of the republic of Iraq. In this section, the focus would be on the first legal document (Law No. 188 of 1959) that organizes some basic standards for human rights development. In the second section, the Kurdish case and the 1991 rebellion is discussed shortly. The main focus would be on the growth and rise of NGOs in Kurdistan and the role of international community in this regard. The NGOs arrival in 1991 was a crucial factor for later human rights developments. Besides that, role of The United Nations organizations is discussed, and a list of first NGOs is provided as well. This is from 1991 to 2003. In the Third section (post-Saddam Iraq), legal changes in regard to human rights developments are considered. The focus would be on three legal documents related to human rights developments are discussed and compared. Historical events are extremely important in the political, social, and cultural development of the people of Iraq. Analyzing historical developments, legal documents, and later, the growth of NGOs, will provide us with deep insights into the developing and changing of state policy towards human rights. This section ends with a list that compares Kurdish laws and Iraq laws in regard to women and polygamy

Much of the current Western analysis of Iraq completely ignores Iraqi history prior to the Baath Party, including the first Baathist regime, which seized power in February

1963, and the second, which seized power in July 1968. Both regimes imprisoned, tortured, executed, or expelled intellectuals and political activists who had been working to build a civil society and to promote democratic politics. Iraq occupies a special place in the conceptual framework of Middle Eastern and Arab politics. Because its population is divided among three main ethnic groups—the Sunni Arabs (about 20 percent of the population), Shiite Arabs (about 60 percent) and Kurds (between 15 and 20 percent), some Western analysts argue that Iraq is an artificial nation-state. Because of the presumed implacable hostility between Sunnis, Shiites, and Kurds, the strong hand of an authoritarian ruler is said to be the only force that can keep Iraq united and politically viable (Davis, 2005).

Human Rights in Pre-Saddam Iraq

Iraq was under a monarchy system from 1921 until the end of 1958. After that, during (1958-1968) Abdul-Kareen Qassim, a communist leader, successfully ended the monarchy and announced the first republic of Iraq. During its first week, there was a huge demonstration in support of the revolution. This happened even when they (the demonstrators) still had no clue who these revolutionaries were and what they stood for. Then there was a political struggle between Qassim and his second-in-command, the Arab nationalist Arif, who favored immediate unity with Egypt. Qassim was trying to balance the power of the Communists with that of the Arab nationalists.

Although the government held power simply by using the army and allowed no public elections, the country witnessed its first phase of human rights development. Despite being limited and problematic, these human rights developments were very important for the people of Iraq. There were many structural achievements of the revolution in housing

the poor, recognizing the Kurds' identity, negotiating for better oil deals, and putting in place progressive family law and land reform. The revolution was confounded by many coup attempts, ending with the bloody Baathist takeover of power in February 1963. After the 1963 coup, there was a struggle within the Baa'th Party between the military wing and the civilian wing, which culminated in the removal of the Baa'th from power by President Arif, who introduced economic policies modeled on the Egyptian nationalization policy. The most important legal document related to some structural changes and developments in human rights in Iraq was the "Iraqi Personal Status Law" (IPSL) (Number 188, 1959). This law was the first legal document to organize and protect some human rights, especially for women, in Iraqi history (John, 1991).

Next, I review and analyze some of the key articles and provisions contained in the law.

Document #1: Iraqi Personal Status Law (IPSL) (Number 188, 1959)[7]

This is the main law that regulates matters related to family relations and practices. The source of this law is the rules and principles from both Hanafi and Jafari Jurisprudence (Fiqh).[8] This law applies to Iraqi Muslims regardless of their ethnic backgrounds and sects (Sunni, Kurds, and Shiite). The matters regulated and organized by this law are engagement and marriage; custody; unlawful marriage, and marriage with followers of other monotheistic religions; marital obligations and rights; dissolution of marriage; waiting periods between divorce and remarriage; birth and its consequences; wills and

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[7] Appendix (1) is an English version of this law.
[8] In Islam, there are four main schools for Jurisprudence (Maliki, Shafii, Hanafi, and Jafari).

guardianship; and inheritance and other issues related to financial matters.[9] What matters to us is the article regulating marriage. According to Article 3 in this law, a man should not have more than one wife without permission from the judge to see whether the man has the financial ability to have more than one wife.[10] Article 26 adds another condition: that there must be permission from the first wife as well.[11]

These are some provisions from the original status law. However, the reality of the political and social system is different. These provisions in the Personal Status Law have seen radically changes since the 1980s and continuing today. In 1980, the Revolutionary Command Council (RCC)[12], passed Order No. 189, that radically changed the provisions of the IPSL 188, 1959. According to this order, a man can take a second, third, and fourth wife without any other legal requirements. The justification for passing this order was the increased number of widows as a result of the Iraq-Iran war (1980-1988). (Cherland, 2014). Article 17 of the same law clearly states that a Muslim man can marry a non-Muslim woman (i.e., from another religion, such as a Christian, a Jew, etc.), but a Muslim female cannot marry a non-Muslim.[13]

This law also allows for certain decisions in regard to divorce. According to article 34, men and women are not equal in the issue of divorce. They do not have the same right in initiating and obtaining divorce rights. The law states that only a man has the right to terminate the marriage bond. It clearly states that "termination of the marriage is by the

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[9] Iraqi Personal Law Status Number 188, 1959. Article 1-10
[10] Iraqi Personal Law Status Number 188, 1959. Article 3
[11] Iraqi Personal Law Status Number 188, 1959. Article 26
[12] This is a decision-making body separate from the legislative body established by the Iraqi political authorities after the military coup.
[13] Iraqi Personal Law Status Number 188, 1959. Article 17.

husband or whomever he assigns, or by the wife if she is assigned to do so. This is termination of a marriage with or without reason"[14]

During this period of 1978 to 1991 any progress regarding human rights was halted. In fact, the country only progressed toward a regime that violated most human rights standards. Repression became the norm for dealing with any sort of political and social movements against the regime. The regime's security apparatus was everywhere, and Iraqis were afraid to express displeasure with the government. Anyone speaking out against the government could be executed on the spot. Saddam Hussein ruled the country by fear, and Iraqis were very careful not to speak out against him. During this period, and under this repressive regime, the Iraqi government committed all kinds of human rights violations and a vast number of crimes against the Iraqi people and others, using terror through various levels of police, military, and intelligence agencies to control and intimidate large segments of the Iraqi population, especially Kurds in the north and Shiites in the south. Thus, any sort of previous human rights development was halted under this regime (John, 1991).

Kurdish Case and the 1991 Uprising: A New Hope for Human rights Developments

The Kurdish nation is regarded as the biggest nation that has no independent country. After the World War one, French and British colonial powers has divided Kurdistan among modern Iraq, Turkey, Iran, and Syria. In Iraq, the Kurdish question has existed since the founding of the country as a nation-state in 1921, and the Kurds have always regarded themselves as Kurdish from Kurdistan not Iraq.

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[14] Iraqi Personal Law Status Number 188, 1959. Article 34.

I was twelve-years old when the people rebelled against Iraqi regime both in the north and the south. The Iraqi army was very weak, and supplies had been cut from its military compounds in the northern part of Iraq. Kurdish people were waiting for someone or something to trigger the revolution. My village was just outside the city of Soran, north of Erbil, the capital of the region. There was a big military compound about a mile south of my village. People from the village gathered over a hill that was close to the military base. It was Spring 1991. Suddenly, we heard a big explosion near the city. With that sound as a signal, all the people from the village attacked the military base. The morale of the Iraqi army was very low. In less than one hour, the military base surrendered to the armed civilians. This happened all over the region. Iraqi army brigades and sections surrendered to the armed Kurdish civilians. The atmosphere was both dangerous and exciting. It was dangerous, because it was war and people were killed; it was exciting, because people were chanting for freedom.

Once Iraqi army defeated by international allies in Kuwait and the war ended, it started to attack its own people and did atrocities against Kurdish and Shiite people (as a retaliation for their uprising). Millions of Kurds ran to Turkey and Iran border. The human rights disaster of the Kurds pushed United Nations security Council to create No-fly Zone area in the north to provide safety for Kurds. As a result of the No-fly zone, a semi-autonomous Kurdistan was established in Iraq. This territory was separated from the rest of Iraq by a border running from Zakho, near the Turkish border, to the Iranian border. The boundaries encompassed the traditionally Kurdish cities of Dohuk, Erbil and Sulaymaniyah (O'Leary &Salih, 2005). This area is traditionally seen as the de facto autonomous Kurdistan in Iraq. Its southern border, however, has yet to be set in stone. The

main argument is whether to include the city of Kirkuk. While the Kurds see this city as theirs, the Iraqi Arabs also want for the land because of its rich oil resources. Although the southern borders of Kurdistan are disputed, the rest of the land considered to be Iraqi Kurdistan is readily agreed upon.

The 1991 Intifada (Uprising) almost led to the collapse of the Baathist regime. Suddenly, the historical memory of the Iraqi nationalist movement re-inserted itself into Iraqi political discourse. For the first time in their modern history, Iraqis openly discussed sectarianism. Opposition groups met to develop ways of promoting civil society in a post-Baathist Iraq. One of the results was Charter 91, produced at a conference in liberated Kurdistan in 1991, which called for a federated, democratic, and culturally pluralistic Iraq. At the same time, a democracy, albeit imperfect, developed in liberated Kurdistan in Iraq's northern provinces. Landlocked, having no economic resources to speak of, and suffering from a blockade from the Baathist regime to the south, the Kurdish regional government established a parliament, held free elections, allowed radio and television stations and an ideologically diverse press to develop, and built new schools and hospitals. Infant mortality declined and educational levels rose, while in Baathist-controlled areas, the opposite occurred. The Kurdish experience clearly demonstrated that, once freed from Baathist repression, Iraqis were perfectly capable of ruling themselves (Davis, 2005).

Any academic discussion about the history of NGO and human rights development needs to discuss the first arrival of NGOs to Kurdistan in 1991. These NGOs were the important for many social and legal changes in the region especially regarding human rights developments. **Next,** the process of human rights development is discussed with the arrival of NGOs to the north (Kurdistan region) in 1991.

The Growth and Rise of NGOs

Although Iraq was never open to the outside world under the regime of Saddam Hussein, there have been many political, social, and economic changes to this country since the removal of his regime in 2003. NGOs became popular after the Gulf War of 1991, when international aid agencies and different international organizations and charities entered the region to help displaced people and refugees who had fled Saddam Hussein's military oppression. As a result, and with the help of international organizations, many local NGOs started to grow. Thus, despite the continuous military threat to the northern part of Iraq (the Kurdistan region) by the Iraqi military forces, civil society and local NGOs continued to thrive in the area under the protection of international allies (Sheikhany, 2000).

During my ten years of working with NGOs in northern Iraq (formally known as Kurdistan Region), I have noticed that the NGOs were very effective and successful in impacting the central and local government's policies towards human rights issues in general, and the Kurdistan region in particular. Unlike the rest of the country, a very steady improvement of human rights began to be observed in this region during the period from 2003 to 2020. Despite Iraq's long dictatorial regime history, and its deep ethnic and religious violence, these organizations were able to grow rapidly and play an effective part in the overall process of democratization in the region (Génot, 2010).

The Phase of 1991: Growth of Service-oriented NGOs

After the 1991 Gulf War and the establishment of the No-Fly Zones that same year, a large number of UN agencies and European organizations were successful in reaching northern Iraq. At the beginning, most NGOs in Iraqi Kurdistan focused on humanitarian

aid. Many agencies like USAID[15], UNCHR[16], ECHO[17], ICRC[18], as well as other international and local organizations, focused on providing urgent services: establishing hospitals and local clinics in remote areas; building schools and nurseries; and building homes and settlement areas for refugees and locally displaced people. Thus, the role of these service-oriented NGOs was mostly humanitarian, developmental, and educational, rather than political. During the period of 1991 to 2003, these NGOs were mostly funded, directed, and managed from outside the region before they eventually moved into the area after 2003. For example, most NGOs were operating from Europe, North America, and some from Australia and other developed countries. This management from outside critically impacted the later development of the structure, function, and effectiveness of NGOs in the region.

This situation resulted in structural political, economic, and social changes. Hundreds of new international NGOs started to enter Iraq. There were variations in the tasks of these NGOs. While the majority were service providers in the southern and central regions of Iraq, the NGOs in the north (Kurdistan) started to shift from service-delivery to advocacy NGOs. These advocacy NGOs, for example, consisted of both INGOs (international) and LNGOs (local NGOs). The real change in the role played by NGOs occurred when these organizations began to monitor local government policies towards

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[15] The United States Agency for International Development (USAID) is an independent agency of the United States federal government that is founded in 1961. It is primarily responsible for administering civilian foreign aid and development assistance.

[16] The United Nations High Commissioner for Refugees (UNCHR) is a UN agency that is founded in 1950 to aid and protect refugees, forcibly displaced communities, and stateless people, and to assist in their voluntary repatriation, local integration, or resettlement to a third country.

[17] European Civil Protection and Humanitarian Aid Operations (ECHO) a European organization that provides emergency during humanitarian disasters

[18] The International Committee of the Red Cross (ICRC) (founded in 1863) is a humanitarian organization based in Geneva, Switzerland

issues such as children's and women's rights, ethnic group rights, religious freedom, media freedom, and gender equality. Hundreds of local and international advocacy NGOs legally registered and started their work in the northern part of Iraq.

International Community Influence

The first human rights NGOs in Kurdistan followed Western NGOs both in their structure and their functioning under the influence of international community support. Most NGOs in Kurdistan were dependent on the international NGOs in their structure and function, as well as for financial and logistical support. These factors were crucial in the degree of the effectiveness of these NGOs. Most NGOs in Iraq were managed from neighboring countries. Besides humanitarian aid, this close geographic management could be another reason why these human rights NGOs were able to set up a strong connection with the civilians in Iraq. The development of the Iraq NGO sector was under the influence of the international community. For Iraqi Kurdistan, this influence can be traced to 1991. Once the First Gulf War ended, the Security Council of the United Nations established a No-Fly Zone to protect Kurds from Iraqi military attacks in the north of Iraq. This decision created a de facto state for the Kurdish people, allowing them to establish their own local administration and engage in parliamentary elections (Sheikhany, 2000).

This international protection for Kurdistan and the urgent humanitarian needs there opened the door for hundreds, even thousands of international non-governmental organizations (INGOs) and UN agencies to start their work in the region. Organizations

such as USAID[19], UNDP[20], UNICEF[21], MAG[22], WHO[23], SFL[24], CARE[25], etc. were able to start their humanitarian work. The nature of the activities of these organizations was mostly related to education, health, shelter, and such. Thus, the early arrival of these NGOs was mostly a result of necessity and humanitarian need (Werker & Ahmed, 2008).

This stage was very crucial in the development of local NGOs in Kurdistan. Most of the INGOs stayed in the north, as they were unable to manage their work in central and southern Iraq, due to security issues. These INGOs employed hundreds to thousands of local people in management, supervision, and translation tasks. This opened a great opportunity for Kurdish people to develop and create their own NGOs. Although these NGOs were small in their range of activity and not very experienced, they were nevertheless able to create real partnerships with the INGOs and receive continued funds from the international community through the INGOs that were active in the region (Sheikhany, 2000).

Besides that, the influx of INGOs to the region also encouraged hundreds of the Kurdish diaspora to return to the region after 1991, and to start contributing to the development of the region's civil society in general. Most of these Kurds were coming

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[19] The United States Agency for International Development (USAID) is an independent agency of the United States federal government that is primarily responsible for administering civilian foreign aid and development assistance.
[20] The United Nations Development Program (UNDP) is a United Nations organization tasked with helping countries eliminate poverty and achieve sustainable economic growth and human development.
[21] United Nations Children's Fund (UNCIF) is an agency of the United Nations responsible for providing humanitarian and developmental aid to children worldwide.
[22] The Mines Advisory Group (MAG) is a non-governmental organization that assists people affected by landmines, unexploded ordnance, and small arms and light weapons.
[23] The World Health Organization (WHO)is a specialized agency of the United Nations responsible for international public health
[24] Shelter For Life International (SFL) is an international faith-based relief and development organization with over 30 years of experience in providing sustainable development and humanitarian assistance to post-conflict countries around the world.
[25] CARE is an international non-profit organization for eliminating poverty and provide social justice.

back from North America and western Europe. Although the local government did not regulate the NGO sector in a legal framework, the development and growth of local NGOs happened fast, given the financial and humanitarian needs that arose with the international economic embargo placed on the Iraqi government (Genot, 2010).

This special situation in the northern part of Iraq resulted in the creation and development of NGOs under the impact of INGOs both in their structure and in their strategies. Most local NGOs were not independent, according to international standards. At the beginning, most of them had affiliations either with an INGO or a political party in the region, or even with some regional countries. Due to funding issues and lack of expertise and management, local NGOs were mostly dependent on INGOs and/or political parties. Another character of these early NGOs was their variety in type, function, and structure. Due to the diversity of Kurdish society and the presence of numerous INGOs from different countries, the local NGO phenomenon was diverse. Although most of them were doing humanitarian activities, NGOs were not identical at all. Some of them were political NGOs, created and supported by political parties. Others were managed and structured by INGOs through local staff and employees. Finally, there were NGOs that had local or regional religious support from such organizations as Islamic Zakat, or from charities from mosques and religious institutions (Genot, 2010).

NGOs between Central Government and Local Tribes

Understanding the social and tribal structure of the Iraqi society and its relationship with the central government is an important factor for the success of NGOs in regard to human rights development. Iraqi society in general, and Kurdish society in particular, is

still regarded as semi-tribal. A tribal society is defined as any society where its individuals have more loyalty to their tribal values and assumptions than to any governmental rules and policies. To put it another way, individuals in a tribal society have more loyalty to their tribal structure, such as their tribal chief, tribal council, etc., than to a governmental institution. In these kinds of societies, individuals still identify themselves with tribes and local systems, rather than with legal institutions. Iraqi society is a mix of such structures (Sheikhany, 2000).

Iraq essentially consists of several principal tribes. This is true for both Kurds and Arabs, along with other smaller ethnicities. These tribes are fragmented into smaller sub-tribal units, making it more difficult for them to unite under one central authority. The tribes have had a long history of rebellion against central authority, which was born out of a fierce desire to protect their agricultural land at a time when government neglect had caused the selling up of canals and rivers. However, after 1991 NGOs in Iraq and Kurdistan were able to realize these important factors of Iraqi and Kurdish tribal societies. As mentioned earlier, the majority of NGOs first arrived as service-delivery organizations. They provided important necessities, such as shelter, food, medicine, education, etc. at a time when the Iraqi people were deprived of basic services. The removal of the Iraqi government in 2003 left people without any government to deliver and provide services. Thus NGOs, along with other international actors, filled that vacuum and performed the core duties of any government (Genot, 2010). Thus, NGOs created a very successful relationship both with the tribes and with the local authorities.

This tripartite positive relationship, between NGOs, the public, and the political parties, was sparked by the humanitarian situation created in 1991. The long history of the

humanitarian aid and services provided to citizens by these organizations was the reason that they were well-received in the eyes of the public. NGOs worked in a very strategic way that resulted in their strong social and cultural acceptance by the Kurdish people. This was exactly opposite to the rest of Iraq, where most NGOs were perceived as an extension of the American military. In Kurdistan, the public perceived all types of NGOs as friendly and supportive of their humanitarian and political cause. This historical and psychological perception of NGOs affected their effectiveness in Iraqi Kurdistan. While in the rest of Iraq there was a huge disconnection between the Iraqi civilians and the NGOs, in Kurdistan, on the other hand, NGOs were able to establish ground for social and cultural interaction in a very successful way (Sheikhany, 2000).

In Kurdistan, this had already started in 1991. Kurdish people welcomed and accepted NGOs due to their urgent needs, as the region was suffering from a lot of economic problems. Through coordinating with local tribal sheikhs and religious institutions, NGOs showed that they cared about people in need. NGOs did not enter a region without first making contact with a religious leader or a tribal chief. Most NGO food distribution, for example, was done either in a mosque or in a school. This was mostly done with the help of local staff employed by these INGOs starting from 1991 and continuing until 2019. (Libal & Harding, 2011).

NGOs and The UN Factor

One factor was the consideration that substantial amounts of money were available to the Kurds through the oil-for-food resolution. A conservative estimate of the money available to Iraqi Kurdistan was between 3 to 10 million US Dollars per day during the six

to seven years of the program[26]. (The whole account of the UN Iraqi program is not yet available, but it is estimated at several billions of US Dollars, perhaps hundreds of billions. Even halving this number amounts to some 50 billion dollars. 13% of fifty billion is roughly six and a half billion). Donors confronted with a variety of complex emergencies in those years, such as Burundi, Angola, Liberia, and notably former Yugoslavia, were understandably not available for one area perceived to be protected by such a large amount of money. The second factor was the actual impossibility of UN Agencies to sub-contract NGOs in Iraqi Kurdistan due to the opposition of the Baghdad Government. The Baghdad government's reason was that those NGOs operating in Kurdistan were there illegally. Constant pressure was applied on UN staff by Baghdad to ignore and even isolate the presence of such NGOs (Gautier & Francia, 2005).

After the approval of the oil-for-food Security Council Resolution (986) SCR), towards the end of 1996, the situation changed drastically. USAID closed down its activities in the North. Iraqi and American NGOs closed down their operations. Many Kurds working for USAID-funded local NGOs were granted immigrant status in the US, and they also left. Other donors progressively reduced their contributions on the grounds that humanitarian aid, such as food and medical care, were provided for free to all Iraqis by the UN resolution. UN Agencies were all integrated in the oil-for-food program (the 'Iraqi Program'), except for the UNHCR. Only a handful of NGOs remained, and their funding became progressively less and less. It was during this period that the humanitarian aid to Kurdistan became both strange and different from other analogous situations around

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[26] The 13% figure came from the estimates that Kurds are around 13% of the total population of Iraq. Although there was not an official data (statistics) to show the exact percent of Kurds. Some say 20-25 % 20-25 % another s say 17%. However, the UN went with the 13% at that time. All UN programs set on that percent during 1990s and even until today.

the world. To understand this point, one has to understand the various views and interpretations by different sources concerning the single underlying reality of the Kurdish issue (Gautier & Francia, 2005).

Aside from the sharp reduction of donations for NGOs operating in the North, there was a specific detail in the UN resolution acting in the same direction. The UN resolution, while entrusting money to the UN administration, also made a concession to the Baghdad Government. The resolution established a compulsory 13% of the revenues from oil sales to be used in Iraqi Kurdistan, but the Iraqi Government had a say on how the money was spent. This meant that UN Agencies were not allowed to subcontract NGOs in the North to carry out their activities. To this Baghdad was opposed. In conclusion, two factors were involved in the progressive reduction of NGO presence and activity in Iraqi Kurdistan in the period 1997 to March 2003 (Gautier & Francia, 2005).

The Kurdish civil war, 1994-1996, complicated the situation further. Largely unnoticed, this bitter war increased the number of (Internally displaced prisoners) IDPs and worsened the precarious situation of the very people assisted by the NGOs. Yet this deterioration coincided with the actual attrition of donors, as specified above, and of course with delays in the benefits to be derived from the oil-for-food resolution. However, though small, the continuing presence of a handful of NGOs was extremely useful in their respective fields of action. Moreover, it was distinctly appreciated by the Kurdish people and authorities. This temporary civil war ended with the Washington peace agreement among Kurdish political partis in 1998 under the supervision of former US Secretary of State Madeline Albright.

At one time or another, most if not all of the NGOs (table 1) were supported by the European Civil Protection and Humanitarian Aid Operations (ECHO) in addition to the listed donors. However, ECHO closed down in Iraqi Kurdistan in 1999. Only two NGOs of those listed succeeded in getting permission to be subcontracted by UN Agencies, Emergency (1999-2003) and Handicap International (Belgium). It can be appreciated that donors were also few, notably the Swedish, Norwegian, British, and Dutch Governments, through their development agencies. NGOs from other countries received either ECHO or private charity funding. The input given by the NGOs was diminishing each year, their presence also made difficult by the fact that after 1996 the expatriates for these NGOs were forbidden from coming through Turkey and had to get across through Syria. The Syrian route was nice and comfortable, but it was extremely difficult to get permission from the Syrian authorities in a predictable and continuous way. In addition, no heavy equipment was allowed through Syria, which was one other hampering factor. Table (6) below shows the first wave of NGOs entered Kurdistan after 1991.

Table (6): The first NGOs in Iraqi Kurdistan after 1991

#	Name of the NGO	Nationality	Services/Tasks
1	Qandil,	Swedish	Health, water and sanitation, and the construction of houses (for IDP's), roads, dams, etc.
2	Peace Winds	Japanese	Health and water and sanitation
3	NPA	Norwegian	Health and demining
4	Emergency	Italian	Surgery and limb prosthesis for mine victims
5	Handicap International	Belgian	Physiotherapy and health assistance for mine victims
6	Acorn	UK	Providing health, social and educational assistance to handicapped children.
7	Save The children	UK	Health and social assistance to children
8	Dutch Consortium	Dutch	Health assistance and house construction for IDP's
9	France Liberties	French	Educational assistance programs (building of schools, institutes, etc.)
10	Sodeil	French	Assisting schools, mostly in field of computing aids
11	4Rs	UK	NGO working with underprivileged people (widows)
12	NWMT & MEDS,	British	Health and schooling
13	Diaconia	Swedish	Helping abandoned children in Dohuk Governorate
14	Service Group Int.	US	health assistance (dental care training)
15	STEP	German	Child protection and education
16	ICRC	Multinational	Traditional monitoring of prisoners
17	MAG	UK	Demining and mine awareness
18	Wadi	German	Focus on female honor killings
19	ECHO	international	Focus on Humanitarian Aid

20	SIDA	Swedish	Funding local and international NGOs
21	Dutch Refugee	Dutch	Helping refugees and IDPs
22	UNCHR	UN	Human Rights activities
23	Shelter For Life	USA	Helping locals with building homes, irrigation, etc.
24	CARE	Multinational	Humanitarian services
25	USAID	USA	Help funding local and international NGOs
26	UNICEF	UN	Education supplies to villages
27	UNDP	UN	Developmental services

Table (6) First Group of Service NGOs arrived in Iraq (Kurdistan in 1991-2003)

Gautier & Francia, 2005 (P.4).

The Phase of 2003: Specialized NGOs with New Work Strategies

Starting from 2003, the work and type of NGOs started to change. Besides humanitarian and service-oriented NGOs, other kinds of NGOs arrived in the region. Many NGOs started to work on issues like human rights, democratic mobilization, public opinion, women's rights, political prisoners, and other social and political concerns. Besides the continual increase in the number of international NGOs, many effective and independent local NGOs became part of this growth. The shift in state behavior resulted from NGOs utilizing several means that proved to be successful. For example, local NGOs were able to attract tribal and local religious leaders and involve them in their work. By doing this, local and mixed NGOs were able to gain social acceptance before pressuring the government to better comply with human rights standards and individual freedoms. In

short, the cultural adaptability and social acceptability of these NGOs paved the way for infiltrating government structures and even parliamentary agendas (Khosravi & Fard, 2016).

Another successful strategy followed by these human rights NGOs was mixing with political parties. NGOs used a new plan for better working with political parties, even before pressuring the government for human rights improvement. The core of this strategy was to prepare some NGO leaders and prominent civic icons to nominate themselves for local elections. These popular NGO leaders in fact later became local political party nominees for parliament and high government positions. This strategy worked for political parties as well since they would rather nominate a popular candidate in a city or town. This interaction between local political parties, tribal chiefs, and NGOs resulted in a workable strategy for NGOs to further push their agendas for developing and creating human rights norms and values. This is what I call projecting the "Soft Civic Power" by NGOs on the government. As a result, instead of calling for members to protest against government laws and actions, NGOs started to indirectly shift government behavior regarding human rights (Genot, 2010)

Once the political and ethnic violence intensified in Iraq in 2005 and 2006, a majority of INGOs relocated to the north (Kurdistan), and to Jordan and Turkey. While INGOs' employees and headquarters were targeted by extremist groups, most local Iraqi NGOs were able to protect their members and staff. The Iraqi NGOs were using several strategies to keep their members from any security threats, such as quick changes of location, centers, and even NGO logos. In fact, most northern NGOs were increasingly

working through local NGOs, providing funds, and training their staff to carry on their work (Ferris, 2003).

During this period, NGO laws improved over time, particularly following the approval of a new and relatively liberal NGO law in 2010, although there were some problems with its implementation, including delays in registration for domestic and international groups (U.S State Department 2011–2013). Nevertheless, the law was a significant change from the 2004 NGO law, and it was passed and signed by Paul Bremer, the executive authority of the Coalition Provisional Authority. This Law 194 established fewer legal barriers than the Associations' Law under Saddam Hussein, but still set up cumbersome registration and reporting procedures for NGOs and required state permission for foreign funding (International Center for Not-for-Profit Law, 2010) (Gilbert & Mohsini, 2020)

During this period of time, the number of NGOs dramatically increased due to economic, political, and legal factors. For example, once the Iraqi regime had fallen, the local and outside NGOs started to headquarter in Kurdistan very quickly. International NGOs, especially from Europe and North America, started to work freely, and many Kurds from Europe decided to return and establish NGOs in their homeland. Within the first three years of the American military campaign, from 2003 to 2006, more than 10,000 NGOs were registered or were waiting to be registered. Another main factor that contributed to this growing number of NGOs was the large amount of funding from the United States and from other Western countries (Gautier & Francia, 2005).

Legal Developments Regarding Women and Minorities Rights

After the fall of Saddam regime in March 2003, the US established a new governing body called the Coalition Provisional Authority (CPA) under the administration of Ambassador Paul Bremer. In 2003, Bremer appointed three women to the council to push for further women rights development. In July of the same year, this council passed Resolution Number 137 to abolish the IPSL No. 188, 1959. This resolution states that "the provisos of Islamic sharia shall be applied in areas of marriage, engagement, marital rights, waiting periods, parentage, breastfeeding, custody, child support, kin support, parent support, and wills, holdings and property, and that all religious courts shall operate in accordance with the mandates of their sects". These laws were fiercely opposed by religious sects and were repealed two months later. Finally, the Law decided to hand over personal status adjudication to religious authority. By doing this, the Law again allowed individuals to claim on legal grounds that sectarian religious laws could supersede obedience to the laws of the state, thus placing again women's rights at the mercy of the interpretations of religious leaders, and not the Law or elected leaders. Thus, Article 14 of the resolution replaced government authority with religious authority (Cherland, 2014).

Although most Iraqis and Muslims would argue that both men and women have the same rights, reality shows very different rules and practices across Iraq. These rules and practices are different from one area to another, in various towns and cities, and in various tribal areas, all due to cultural and tribal norms and beliefs[27]. Reality shows that establishing

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[27] According to Iraq's 2011 Multiple Cluster Indicator Survey, about 6% of marriages in Iraq are polygamous. Statistics from 2013 from the Najaf Federal Courts indicate 96 approvals for second marriages. In the same year, 450 polygamous marriages were registered in the Kirkuk Court, and 150 polygamous marriages were registered in the Makhmur Court. It is noteworthy that many marriages, including two successive wives, take place outside the courts, and are therefore unregistered. According to a media report, polygamy may be

a unified legal system with progressive laws for women has always ended in failure in Iraq. The Shia clerics prefer enforcing their own systems of belief in regard to women's marriage and divorce. Even today the minimum age of marriage is still surrounded with ambiguity and depends on the judge and the school of jurisprudence employed. In many areas the judge permits marriage at nine years old, something that is against the basic human rights of children and women. In many areas of Iraq, a male cousin can prohibit a female cousin from getting married to someone else if he so wishes. There are also unjust practices common in Iraq: old men marrying young women; contractual marriages; forced marriages; 'al-fasil' marriages; 'pleasure' marriages. Girls can still be 'reserved', bought, and sold among relatives and others (Cherland, 2014).

Next, the legal status of women and minorities in Kurdistan and Iraq is discussed in two sections. In this first section, the focus would be on the polygamy problem in in Iraq. The goal is to track the legal and political rights through comparing three legal documents: Kurdish Personal Status Law No. 15, 2008 (KPSL) and Iraqi Personal Status Law No. 15, 1959 (IPSL) and the Kurdish "Act Against Domestic Violence (No. 8, 2011). Table (1) compares some articles of these of two different laws. In the second section, another document "Law of Protecting Rights of Minorities in Kurdistan No (5), 2015" is discussed. Iraq has neither an act against domestic violence, nor a law for protecting minorities.

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increasing in Iraq due to the improved financial situation of many men, and the large number of widows following the war. In addition, many polygamous marriages are being performed outside the jurisdiction of the court in violation of the law. Women's rights advocates note that even when polygamy is done via the court system, judges are biased towards the practices and authorize marriages regardless of whether husbands fulfil conditions" (CEDAW, 7th Session, Geneva, 2019)

Legal Status of Women in Iraq and Kurdistan Region

The social, economic, political, and legal status of women in Iraq is complicated for three reasons: first, the legal status of women is still regulated and dominated by an old legal system. The majority of these old laws and regulations are derived directly from the Islamic Sharia Law. Sharia Law in Iraq is a mixed body of norms and rules derived from the Sunni and Shiite jurisprudence (Fiqh) for the law applied in Sharia courts. This mixed legal system as a whole also includes constitutional law, legislations and statutory provisions, usage and custom laws, judicial and precedent laws, and authoritative opinions. The majority of these laws are in conflict with modern women's rights and freedoms. The current effective law in Iraq regarding women, heritage, marriage, and other family and personal issues, is Law Number 188, 1959 (Iraqi Personal Status Law (IPSL). (Misawa, 2017). Although Iraq has adopted a new constitution in 2005, this old law is still effective until today in the Iraqi court.

Second, despite these legal codifications, "the role and position of women in Iraqi society is dominated by old traditional, social, and cultural values, and tribal norms. Thus, women's rights and status are determined by two sorts of laws; traditional Islamic Sharia laws, and rules that are part of the Iraqi legal system and the tribal traditional and cultural norms. These are unwritten/uncodified social and cultural norms and beliefs that are widely practiced outside the jurisdiction of courts" (NGOL 2, 2020) Both of these two frames (the legal system and the tribal system) have a wide range of rules and practices that enforce de jure and de facto discrimination against women in many areas such as polygamy permission, family violence, child marriage, forced marriage, temporary marriage,

discriminatory legal framework, and other types of political, social, and financial discrimination (Musawa, 2017).

Although the country is a sovereign nation and state ruled by one new constitution (2005), its legal situations is conflictual in regard to protecting human rights. For example, the Kurdish parliament is acting differently by enacting some laws and regulations that can be conflictual with the central parliament laws. For tracking these differentiations, particularly in regard to huma rights we discuss four legal documents. "These four legal documents are totally different or absent in some parts of the country. The norms, rules, and provisions are not the same. In many places they are conflicting with each other in regard to polygamy, marriage, and other family issues and practices" (NGOL, 2 2020).

The next four separate legal documents that will be analyzed are: one, the Iraqi Personal Law Status Number 188, 1959(IPSL); two, the Kurdistan Personal Status Law Number 15, 2008 (KPSL); three, the Law Against Domestic Violence (No. 8, 2011); and four, the Law number (5) for 2015 "Law of Protecting Rights of Minorities in Kurdistan." Until today, the Iraqi parliament has failed to pass new laws or cancel old ones in regard to Polygamy, violence against women and children, and protection of minorities. The last three laws are only effective in the Kurdistan region, not in the rest of Iraq.

Polygamy: Legal Battle inside One Country

Prior to the Personal Status Law of 1959, Shari'a was the general law in Iraq and there was no distinction between civil and personal status cases. In 1917, the Shari'a courts were responsible for the personal status affairs of Sunnis, while personal status issues for the Ja'fari Shi'a school were overseen by the civil courts. The new Personal

Status Act No.188 1959 was announced in 1959 and functions as the Universal Personal Status Law, which means that it applies to all Iraqis, with the exception of Christians and Jews. In accordance with the personal status law of 1959, men are allowed to take up to four wives.[28] The spouse, however, has to prove that he is capable of financing more than one wife, and that there is lawful benefit from the marriage[29]. Not meeting the terms of the polygamy law leads to fines and imprisonment[30]. The committee that formulated the Iraqi Personal Status Law also referred to the Syrian Law No. 59 in certain areas of personal status (Keli, 2010)

This law has a lot of discriminatory provisions. "The law is clearly handing important decisions regarding marriage, divorce, finances, separation, etc. into the hands of the judges" (NGOL 7, 2020). "The judicial system in Iraq is controlled by men. We almost have no women judges in Iraq until today. Although the judge will finally decide whether or not the man can practice polygamy, this matter is in 99 % of the cases permitted by judges" (NGOL 8, 2020). Upon reading the personal status law, it is evident that the decision is in the hands of the judge who will grant or reject the man's petition for marriage to an additional wife. He is the one who decides if the man has proven his ability to support additional wives, and whether he can treat all wives equally. Indeed, it is clear that the man may have the ability to take more than one wife, though the ultimate decision of whether or not he can legally practice polygamy, lies with a judge (Keli, 2010).

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[28] Iraqi Personal Law Status Number 188, 1959. Article 3,4,5,6,7
[29] Iraqi Personal Law Status Number 188, 1959. Article 3
[30] Iraqi Personal Law Status Number 188, 1959. Article 2

The situation is different in the Kurdistan region. "Under the pressure of the international organizations and especially human rights NGOs, the region stepped forward in a very courageous move to defy the old traditional laws, although this was in conflict with the legal situation in Iraq" (NGOL 3, 2020). The draft for the amendment was submitted by the Women's Rights Protection Committee of the KRG to the Iraqi Kurdistan Parliament. The amendment changed several aspects of the Personal Status Law of 1959, one of them regarding polygamy. According to the committee, the amendment is based on international agreements and the nature of Kurdish society and community. The committee also states that the amendment is aimed at gender equality yet is still in compliance with Islamic law. Human rights activists and members of the committee stated, "We have come to a conclusion that polygamy is out of place considering the current situation in Iraqi Kurdistan Region. The KRG amendments challenge both the Iraqi Personal Law of 1959 and the traditional Islamic allowance of four wives. The committee that put forth the amendment on the polygamy law does, however, claim that it is in compliance with Islamic law" (Keli, 2010). Next, we will analyze some provisions of the new Kurdish Personal Law Status Number 15, 2008.

Document # 2: Kurdistan Personal Status Law (KPSL) (Number 15, 2008)[31]

After adopting the new constitution and working together for several years, the Kurdish government is fully convinced that Shiites and Sunnis do not intend to abolish polygamy. Therefore, they started working on their own strategy in this regard. In 2008, the local parliament passed Personal Status Law No. 15, 2008 (KPSL). "Although it's not

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[31] Appendix (2) is an English version of this law.

abolishing it right away, the ultimate goal is to gradually eliminate the old-practiced norm over time" (NGOL 3, 2020). Although there are still problems with police enforcement and implementation, the legal status of women in the KRI is better than women in other parts of Iraq. This law, which is an amendment to the old marriage law, outlaws' polygamy in all cases except where the wife is unable to bear children, and consents to her husband taking a second wife - but not more than a second - for this purpose (Frazer, 2011).

There are two problems that face this law: "First, the legality of polygamy in the south and middle of Iraq. People who practice polygamous marriage usually travel across the border to cities in southern and central Iraq to marry and register their second, third, and fourth wives before coming back to Kurdistan. In such cases the Kurdish courts cannot do anything. Second, the practice of unregistered polygamy in the countryside and rural areas. Despite a practical ban on polygamous practice, people still marry second, third, and fourth wives, without going to any court. They only do the religious marriage ceremony. Thus, they obtain a paper that shows permission (or a contract) signed by a mullah, sheikh, or other religious figure, and the signature of at least two witnesses. Besides passing that law, the Kurdish local government has tried to use multiple avenues to prevent polygamy. They have established new committees to track and punish people who practice polygamy in rural areas" (NGOL 2, 2020).

Article one of the Kurdish Personal Law Status (Number 15, 2008)[32]

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[32] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008

"Firstly: The validity of Paragraph l, Article 3 of the amended law No. 188 of the year 1959 shall be suspended in the Iraqi Kurdistan Region and replaced with the following". [33]

1. Marriage is a voluntary contract between a man and a woman, according to which their marriage life will become licit as per Islamic laws. The aim of marriage is to form a family on the basis of love, sympathy, and mutual responsibility, according to the provisions of this Act.

"Secondly: The validity of Paragraphs 4, 5, 6 and 7 of Article 3 of the amended law No. 188 of the year 1959 shall be suspended and replaced with the following". [34]

- Marrying more than a woman is not allowed unless authorized by a judge.

The authorization depends on meeting the following conditions:

A- The first wife has to agree before the court on her husband's marrying a second wife.

B-If the wife is afflicted with a [medically]-proven chronic incurable disease that prevents having sexual intercourse, or if the wife is infertile. These have to be certified by a specialized medical committee's report.

C-The man who wants to get married to a second wife has to have enough financial ability to spend on more than a wife, and he has to provide certified formal documentation for this and submit it to the court as he carries out the marriage contract procedures.

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[33] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 1. Paragraph 1
[34] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 1. Paragraph 2

D-The husband has to submit a written document to the court before signing the marriage contract, in which he has to vow to deal with both his wives fairly and equally in terms of sexual intercourse and other marriage relations both materially and morally.

E-The wife must have not set as a condition in the marriage contract that her husband must not have a second wife.

F-Anyone who marries a second wife contrary to what has been stated in paragraphs; 'a', 'b', 'c', 'd' and 'e' of the second item of this Article, will be sentenced to imprisonment for a period of time that ranges between the minimum of six months and one year and fined ID l0m.

G-The judge must not suspend the penalties stated in paragraph 'f' above".[35]

The Kurdish Parliament states that the reasons behind this law are "to develop Kurdistan society, regulate the prevailing family and social relations in it, realize justice and equality in family and social dealings, bring about adaptation and harmony between the law and contemporary civil developments, and echo civil society organizations' aspirations to establish and secure the rights of Kurdistan's women and to realize active justice between men and women, the two wings of human life in the community; for all of these reasons this law has been enacted".[36] Although the new law in Kurdistan clearly does not cancel polygamy, it puts so many restrictions on it that we can say it becomes virtually impossible to practice. Some of these restrictions are very hard to accomplish by the person who wants to practice polygamy, such as permission from the first wife. Even if he gets

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[35] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 1
[36] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article

this permission, he needs a second permission from a judge. The man also needs to provide evidence to prove his financial ability to support both families. This is difficult since it's at the discretion of the judge.

I think the most difficult part would be proving that he is able to provide justice between the two wives. This is a very hard task for the man, since he needs to provide letters from all relevant institutions in his life, showing such things as his behavior in school, and his financial, social, and legal history, etc. (NGOL, 2020). Although the law does not cancel polygamy in a straightforward manner, this is a great step toward changing the long-established social and cultural norms. Such change takes time (NGOL, 2020). Next, the second document will be presented and analyzed. This law is called Law Against Domestic Violence (No. 8, 2011). It needs to be said here that no comparable law exists in Iraq.

Document # 3: Act Against Domestic Violence (No. 8, 2011)[37]

Although article 29(4) of the constitution prohibits all forms of violence and abuse in the family, Iraq has not yet adopted specific legislation to criminalize acts of domestic violence. In 2016, the Iraqi Parliament completed its review of the draft Anti-Domestic Violence Law, which had been introduced in 2015. Approval of the draft law by Parliament is still pending, as it has been met with stiff resistance from religious political parties and conservative politicians/Ministers. The Penal Code contains some general prohibitions that are applicable to domestic violence. The Penal Code criminalizes and provides for penalties for certain offences involving the family, such as issuing and obtaining an invalid marriage

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[37] Appendix (3) is an English version of this law.

certificate, as well as rape, indecent assault, etc. (CEDAW report, Geneva, 2019). However, the Iraqi Penal Code (No.111 1969) allows a husband to punish his wife "within certain limits prescribed by law or by custom," although these limits are not specified. Abuse is traditionally seen as a family affair, as there is the prevalent view that women are the property of the man and his family. Despite a high rate of domestic violence, it is rarely reported. Even when reported, it is hard for the police to intervene, as the Iraqi Constitution forbids the entering of homes except by judicial decision (OECD, 2019).

The Iraqi government established Family Protection Units to receive complaints from women and children regarding domestic abuse, conduct initial investigations, and refer to the judiciary when necessary. However, the effectiveness of these units is limited, in large part due to lack of female staff and suitably qualified staff, their location in regular police stations, and their focus on reconciliation rather than victim protection. The Iraqi government does not provide shelters for abused women and children and bans civil society organizations from providing independent ones. A hotline was established in April 2015 by the Directorate for Protecting Families and Children from Domestic Violence, under the Ministry of the Interior, to provide legal guidance on domestic violence (Puttick, 2015).

Marital rape is not specifically criminalized in Iraq. According to women's rights advocates, even though under the Constitution all forms of violence and abuse in the family are prohibited, the context of Iraq has posed challenges for women with regard to overcoming vulnerable and violence situations. While civil society has advocated for a law to address domestic violence and more than one draft law has been put forward to the government, many politicians and religious parties are still against the adoption of this law because they believe in giving the husband, father, and teacher the right to use violence

under the pretext of discipline as stipulated in Article 41 of the Penal Code (CEDAW, Geneva, 2019).

Although Iraq ratified CEDAW in 1986, it submitted several reservations and failed to modify the corresponding Iraqi laws, legislations, regulations, and practices that discriminate against women. However, laws and regulations in the Kurdistan region are more compatible, albeit not fully, with the principles of the Convention on the Elimination of Discrimination against Women (CEDAW) than at the national level. The Law against Domestic Violence (No. 8), adopted in 2011, holds perpetrators accountable for their actions, including acts perpetrated by husbands against their wives, and offers better protection for the victims[38]. The article relating to honor killing was changed to remove mitigating circumstances that alleviate the punishment of perpetrators[39]. Female genital mutilation was also banned. This bill firmly criminalizes violence against women in the family, forced marriages, female circumcision, and the hitting of children, amongst other things.[40] The Iraqi Government has drafted an Anti-Domestic Violence in Iraq law, most recently amended in 2016, but it has yet to be passed. The Kurdistan Region of Iraq runs limited shelters.

Although it is not a very detailed law, this act is a very important step in the right direction, since it clearly cancels and replaces many provisions found in the current Iraqi criminal code number 111 of 1969, which gives the husband the right to physically punish his wife. Article two of the Act of Combating Domestic Violence in Kurdistan (No. 8 of

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[38] Act of Combating Domestic Violence in Kurdistan (No. 8 of 2011) Article. 2
[39] Act of Combating Domestic Violence in Kurdistan (No. 8 of 2011) Article 2-5
[40] Act of Combating Domestic Violence in Kurdistan (No. 8 of 2011) Article 2-5

2011) specifically prohibits "forced marriage, Al-Shighar (exchange marriage and marriage of minors, marriage for exchange for ransom blood money), female genital mutilation, forcing prostitution, forcing children to work or quit school, battering and assaulting a wife or children, and many other types of physical, psychological, and financial abuse, and pressure applied by a husband against his wife[41]

Due to continuous criticism and pressure from international organizations and humanitarian NGOs, and civil society in general, the Kurdish government has accelerated women's rights development. It has established new institutional bodies to deal specifically with legal violations and hidden social practices in the region. The goal is to support gender mainstreaming in policymaking, such as the Special Directory to follow up on cases of violence against women, and domestic violence courts in all three Kurdish governorates, in addition to the High Council of Women's Affairs in parliament to advise ministries on gender-mainstreaming. The government also ratified the National Strategy to Combat Violence against Women in 2013 and, in 2009, adopted a higher gender quota (30 percent) at the regional parliament, compared to that of the national parliament (25 percent) (NGOL 8, 2020).

Document # 4: Law No. (5), 2015 "Law of Protecting Rights of Minorities in Kurdistan" [42]

On 21 May 2015, the Kurdistan Parliament approved the Law of Protecting Components in Kurdistan. This is the first law in Iraq and even in the region which, in a direct and legal way, recognizes the existence of all the components of a society and aims

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[41] Act of Combating Domestic Violence in Kurdistan (No. 8 of 2011) Article. 2-5
[42] Appendix (4) is an English version of this law.

to protect them. Article one states that Kurdistan is a region of multiple ethnic groups and religions. These minorities are ethnic groups, such as Turkmen, Chaldean, Syrian, Assyrian, Armenian, and religious groups, such as Yazeedi, Christian, Mandean, Kakaei, Shabak, Failee, Zoroastrian, who are all citizens of the Kurdistan region".[43]

"This is the first time in Iraqi history, even in the Middle East, that minorities have legal protection and feel safe. Although there are still cases of violation in Kurdistan, this is a great step to further guarantee the various rights of minorities who were always under persecution by different regimes in the region." (NGOL 4, 2020) According to Article 3, all components of Iraqi Kurdistan have their economic, political, and social rights guaranteed under the provisions of this law. It states that "the government protects the right of any individual who belongs to a minority, the right of equality and equal opportunity in all political, social, and cultural aspects of life, through effective policies and legislations. The government also guarantees participation in the decision-making process in any issue related to them".[44]. Paragraph two of the same article further states that "any form of discrimination against any member of a minority group is prohibited, and any breach will be punished according to the law".[45]

The Legal Impact of NGO in Kurdistan: Pressure or Help?

Recently the role of human rights NGOs has been increased to in regard to human rights laws in Kurdistan. This is a very are case in Middle East where a group of NGOs proposes laws to the parliament to develop human rights. One of the unique impacts of the

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[43] Law of Protecting Rights of Minorities in Kurdistan No. 5 2015. Article 1

[44] Law of Protecting Rights of Minorities in Kurdistan No. 5 2015. Article 3

[45] Law of Protecting Rights of Minorities in Kurdistan No. 5 2015. Article 3 P.2

role of these NGOs is helping the local government and the parliament to enact laws and regulations for further human rights development. Such as the law of protecting minorities in Kurdistan. "We have established a network of several international and local NGOs to draft a law for protecting minority groups and religious ethnic groups in Kurdistan. This network was an alliance between several human rights groups, NGOs, and other international and local civil society groups. We insisted that the freedom and equality of these groups and minorities should be legalized not only in Kurdistan, but rather in all Iraq. (NGOL 9, 2020).

Article 4 states that "every individual has the right to reveal his religious identity and protect his ethnic identity to a specific minority group, and this exclusive right cannot be taken away. Every minority group is equal to the majority and has the right to practice basic freedoms, such as freedom of thought, freedom of expression, freedom of establishing associations and unions, freedom of religion; and the government of Kurdistan protects all these freedoms equally. Every minority group has the freedom to express their traditions and culture, and the government protects the religious and cultural heritage of minorities. Members of a specific minority group have the freedom to name themselves after their iconic or historical figures, and they can name the streets and buildings of their neighborhoods after their own iconic figures, according to the law".[46]

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[46] Law of Protecting Rights of Minorities in Kurdistan No. 5 2015. Article 4

	Article No./IPSL No.188, 1959	Related to	Type of Action by KRG	Article No. / KPLS No.15, 2008
1	Article No. 3- Effective	Polygamy Permission	Suspended & replaced	Article No. 1-Hard restrictions
2	Article No. 5 - Effective	Definition of Marriage	Suspended & replaced	Article No. 2- willing contracts-equal rights and responsibilities
3	Article No.6 - Effective	Equal testimony/ wife control divorce	Suspended & replaced	Article No. 3 Wife may control divorce as well
4	Article No.7 - Effective	Authority to allow marriage if spouse has mental disease	Suspended & replaced	Article No. 4 Only judges have authority.
5	Article No. 8 - Effective	Legal Guardian over 16 years old	Suspended & replaced	Article No. 5 not only father, but mother also can be guardian
6	Article No.9 - Effective	Relative has right to ban marriage	Suspended & replaced	Article No. 6 Ban of forced marriage

7	Article No 10 - Effective	Punishing polygamy and outside court marriage	Suspended & replaced	Article No. 7 3-5 years prison
8	Article No 23- Effective	Alimony Entitlement	Suspended & replaced	Article No. 8 Wife is entitled
9	Article No 24 - Effective	Marital obligations	Suspended & replaced	Article No.9 Debt of husband
10	Article No 25 - Effective	Family responsibilities Disobedience	Suspended & replaced	Article No.10 punishment & restrictions

Next, table (7) displays the major differences between the two legal documents (Iraqi IPSL No. 188, 1959 and the Kurdish KPSL No 15, 2008) in regard to women legal status and polygamy as well. Although the entire articles of the two documents are different, we only refer to some of these differences.

Table (7) Comparison between Iraqi IPSL No.188, 1959 and Kurdistan KPSL No.15,2008

Table (7) Comparing some articles of the two Legal Documents of Iraq No.155, 1959 and Kurdistan No.15, 2008.[47] [48]

This list continues for 28 articles. Each article in the KPLS No.15, 2008, invalidates one or more articles from the original IPSL No.188, 1959. Article 26 in the Kurdistan personal law status No.15, 2008 mentions that "all legislative texts that

[47] Personal Status Law in Iraq Kurdistan Region, No. 15, 2008 (1-28).
[48] Iraqi Personal Law Status Number 188, 1959.

contradict the provisions of this Act shall be annulled".[49] Then it states that "the Council of Ministers and relevant parties have to execute the provisions of this Act".[50] Finally, this Act will take effect as of the date it is published in the Kurdistan official Gazette".[51]

Table (8) shows the chronological development in some aspects of human rights in Iraq and Kurdistan from 1992 to 2020. It compares enacting some laws and acts by both the Kurdistan and Iraqi central parliament. The focus is on the rights and freedoms of Women, children, and minorities. Most of these laws are only passed and enforced in Kurdistan.

Table (8) Comparing the laws related to human rights in Iraq and Kurdistan (1991 - 2020)

Name and Number of Law	Kurdistan	Iraq	Notice
Law No.1 (1992) the National Assembly of Kurdistan	Yes	No	First Law in Iraqi Kurdistan
Law No. 16 (1992) Return of Confiscated Money to the Rightful Owners.	Yes	No	
Law No. 8 (1993) on Returning Military Officers to Service in the Kurdistan Region	Yes	No	
Law No. 10 (1993) on Regulation of Publications in the Kurdistan Region	Yes	No	
Law No. 13 (1993) on Establishment of the Kurdistan Regional Government Ministry of Works and Housing	Yes	No	
Law No. 20 (1993) on Establishment of the Kurdistan Regional Government Ministry of Humanitarian Aid and Cooperation	Yes	No	
Law No. 6 (2001) Punishing Polygamy outside courts permission	Yes	No	The goal is to restrict polygamy without judges' permission

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49 Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 26.
50 Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 27.
51 Personal Status Law in Iraq Kurdistan Region, No. 15, 2008, Article 28.

Law	Yes	No	Notes
Law No.11 (2001) Children rights (Child Support)	Yes	No	Iraq does not have any laws regarding children
Law No. 6 (2002) to Amend Fines Defined in Amended Law No. 111 (1969) of the Penal Code	Yes	No	
Law No. 7 (2002) Second Amendments to amended Law No. 17 (1992) on Political Parties	Yes	No	
Law No. 10 (2002) on Annulment of Judicial Charges in Law No. 14 (1981)	Yes	No	
Law No. 14 (2002) on Honor Crimes in the Kurdistan Region	Yes	No	This law is for protecting women in particular
Law No. 19 (2003) An act to remove the effects of the implementation policies of ethnic cleansing	Yes	No	This law is for protecting ethnic groups in Kurdistan
Law No. 21 (2003) An act to annul Article 156 of the Iraqi Penal Code	Yes	No	
Law No. 22 (2003) An act to annul Articles of the Iraqi Criminal Procedure Code Law No. 23 (1971)	Yes	No	
Law No. 42 (2004) An act to suspend Article 408, paragraph 1 of Law No. 111 (1969) Amended the Penal Code	Yes	No	
Law No. 43 (2004) An act to suspend punishment for crimes committed against spouses described in Article 144 of Law No. 111 (1969) the Penal Code	Yes	No	The goal is protecting Women from family violence
Law No. 3 (2006) An act for anti-terrorism in the Kurdistan Region	Yes	No	The laws aim at eliminating extremism in Kurdistan
Law No. 6 (2006) An act to amend Articles of the Second Section of the Penal Procedural Law	Yes	No	
Law No. 4 (2007) An act to establish amnesty law for the Kurdistan Region	Yes	No	
Law No.15 (2008) Amending Law No.188 1959	Yes	No	Eliminating or changing Laws related to marriage, divorce, polygamy, etc.
Law No. 4 (2010) An act for the Kurdistan Region – Iraq independent board for human rights	Yes	No	Report and track human rights violations and developments
Law No. 8 (2010) An act for anti-terrorism law in the Kurdistan Region	Yes	No	
Law No. 11 (2010) An act for the organization of demonstrations in the Kurdistan Region	Yes	No	

Law No. 1 (2011) An act for non-governmental organizations in the Kurdistan Region	Yes	Yes	Legal Framework for the work of NGOs
Law No. 8 (2011) An act of combating domestic violence	Yes	No	Protecting women and children Criminalizing violence against women
Law No. 11 (2011) An act to set out privileges of prisoners & political detainees in the Kurdistan	Yes	No	
Law No.6 (2014) Official language in Kurdistan	Yes	No	
1-Law No 5 (2015) Protection of components in Kurdistan	Yes	No	Protecting minorities (ethnic and religious) groups
2-Law No. 5 (2015) Judaism as a protected religion	Yes	No	Protecting the last 400 Jewish families in Kurdistan
Law of (2019) Returning Jewish to Kurdistan	Yes	No	Returning Jews of Kurdistan to their land and property (only draft Law)
Law of (2019) Protecting LGBT rights	Yes	No	Only a draft proposed by NGOs

CHAPTER FIVE:
HYPOTHESIS TESTING RESULTS

On the basis of ethnographic interviews of 25 current and previous Iraqi NGO leaders and government officials, this chapter explores to what extent the human rights standards have been improved by the local and central governments of Iraq and Kurdistan given the role and impact of human rights NGOs. The removal of the previous Iraqi regime under the personalist dictatorship of Saddam Hussein provided a unique era of human rights development that warrants study. The level of human rights improvement can be measured by the number of human rights laws and legislations, judicial decisions, state political behaviors, etc. These laws and legislations enacted by both the regional and central parliaments to improve the basic rights and fundamental freedoms of women, children, and minorities. Due to separate political changes and historical and cultural differences, these human rights advances have been observed differently both in the Kurdish region and the rest of Iraq. To understand these changes in the level of human rights–especially women rights, children rights and minority rights–ethnographic interviews were conducted with NGO leaders and government officials from different ethnic and religious groups in all parts of Iraq. Iraq, as a post conflict country, is an ideal case to examine the role of human rights NGOs due to its unique demographic and religious diversity and geographic location in the Middle East.

The limited literature about Middle East and Iraqi NGOs focuses only on the humanitarian role of these NGOs after 2003 (Gautier & Francia, 2005). Almost none of these studies have ever focused on the role of these NGOs in regard to state behavior and pro human rights legislation., The available literature dwindles even further in respect to

the rights of women, children and minorities (Kamat, 2004). The effectiveness of NGOs for policy or legislative changes relies upon their ability to convince and pressure the governments to translate formal agreements into reality; their capabilities for social and political change can only happen when the values pursued by NGOs are relevant to the local people's situations and belief system (Neumayer, 2005; Noh, 2017; Kamat, 2004). The aim of this study is to understand and explain whether human rights NGOs were able to impact state behavior in regard to human rights legislations that support women's rights, minority rights and children's rights. Despite Iraq's long personalistic history that included violence in the homeland as well as many regional and international wars, these NGOs proved to be successful in many cases, if not all. The approach used here is mainly to obtain detailed insights from independent NGO leaders from all backgrounds and ethnicities who were working in Iraq with both international and local NGOs.

The qualitative phase of this project sought to test three-hypotheses based on conventional theories that state that NGOs have the ability to change state behavior toward greater respect of human rights (Neumayer, 2005; Noh, 2017; Kamat, 2004). This hypothesis testing would lead to developing inductive emergent themes acquired from the analysis of all the interviews. The qualitative hypothesis tests regarding international aid and support, adaptions to local and cultural factors and conditions and norms, and the remote managing strategy of cooperation and coordination were based on expectations from previous research. The results and findings of the tests of the following hypotheses will be the focus on this chapter. At the end of this chapter, two interview transcripts are attached as appendices. The emerging inductive themes such as institutional factors, religious and cultural aspects, and alternative institutions will be discussed chapter six.

Hypothesis 1. The higher the level of support and aid from international agencies and NGOs, the more effective and successful local NGOs would be in developing human rights standards.

Hypothesis 2. The higher level of NGOs adaptability and flexibility to the local factors (cultural, religious, and social environment), the better the level of trust and the more positive the relations with both the formal and informal institutions (community and the government).

Hypothesis 3. The higher the level of cooperation and coordination of NGOs (partnership policy), the higher level of their successful role in developing human rights standards and overcoming security challenges.

I have divided the questions into three categories; the first three questions are general and broad (open-ended). I intentionally did that to consider some Iraqi and Kurdish cultural considerations where initial conversations start with broad topics without going to specific ones directly. These interviews were mostly focused on the general human rights situation and their development in Iraq and Kurdistan from 1991 to 2021. Then, the remaining three questions aimed to learn more about the role of NGOs in those developments. These questions are focused on the aforementioned hypotheses. Table (9) below lists these questions and each question's corresponding hypothesis. The last question is an open-ended question asked to identify some themes and explain the aspects that NGOs have never been able to achieve. After that, Table (10) shows the results of the three hypotheses before we discuss each one separately.

Table (9): Ethnographic Interview Questions

Q#	Question	Hypothesis
Q1:	Did you see changes in HR in Iraq and Kurdistan since 1991 and in what area?	Open-ended
Q2	What do you think is responsible for human rights progress in Iraq and Kurdistan?	Open-ended
Q3	Do you think that NGOs played a role in this HR development?	Open-ended
Q4	What do you think of the role of international aid(funding) in the HR progress?	H1
Q5	To what extend local conditions were contributed to HR progress?	H2
Q6	What was the role of Remote Managing (partnership) in HR progress?	H3
Q7	What is something that NGOs were unable to achieve	Open-ended

Table (10) Hypothesis Testing Results

Hypothesis	Questions	Support Frequency	No Support Frequency	Findings
H1: The higher the level of support and aid from international agencies and NGOs, the more effective and successful NGOs would be in raising human rights standards.	What do you think of the role of international funding (Aid) in the human rights progress?	84%	16%	Support
H2: The higher level of NGOs adaptability to the local tribal and social environment, the better level of trust and positive relation both with the public and the political parties inside the government.	To what extend local conditions was contributed to human rights progress?	65%	35%	Partial Support
H3: The higher the level of cooperation and coordination of NGOs (partnership policy), the higher level of their successful role in	What was the role of Remote Managing in HR progress?	14%	86%	No support

developing human rights standards and overcoming security challenges.				

Results of the Three Hypothesis:

1- International Aid

In the first part of this study, hypothesis one states that the higher the level of support and aid from international agencies and NGOs, the more effective and successful local NGOs would be. In other words, the establishment, functions, and structures of these NGOs depended mostly on the international community support and aid. This support mostly comes from various international organizations and agencies from Europe and North America. The support and aid were taking different shapes and routes ranging from direct funding that dispenses financial resources to logistic aid that sponsors workshops and seminars explaining the "how to" of establishing local NGOs, applying for funds, and human experience and expertise to create and sustain local NGOs. International aid takes the form of establishing networks and alliances with local NGOs as well. This international support and aid lead to increased capacities for NGOs to foster democratization in both developmental and post-conflict countries. This process would be accomplished through activities such as agenda setting; creating norms and promoting policy change; building networks and coalitions in the target countries, implementing solutions through tactics of persuasion and pressure to change practices or /and encourage compliance with

international human rights norms (Fagan, 2005; Mercer, 2002; Mohan; 2002, Steinberg, 2102).

Most NGOs in Iraq and in Kurdistan in particular were dependent on the international NGOs for their establishments, structures, and functions, as well as for financial and logistical support. These factors were crucial in these NGOs' degree of effectiveness after 2003 when Saddam Hussein–the previous dictator of Iraq–had been removed from power. NGOs were able to set up strong connections with the civilians in Iraq and support the growth and establishment of local NGOs (Gautier & Francia, 2005).

The growth and development of Kurdish and Iraqi NGO sectors was under the influence of the international community. This NGO development is not the same for Kurdistan and the rest of Iraq. For the Kurdistan region, this influence can be traced to 1991. Once the First Gulf War ended, the Security Council of the United Nations had established a No-Fly Zone for protecting Kurds from Iraqi military attacks in the north of Iraq. This decision created a de facto state for the Kurdish people to establish their own local administration and engage in parliamentary elections. For the rest of Iraq, the process of NGO development could only be realized after 2003 with the removal of the dictatorial regime from power (Sheikhany, 2000).

This internationally sponsored protection for Kurdistan and the urgent humanitarian needs that presented themselves there post-war opened the door for hundreds to thousands of international agencies, charities, and international non-governmental organizations (INGOs) and UN agencies to start their work in the region. Early humanitarian organizations such as USAID, UNDP, UNICEF, MAG, WHO, Shelter, CARE, etc. began their humanitarian works (list of Table (1) first NGOs in Kurdistan-

chapter one). The nature of the activities of these organizations primarily focused on humanitarian aid for physical needs such as education, clinics, food, health, shelter, roads, etc. So, the early arrival of these NGOs was mostly in response to necessity of humanitarian needs (Worker & Ahmed, 2008).

This initial stage was very crucial in the process of the development of the local NGOs in Kurdistan. Most of these INGOs stayed in the north region since they were unable to manage their work in the middle and south of Iraq due to security issues. These INGOs employed hundreds to thousands of local people for managing, supervising, and translating tasks. This opened a great opportunity for Kurdish people to develop and create their own NGOs. Although these NGOs were small in their activity ranges and not very experienced, they were able to create real partnership with the INGOs and get continued funds from the international community through partnership with the active INGOs in the region (Sheikhany, 2000).

Besides that, the influx of INGOs to the region also encouraged hundreds of the Kurdish diaspora to return to the region after 1991 and start their contribution to the development of the region's civil society in general. Most of these people were coming back from North American and Western European countries. Although the local government did not regulate the NGO sector in a legal framework at that time, the development and growth of local NGOs was fast for two reasons: first, the availability of financial resources and funding to these organizations; second, the humanitarian necessities for local civilians due to the international economic embargo against the Iraqi government (Ganot, 2010).

This special situation in the northern part of Iraq (formally known as Kurdistan Regional Government/ KRG) resulted in the creation and development of NGOs under the impact of international agencies and INGOs both in the structure and in the strategies. Most local NGOs were not independent according to international standards. At the beginning, most of them had affiliations either with an INGOs or a local political party in the region or even with some regional countries. Because of funding issues and management issues that stemmed from inexperience, local NGOs were mostly depending on other INGOs and/or political parties. Another characteristic of these early NGOs was diversity in types, functions, and structures. Due to the diversity of Kurdish society and the presence of numerous INGOs from different countries, the local NGO phenomenon was diverse. Although most of them were doing humanitarian activities, NGOs exhibited significant differences. Some of them were political NGOs that were created and supported by political parties. Others were structured and managed by INGOs through local staff and employees. Finally, there were NGOs that had local or regional religious support from the society such as Islamic Zakat and Islamic League or charities from mosques and other religious institutions (Ganot, 2010).

The relationship between the international aid / support and the success of human rights NGOs can only be tested qualitatively. The expected result was that when the level of support from international NGOs, agencies and foreign countries is high, the NGOs are more likely to be effective in impacting the local and central governments' policies in relation to improving human rights. Inversely, in the case of absent or weak international support, NGOs are less likely to be effective and even survive, costing them their strategic involvement with the government and the community both. This hypothesis was based on

the liberal theory of NGOs as facilitator non-state actors. (Lai, 2011; Neumayer, 2005; Noh, 2017; Kamat, 2004; Fagan, 2005; Mercer, 2002; Mohan, 2002; Steinberg, 2102).

It is the goal of testing this hypothesis was to determine if support and aid from the international community would provide enough support and sustainability to local human rights NGOs to be effective and successful to push for further human rights projects in Iraq and Kurdistan. This is done by analyzing the responses of current and former NGO leaders. Some of these NGO leaders are holding political and government positions now both in Iraq and the local government of Kurdistan. Table (11) below presents the results of the test of hypothesis 1.

Table (11) Hypotheses Testing Results- Hypothesis 1.

Hypothesis	Question	Support Frequency	No Support Frequency	Support Categories	No support Categories	Findings
H1: The higher the level of support and aid from international agencies and NGOs, the more effective and successful NGOs would be in developing human rights standards.	What do you think of the role of international funding (Aid) in the human rights progress?	84%	16%	1- Direct International Funding 2-Logistic support & Technical Support	1- Security Problems 2- Institutional Corruption	Support

Support.   Researcher-generated codes were used to evaluate responses to indicate support, partial support, no support for hypothesis one(H1). Then participants answer to

ethnographic questions regarding international aid and support were coded and analyzed qualitatively demonstrating significant support for the associative relationship between the international aid and support and the level of success and effectiveness of NGOs towards changes in human rights (84 percent).

Based on the responses to the fourth question of the interview protocol referenced in Table (8), analysis of the interviews toward H1 was warranted. Thoughts from prominent current and previous NGO leaders and government official, produced three major categories that elucidate support of hypothesis one: Direct Funding, Cultural Factors, Logistic Aid/Support,

Direct Funding:

Direct funding was the most important factor in developing human rights because it stimulated the following: the arrival and growth of international NGOs, the humanitarian relief, and provisions for the physical needs of local communities and villages, the growth and development of local NGOs, the assistance it afforded to local government projects, etc. Most local NGOs were receiving funding somehow from the international NGOs, agencies, and other organizations. This funding process was either directly from international agencies and organizations or indirectly from government grants and other resources. The majority of participants stated that direct funding was/is a crucial element for the work and success of human rights projects in Iraq and Kurdistan. They particularly stated that "NGOs work and success in Iraq would not be possible without the help from other regional and international agencies, NGOs, and other forms of organizations. Funding accelerates everything. No funding means a lot of problems for these NGOs. Funding is like gas for a car. This is true especially for local NGOs. It would be difficult

for them to run, manage, and perform their activities without this funding because in Iraqi culture, most funding goes to mosques, religious sites, orphans. Other recipients of donated funds such as local NGOs are somehow strange to this culture (NGOL21, 2021).

These NGO leaders stated that international support (funding or other forms of help) is a primary lifeline for local NGOs and even some governmental agencies. "Without funding, it's very difficult for the international NGOs and local NGOs to operate and be effective in the region." "This is the reality: whenever there's international funding, there's a lot of activities, working, seminars on improvement, workshops, and a lot of legal, economic, and political awareness. When there is no funding, these activities decrease dramatically" (NGOL 1, 2021). Since neither the local and central government nor the community has a culture for donating or funding these NGOs, the primary source of these financial resources was the international community. "International funding has been very crucial and important in the entire process until today" (NGOL1, 2021). One of these premier organizations in Iraq and Kurdistan was US AID. "For example, we have the American nonprofit organization US Aid that was funding the local NGOs such as IDF - Iraqi Development Foundation, a local NGO in Iraq and Kurdistan" (NGOL1, 2021).

Funding was an important step for the establishment of many local, independent NGOs that impacted the process of democratization in the region. "We have to admit that there might have been no NGOs in the region without the support and cooperation from the outside " (NGOL7, 2021), "All of the local, independent NGOs depend on funding. We have many examples where centers, charities, organizations, and local NGOs were established and working but once the funding was stopped, their activities stopped suddenly. Although local funding is important, it is difficult to find" (NGOL24, 2021). The

process of funding had resulted in growth and development of local NGOs and network alliances. Thus, their goal was not only helping local NGOs, but also impacting local government and parliament as well. Some of these NGOs built networks and advocate groups as well as media campaigns to draft new laws or amend previous laws for the local parliament to develop human rights regarding women, children, and minorities. "We have a law called, 'Law Number 8 of 2011 for Eliminating Family Violence' (Domestic Violence). This law was enacted by the Kurdistan parliament in 2011. Although the law has some technical issues, it is a legal tool for protecting women's rights and freedoms in a sufficient way. It is not completely perfect regarding the protection that women need, but it is a good beginning and a progressive law that Iraq and Kurdistan have never seen. This has been [accomplished] under the pressure of many local human rights activists and nongovernmental organizations inside and outside Iraq. There have been many efforts to update it to a better law, but [those efforts] have failed to revise this law" (NGOL2, 2021).

The same thing is true for protecting minorities. International help and support resulted in even a further step by Kurdistan parliament to admit (for the first time in Iraqi history) that it should legally recognize all ethnic and religious minorities. One interviewee explained, "Under the pressure of the international community and especially nonprofit organizations, the local parliament recently admitted that these are recognized minorities. These ethnic and religious minorities such as Shabacks, Yazidis, Kakaees, Zoroastrians, Jews, Bahais and other minorities are [now] fully recognized and protected by the law. This is a formal legal recognition that these minority religious groups are officially admitted minorities that can practice their religions and rituals freely. This was under the role and impact of local and international NGOs that began in 2009 but was not fully and

formally adopted until 2017." (NGOL9, 2021). Although the process of funding was long and challenging, it was very important for the work and success of these NGOs. This funding process started as a charity process before it was directed to a more specific goal. In fact, it was very difficult for all types of NGOs to work and set up their goals without sufficient funds both from the foreign countries and/or international agencies. "So, we, at the Center for Women's Awareness/Kurdistan, cannot be successful without international funding. The look, the survival, and the activities of local NGO's would be impossible [without it]" (NGOL10, 2021).

Cultural Factors: Lack of Local Financial Support

Although some local NGOs tried to find local sponsors and donors, this is very difficult in the Middle East region. The direct funding from internal sources was impossible for two reasons: first, is the local culture and its expectations in relation to the arrival of these NGOs. People usually believe that the NGOs are rich and have come to help. This expectation started in 1991 when the various NGOs were helping civilians with food, shelter, health, educational supplies, etc. Second, the lack of a nonprofit legal framework until 2015 when the KRG government enacted the Law of Nonprofit Organizations. As a response to this difficult situation, "most NGOs have chosen the path of collaboration with international NGOs and other foreign agencies and organizations to survive both financially and technically. This resulted in a dependency relationship which was really for human rights agenda setting and the process of social and political change in general" (NGOL7, 2021). "The problem is that the companies and the personalities who sponsor these organizations don't receive anything in return for their donations. There's no encouragement. They don't have anything in return. For example, even if a company

financially sponsors a local NGO, the government still requires that company or person to pay taxes. So, there's no privileges for these companies to sponsor these local NGOs. As a result of this, the local NGOs have no options but to go towards international agencies, foreign countries, etc. for finding financial resources. Based on this, local NGOs have been less effective without international funds and the quality, and the quantity of their work is very low due to this reason" (NGOL1, 2021).

International funding appeared to be much better than any sort of local resources for a couple reasons: First, the amount and frequency of funding. Usually, local funding is very small and only given once. "The international funding is usually bigger and more systematic for a local NGO than a local sponsor or a small company in Iraq. Even if they do it, it is once and very limited, which cannot be used for supporting an activity for a long time. Most international funding supports local NGOs for at least six months or more, which provides enough time for these organizations to work effectively and search for other sources of funding or to work on something else" (NGOL1, 2021). "So, we cannot be successful without international funding. The work, the survival, and the activities of local NGOs would be quite impossible, if not stopped altogether" (NGOL10, 2021). One of the reasons that when the international funding is decreased, the local funding loses sustainability to replace the international funding since the international funding is usually much bigger than the internal funding.

The second reason is related to the government itself. The local and the Iraqi government did not assign a specific budget percentage for supporting local NGO**s.** The government in fact ignores any support for these NGOs. Some local NGOs try to find local sponsors, but this is very difficult in the region. "The general situation is that the local

NGOs are unable and cannot be easily successful in finding sponsors like companies, businessmen or rich people. In fact, it has not become a norm or [part of the] culture yet for the companies or tribal and social leaders to support these NGOs.

Logistic Support and Technical Aid. In most cases, international NGOs and other organizations provide technical and logistic support to local NGOs. As of September 2020, the Federal NGOs Directorate in Iraq reported that it had registered 3,200 NGOs. In Kurdistan, the NGO Directorate reported approximately 3,800 NGOs registered as of September 2020.[52] The majority of NGO elites indicated that nonmaterial support was important for the growth, development, and success of civil society in Kurdistan. Besides direct financial support, there were many other forms of aid and support being given during the period of 2003 to 2020. These forms of aid and support included many aspects of workshops, seminars, human resources, networking, human resource training, providing expertise, and many other forms of nondirected funding processes. Instead of sending money to local NGOs, some of these international organizations focused on special areas of training and helping local NGOs to advocate for the rights of women, children, and minorities.

Some interviewees stated that the success of human rights development is not necessarily related to the direct funding, but rather to logistic and technical support from international NGOs and foreign countries. In fact, many local NGOs had been established and actively involved in human rights advocacy even before they received any sort of funding from international NGOs, agencies, foreign countries. It is all about the power of

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[52] ICNL Report of 2021. ICNL is a network non-profit organization in Iraq composed of several other non-profit organization

belief in a human rights case. "In my view, the success of many NGOs in the region is not related to funding issues, but rather the belief in the core human rights and freedoms. It is true that funding is important for many initial steps such as opening an office, publishing, media, etc., but at the same time we have cases where a local NGO was totally based on the volunteer work of its officers, staff, and volunteer networks. There have been successful examples in many cases, so it is sometimes the power of belief rather than the power of the money that matters" (NGOL15, 2021). "In Kurdistan, we are working with a German nonprofit organization called Wadi Organization.[53] This European nonprofit organization cooperates and coordinates with us to advocate, defend, and improve the rights and freedoms of women and children" (NGOL2, 2021).

These sorts of support and aid are very important for real change and development for children and women in a post-conflict country. "These developments are important because these organizations and agencies focus on women and children's issues. They are working on two separate sides: first, increasing the social and political positions for women inside the society in general; second, increasing the level of public awareness about the important role and position of women in many aspects of life especially health, education, economics, law, legislation, judiciary, and additional aspects of a social, political, and economic life" (NGOL3, 2021). One of the important achievements of these human rights NGOs in Kurdistan is related to polygamy. Polygamy was very popular and acceptable among almost all Iraqi ethnicities and religious groups.

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[53] This German non-profit organization is working with local NGOs in rural areas to eliminate the phenomenon of honor killing and female genital mutilations that is still practiced in some rural areas.

This cultural and religious phenomenon has been changed under the effort and pressure of international and local women's rights advocates. "So, we have developed in regard to violations against women rights. As a result of all these efforts by the local and international NGOs and international organizations, it is very rare for a man these days to practice polygamy and marry the second wife. Although it has not been forbidden totally and completely, at least it has been practically forbidden in some parts of Iraq such as Kurdistan region. Since it is still permitted in central and southern Iraq, many people will cross these internal borders to practice polygamy and marry a second wife before coming back to Kurdistan" (NGOL3, 2021).

No Support: Theory-driven, qualitative data analysis identified some categories that undermine the role of international aid in the process of human rights development in Iraq under the impact of NGOs. Based on the responses to questions two and three of the interview protocol, participants indicated that the four factors of security, institutional corruption, lack of strategic partnership, and political party factor were significantly influencing why international aid and support was detrimental to the development of human rights in Iraq.

Security Factor

The security factor was very decisive in the work of NGOs both in Iraq and in the Kurdistan region. In fact, the entire process of international funding and other forms of help was depending on the security aspect in Iraq. In 2012 and 2013, prior to ISIS starting its war in Iraq, the general security situation was very good. The Iraqi budget plan was the biggest in its history since its establishment in 1921. An outstanding proportion of the budget was set aside for resettlement programs, which was set to improve the social, health,

and economic life of Iraqis. "This internal resource was a big factor for growing many local NGOs and the arrival of many international organizations and NGOs to Iraq and Kurdistan. The allotted resources were an important factor for establishing a lot of international and local NGOs, and the number of local NGOs has increased dramatically. A lot of international organizations came to Iraq believing that Iraq is the country of oil and therefore there must be a big budget that can sustain its local NGOs once established. This situation had changed dramatically after the deterioration of the Iraqi security situation. Once the Arab Spring started, many of these international NGOs diverted or directed their efforts and funds to other neighboring countries instead of focusing on Iraq. They shifted to other countries because they believed that Iraqi local NGOs had the ability to sustain themselves because of their big budgets and the availability of local resources." (NGOL1, 2021).

Two events negatively impacted the entire process of human rights development in Iraq: the internal factor of ethnic violence (especially ISIS war), and the Arab Spring in the Middle East. "Many NGOs in Iraq started to relocate to Libya and to Tunisia and to other countries where the Arab Spring started. They left Iraq. Again, the situation has changed with the start of the ISIS war. With the ISIS war, there was a lot of refugees, genocide against civilians, and other minorities. Many problems started to come back again as a result of ISIS operations such as human trafficking, enslaving women, displacing migrants, violence against religious group, etc. The situation could have been worse if many international organizations had not yet started to come back again to Iraq and brought back their friends to focus on Iraq." (NGOL1, 2021).

Institutional Corruption

Not only do these NGOs face security challenges in the funding process, but they also encounter institutional issues as well. There's a considerable amount of institutional challenge towards the work and function of these NGOs in Iraq and Kurdistan. "If Iraq was suffering from security problems, Kurdistan still struggles with some institutional problems such as corruption and nepotism. Being part of Iraq, Kurdistan is still struggling with corruption problems inside government institutions. There are many reasons that led to corruption in this country such as institutional routines, social relations and communal society relations, cultural norms related to family and tribe, favoritism, etc." (NGOL7, 2020).

Another institutional problem is the judicial system. Kurdistan still does not have a human rights court at present. Different courts would settle cases related to human rights violations. The jurisdiction of courts is ambiguous when it comes to settling problems between two NGOs. "What happens if there is a conflict between two or more NGOs ~ one of them an international NGO and the other one a local NGO? If the case goes to the local court, most likely the local NGO will win because the lawyers and the judge are more sympathetic with the local NGO than the international NGO". "It's true that we have a new law for the NGOs (Law No. 1 of 2012). The problem is this law needs to be modernized. This law needs updating and reviewing to reach present day international standards [that have changed since] the local parliament [passed the law] in 2012 under the pressure and initiatives of NGOs (NGOL3, 2021).

Another institutional challenge is related to the misunderstanding or lack of coordination between NGOs and the government and which roles are reserved for

government institutions as opposed to international NGOs. There's still a lack of knowledge or understanding about the role and positions of these international NGOs. These NGO leaders usually indicate that lack of education among the people and government officials undermines any role for intentional help and support for the society in regard to human rights. "Even local judges and officials are uncertain about the nature and the goals of these NGOs. The common belief is that the NGOs are only working for money, workshops, and seminars. They don't understand the nature and the goals of these NGOs in general. So, the NGO sector in Iraqi culture is not welcomed or accepted" (NGOL1, 2021).

Lack of Strategic Partnership

There is no strategic partnership between the Iraqi and Kurdish government as a formal institution and the NGO sector. We have had some partnership between a government department and the NGO sector. The only department within the Iraqi government that deals with NGOs is the ministry of planning. It has some sort of strategic relationship with the NGO sectors, but besides this ministry, almost all of the other sectors lack any sort of coordination or cooperation with international and NGOs.

Due to these problems, NGOs sometimes work within a personal framework rather than through a legal channel. "When an NGO wants to work with the government, there's no legal framework or institutional policies in place to facilitate that. It is rather a personal relationship that provides the context for working. International aid can create impact when there is a personal connection between the two institutions of government and the international side. For example, if an NGO wants to do a campaign or course for advocating a particular aspect of human rights, it must deal with a specific department inside the

government. If there are good personal relations, then the project might be approved by the government, so long as personal relations exist with – for example, the minister, the general director, or an official in that department" (NGOL1, 2021).

Political Party Monopoly

Another roadblock for NGOs is that the majority of economic sources and financials are monopolized by political parties. When a political party establishes an organization, whether it is for advocating for the environment, women, children, students, or patients, these organizations/unions/charities get a lot of resources and funding from these political parties. NGOs do not have reciprocal relations and funding support like this. Another aspect worth mentioning is that the political parties try to legitimize these centers, charities, unions, or syndicates to get political support and votes during the parliamentary elections. This is not true for the NGOs. Most NGOs have been established by law and legal procedures. "We have some NGOs that are political NGOs not real NGOs, although they call themselves nonprofit organizations. The purpose of their creation is gaining political support or collecting votes in advance of elections. Politicians use them as tools to implement their political agendas on this political party. This might have some historical roots. The political parties were historically very strong in the society, which in turn made for strong ideological attachment to these political parties. Perhaps this is a reason the people of Iraq struggle to separate between the unions, trades, and the NGOs. People have more experience with political parties and their affiliates than they do with NGOs, international organizations, and civil society in general" (NGOL7, 2021).

This is also related to the monopoly of resources that political parties have in Iraq and Kurdistan. Historically, political parties were very strong, and these political parties have

a lot of control over the economic resources, financial resources, etc. in the region. "There are affiliates, trades, unions, charity centers, groups and other sorts of groups and structures. They have a lot of financial abilities and support from local political parties, which provides them with more exposure to the local people. This is one reason why people are having more experience with political parties there than NGOs and civic society. Additionally, people are unfamiliar with paying or donating for other organizations as money was often flowing from government political parties and their affiliates to private citizens, not the other way around" (NGOL6, 2021).

The historical understanding of taxes in the Iraqi state presents another challenge. This country has never relied on taxes for its revenue. It has alternatives to tax such as oil and other natural resources. "People are not familiar with the concept of the tax system. In fact, this system is very weak because of the oil revenue. In fact, the government did not need tax income or tax revenue. As a result of that, people are not aware of this idea and therefore not ready to pay anything from their money to NGOs. Since some of these political parties have a border custom, they have controlled resources and distribute them as they see fit, often to their employees. The goal is gaining political control and more votes from people, tribes, and tribal leaders. This environment made for a very bad experience for NGOs, damaging their reputations and portraying them as weak and without resources" (NGOL7, 2021).

Political corruption is a widespread phenomenon that impacts the local perception about NGOs. "Unlike Western countries that have strong tax systems, we don't have an effective tax system. Even if you find it, it's very weak and ineffective. Based on this, political parties will always tell people that they are paying for them and offer to employ

them as government officials. Compensation is for getting loyalty, political control, and votes. In fact, the political parties are paying through many techniques of jobs, employment, and government officials. They want political loyalty in order to control votes for elections and command support for their political agendas" (NGOL7, 2021).

Based on these negative historical political practices by the local political parties, the public perception about the role and position of international and local NGOs is not positive. They think of NGOs as originating outside the local society and therefore their goals are at odds with the local society's goals. They do not want to support something that is not originally "born" there. In other words, people have stronger loyalties and identity attachments toward political parties, tribal and religious institutions. Due to these factors, NGOs have been ineffective in establishing incentives for people to financially support them. It is apparent that the challenges NGOs face are multifaceted; cultural, institutional, and security issues come at them from many sides. Furthermore, lack of background knowledge and social misunderstandings about the role, the goal, and the position of NGOs in the Iraqi tribal society complicate matters

2- Adaptability to Local and Cultural Factors and Conditions

I turn now to testing the second hypothesis: the adaptability to local and cultural factors and conditions. Since 1991, NGOs have been able to gradually adapt to the social and cultural environment in this region. Once they entered Iraq, they realized that without being flexible and giving consideration to these local norms and religious environments, they will not work efficiently. This flexible strategy of work was a gradual process and relatively applies to almost all NGOs in the region. NGOs' capabilities for social and political change can only happen when the values pursued by NGOs are relevant to the

local people's situations and belief systems (Noh, 2017). Although not all NGOs were following the same patterns of work and strategic adaptation to the new environment, the majority of them realized that success required thinking through local factors and understanding the structure of the society, especially as it relates to sensitive issues such as women's rights, religious freedom, and other forms of social and political changes.

This has all been started by the humanitarian services and tasks these NGOs began in 1991. By contextualizing, these NGOs were able to create long, positive relationships with the local communities – tribal and religious leaders on one side and formal political institutions on the other side. With that being said, this process was not the same in the Kurdistan region as it was for the rest of Iraq. This tripartite positive relationship between NGOs, the public and the political parties started during the humanitarian situation in 1991. The long history of the humanitarian aid and services of these organizations to citizens was the reason for a good perception among the local community, political parties, tribal and religious institutions towards these organizations.

NGOs worked and functioned in a very strategic way that resulted in strong social and cultural acceptance towards these international organizations. For example, they provided physical needs and other humanitarian services not only for the civilians but also for the government. Their work in helping the local government with establishing schools, opening hospitals, constructing roads, etc. These humanitarian services were very urgent and important both for the local communities and the local and the government that has little to now experience with these projects. As a result of all these, and in comparison, to the other areas of Iraq, Kurdistan Region, in the northern part of the country, witnessed very specific working conditions for NGOs present there, due to its specific political

situation as a de facto independent area (Gautier & Francie, 2012). Table (12) below shows the results of the hypothesis 2 testing results.

Table (12) Hypothesis Testing Results – Hypothesis 2

Hypothesis	Question	Support Frequency	No support Frequency	Support Categories	No support Categories	Findings
H2: The higher level of NGOs adaptability and flexibility to the local factors (cultural, religious, and social environment), the better level of trust and the more positive the relations with both the formal and informal institutions (community and the government).	To what extend local conditions was contributed to human rights progress?	65%	35%	1-Flexible NGOs policies towards local religious institutions 2- Coordinating with both government officials and tribal leaders	1- Lack of Legal frame for NGO work 2- Misunderstand the role and nature of NGOs	Partial Support

The results from the qualitative test of hypothesis two indicates support (65 Percent) based on the analysis of responses from the 25 ethnographic interviews of current and former NGO elites. The views, perceptions, and insights of almost half these NGO leaders from almost all ethnic backgrounds and religious groups goes towards the idea that creating the positive relationship between these local and foreign organizations and local factors (Tribal communities, village councils, religious institutions, political parties, the

community in general), was somehow important for the process of human rights development but not the decisive factor. These insights and views suggest support for the direction of hypothesis two (H2). NGO leaders indicated that the flexible policies of NGOs included showing respect to the religious institutions and tribal leaders, providing sources of humanitarian relief for the civilians, continuing coordinating with the formal institutions, Political, Cultural, and Social Considerations were among the most important factors for the effectiveness and success of these NGOs in the region. (Table 12).

Partial Support

Flexible Policies with Religious and Tribal Institutions

Understanding and considering the local factors was a starting point for the success and effectiveness of NGOs in the region. Once NGOs entered the area in 1991, they soon realized the importance of this. "Local conditions are important because if a tribal leader says something or if a religious leader asks for something, people will follow that and take care of that. This society isn't a civic society. They don't generally follow rules and laws because some tribal models and religious norms are much more important to follow. Therefore, NGOs–whether international or local – should never overlook the role of these local factors. There will be no success without considering local conditions, especially tribal leaders' norms. We have some cases where NGOs entered a village with the permission of a local leader, not with the permission of the government. In some places, tribes are stronger than the government institutions such as the police. In the South of Iraq, for example, the religious supreme leader is stronger than all the formal institutions such as government and political parties. This is the reality of a [tribal] society" (NGOL16, 2021).

NGOs in Iraq and Kurdistan were able to realize these important factors for several reasons; first, the majority of these NGOs had some local translators, advisors and cultural guides with them to avoid any sort of policy conflict with local communities or religious institutions. Second, most of these NGOs were flexible in doing charitable tasks once they understood the realities of Iraqi and Kurdish societies. It was common for an organization to have the primary goal of empowering women to build restrooms and provide school supplies in many areas in Kurdistan. Third, the majority of NGOs that arrived first were service or delivery organizations. They were successfully working towards providing important humanitarian necessities such as shelter, food, medicine, education, etc. This important strategy was successful as the Iraqi people were suffering with no basic services such as water, schools, medicine, etc. The removal of the Iraqi government in 2003 left people without any government to deliver and provide services for people. Thus, NGOs – along with other international actors – filled that vacuum and delivered the core duties of any government (Genot, 2010).

Maintaining a flexible strategy of work in humanitarian relief originated in 1991. Once international NGOs entered the Kurdish region, they started to focus on urgent humanitarian services and physical needs for the civilians. Needs included many tasks such as building schools, clinics, roads, shelters, and orphan houses in the region. Other NGOs were specializing in more urgent tasks such as removing landmines in the fields, connecting water pipes for agricultural purposes, and other physical needs for the local communities. This was a successful initial step for building positive relationships with the local tribes, village farmers, religious associations, and other various forms of communities in the area. These relationships formed primarily in the North part of Iraq (Kurdistan).

"Local conditions are important factors in the process of the success of NGOs. Those [successful] NGOs were in good relationship with local leaders, religious leaders, and institutions. They were permitted to do a lot of activities in many areas with the permission of these leaders. So, it is very important for NGOs to consider the Iraqi and Kurdish society culture if they want to be successful. When NGOs enter a local community, they have to be aware of some cultural and socially sensitive topics so they can build relational trust with these communities" (NGOL12, 2021). A detailed list of some of these NGOs is provided in the historical chapter (Chapter one) with some indications about their field of activities and projects at the time.

Political, Cultural, and Social Considerations

Most NGOs entered Kurdistan due to the special political and social situations there. The Kurdistan region was not a country, but due to the international protection and the No-fly Zone decision, it had enjoyed becoming a special de facto political entity. It was neither an independent country nor under the political rule of the Iraqi government. "Due to the urgent humanitarian needs and the vacuum of political power, most NGOs stayed there without further involvement in the rest of Iraq from 1991 until after 2003.

During this period, NGOs were able to create positive connections with political parties and public figures from different tribes based on trust and respect. Hardly any NGOs involved themselves in political, religious and/or sensitive issues in the Kurdish culture such as women's rights, children's rights, religious freedom, etc. Sometimes even the very specialized NGOs were doing humanitarian tasks instead of focusing on democracy, social and political change, women's, and children's rights, etc. "Iraq and Kurdistan are still regarded as tribal societies. so, when our religious leaders, political leaders, or tribal leaders

support an NGO, that NGO can work easily and safely, especially in Kurdistan. However, this is different from the rest of Iraq. Generally, NGOs are not welcomed [in other parts of Iraq] because of the commonly held belief that they are part of a military occupation. They are not there to provide help and develop society. Rather, Iraqis see NGOs as an additional part of the American and British forces." (NGOL24, 2021).

Some NGOs were successful and creative in dealing with the Iraqi social and political reality beyond the Kurdistan region. "In most of the central and southern regions, organizations report that it is usually possible to deal with militias and other armed groups directly or indirectly through political offices, city councils, tribal sheikhs, and religious authorities. In areas where there is considerable cross-fertilization between official police or Iraqi Forces and militias, contacts with these actors have also been fruitful. Where direct contact with non-state armed groups has been necessary, first contact can often be made through a trusted third-party as an intermediary until a degree of trust has been established" (Hansen, 2008).

Flexible Strategy Shifting

This flexible strategy of adapting to and building positive relations with communal, tribal, and religious institutions enabled these service NGOs to build social trust and positive cooperation with local communities. Eventually, it impacted the policies of the government and even the agendas of the political parties as well. Due to their effectiveness, these NGOs became agents of development rather than just facilitators between governments and the public (Pearce, 1993). Political parties in the region are structured around tribal ties and regional support. Most tribal chiefs have mutual relations with political parties. A political party by themselves depends on tribal loyalty and support for

elections to the parliament. "Political parties and the local government were able to benefit from this relationship between NGOs and the local tribes. Any success of NGO humanities projects in the region would satisfy and increase the relations between political parties, the government, and the local communities in the region. In many educational, health and social projects, the government depended on the strategies and the experience of these organizations. Due to their familiarity with tribal values and remote communities, NGOs became a way through which the government started to access these communities in the services like building hospitals, schools, and other social and developmental projects" (NGOL 24, 2021).

Social and Cultural Factors:

The majority of participants indicated that cultural differences were positive factors in the entire process of NGO development and impact in the region. These differences are so deep that sometimes NGOs feel they are traveling between two separate countries. "In fact, there's a lot of historical, political, and social differences and even conflicts between Iraq and Kurdistan to the point that you feel the region is more than one state. This is the reality. The point is that Iraq is different from Kurdistan in its historical context. Human rights development must recognize the differences between these two parts of one country. They are really two separate nations and separate cultures. When we talk about Kurdistan, we are talking about a different historical background" (NGOL11, 2021). There are a lot of differences between the Kurdish culture and Arab culture in Iraq. The Kurds are mostly a pro-liberal society. They regard themselves as part of the Indo-European tradition and see themselves as part of the greater Kurdistan, not part of Iraq. "Historically, they have shown no attachment to the Iraqi state and have tethered their national identity to Kurdistan.

Despite being majority Muslims, they have more tolerance towards other minorities and small religious groups than other parts of Iraq. These cultural differences pushed most NGOs to work and stay in the North, not the other parts of Iraq. Thus, NGOs feel much safer to work with the Kurdish culture than in other parts of Iraq" (NGOL 7, 2021).

Perceptions and Dual Role of Religion

Northern and Southern/Central Iraq have different understandings about the role and the function of NGOs. Most NGO leaders cited the role of religion in this regard. While the religious factor was negative in Southern and Central Iraq, the north proved to be the opposite. It all depends on the geographical location, and the degree of conservatism to which the religious leaders interpret the religious texts. There is a real challenge to the work of NGOs posed by religion. Sometimes NGO leaders were the target of extremist groups in the middle and south of Iraq. Since a more pro-liberal attitude pervades society in the north, NGOs are working much better" (NGOL 12, 2021). "There is a conspiracy theory in Iraq that the international organizations are part of the military intervention against Iraq and an extension of occupying forces. Thus, they are spies that work for political purposes to gather information for regional and international powers. This is a very negative perception that harms the existence and work of international NGOs. This is true even in regard to the local NGOs. As a result, the government and its branches and institutions are reluctant to cooperate with these NGOs. These formal institutions such as the police, the courts, and other political and formal institutions, are restrictive when it comes to dealing with international organizations. For example, there are a lot of tough routines and procedures as well as tough policies towards these organizations" (NGOL 25, 2021).

The NGOs were able to shift their interactions with the religious leaders in the early stages of their work. This was a very successful way to accelerate the process of human rights development–especially in the Kurdistan region–by involving and cooperating with local Mullahs and Sheiks. "In regard to the relations between NGOs and the religious sector of the society: at the beginning, the NGOs had totally neglected these religious sectors. They did not establish any sort of relation or connection with the local religious leaders. They were not involving or connecting their activities to the religious sector in any meaningful way. This was only at the beginning" (NGOL22, 2021). NGOs' thinking and working changed later on and the "NGOs came to the realization that neglecting or not coordinating with local religious leaders and religious norms and laws is not a good strategy for working and achieving their plans and goals. As a result of this, NGOs came to a point of reconsidering their viewpoints about the role of religion and religious leaders. NGOs started to involve religious leaders–both Muslims and non-Muslims–in their activities as a new strategy of achieving their goals faster. They had better results" (NGOL12, 2021).

No Support:

Participants of this project indicated four major categories that negatively impacted the ability of NGOs to adapt to local and tribal culture. Security problems, lack of legal framework, and misunderstanding the role and nature of NGOs, political party and alternative fundings

Security Factor: The security and stability of Iraq seemed to be the major problem before and after 2003. This is especially true with the al-Qaeda attacks and insurgency groups attacks after 2003 and the ISIS war in 2014. Some unfortunate outcomes

included a deterioration of security and an increasingly negative perspective about NGO works and activities, which in turned spawned more attacks on NGO staff and offices by extremist groups. "Every once in a while, there was an assassination of an NGO activist or human rights advocate in the middle and southern provinces of Iraq. As a result of that, most organizations decided to move their staff and offices to Erbil, the capital of the KRG. This was not only because of security concerns, but also due to their closeness to the foreign consulates in Erbil so that they could have closer contact with them. NGOs can easily get access to these foreign consulates and coordinate with these organizations" (NGOL 1, 2021).

Lack of Legal Framework and Previous Experience

Besides security concerns, another factor that served as a detriment to the efficacy of these NGOs is the lack of institutional background about these NGOs and their concepts of working. "For example, while in Kurdistan these service NGOs have worked effectively since 1991, and people have a broad understanding about the importance of and positive role of these NGOs for many aspects in the region, the Iraqi government and society in the center and the south do not have such previous experiences with these organizations. So, the lack of previous experience with the NGOs is another challenge in Southern and Central Iraq, while we do not have this problem in the North" (NGOL 13, 2021).

This absence of legal framing for the work and activities of NGOs along with lack of knowledge and experience about NGO functionality are not only among local communities and religious leaders (informal institutions), but also among governmental officials and the parliament members as well. "Most of the parliament members and even the ministers do not have enough information, experience and knowledge about the nature and importance

of these civil society organizations. So, this is another problem: lack of experience and knowledge about the history, functionality, structure and importance of these organizations and the fact that Iraqi tribal society perpetuates the ignorance as well. This applies to both Iraq and Kurdistan as well, though Kurdistan is much better since the local parliament has enacted the law of non-governmental organizations in 2011 to set a legal frame for the establishment, work, and function of these organizations" (NGOL14, 2021).

So, the lack of coordination that stems from misunderstanding is another challenge between NGOs and the government and its official institutions relationship with international NGOs. "There's still a lack of understanding by politicians, local judges and officials about the nature and the goals of these NGOs and the common belief is that these NGOs are only offering money for workshops and seminars. They do not understand the nature and the goals of these NGOs in general. So, the NGO sector in Iraq is culturally not welcomed or accepted. When an organization wants to work with the government, there is no legal framework or institutional policies.

Misunderstanding the Nature and Role of NGOs

The major problem for almost all NGOs operating in Iraq is that the distinction between political and humanitarian action has been totally blurred. "There is almost zero understanding amongst civilian populations of the principles of impartiality, independence and neutrality which guide humanitarian action. This has negative consequences for NGOs and their employees. During the period of Saddam Hussein's regime until 2003, there were very few agencies operating in Iraq, at the same time there was propaganda against the West and, with this, against NGOs. NGOs were viewed with mistrust and suspicion. At the same time the UN sanctions were causing difficulties for many Iraqi civilians, resulting in

a negative perception of the UN. Once the US and coalition forces entered Baghdad in 2003, the NGOs were quick to follow, reinforcing the perception that NGOs were therefore associated with the US and the Coalition. Even before starting work, NGOs were viewed negatively and seen as implementers of the U.S. Government's foreign policy" (Rogers, 2006).

The misunderstanding of the role of NGOs is also related to the capitalist system and economic development. "I think this is related to the capitalism system and the process of capitalism and free market at the beginning of the establishment of these organizations. The establishment and growth of NGOs are not something natural to the Iraqi society. These NGOs did not develop out of the womb of this society. It's something unusual to these tribal societies. Therefore, they don't support, or they don't like to support or to fund them. They like NGOs, but they don't support it financially. The problem with funding is from a cultural perspective. The interaction of these NGOs with the local cultures was a process that came from outside with the United Nations agencies and other countries. Therefore, they do not believe that it is their responsibility to support or help them. For example, the Kurdish people interact with NGOs, have very good relations with these NGOs, but they do not financially support them. The reason is that they believe NGOs came from outside and therefore their funding is also outside (NGOL 7, 2021).

Political Parties and Alternatives to NGOs

Two important factors are detrimental to the adaptability of NGOs and their effectiveness in developing human rights: 1) local political party groups or associations and 2) alternative funding processes. Previous historical associations, charities, and political parties have their roles as well. "They have experience with organizations in

different forms. For example, women's unions, youth unions, syndicates, and groups. These groups, syndicates, unions, and charities have existed for a relatively long-time among the Kurdish people. When an NGO comes to an area, the local people have some sort of a previous negative experience with these organizations and barely separate between the two – independent NGOs from all other forms of unions, groups, charity centers, and the syndicates in the region. On the other side we have the problem of expected mutual benefits. Most local donors do not see any mutual benefits from this process. They do not see any sort of advertising or promoting when they donate to local or international NGOs. The issue is that they are thinking, "What will I get in return for the funding?" Even if they see a return, it is only a short, limited time returned benefit (NGOL 7, 2021).

The society is unable to separate NGOs from the political process as well. "Iraqi society still believes that NGOs are somehow related to political processes from a foreign country or state for some political goals. Whenever the NGO asks for funding, they sit back a little bit and say, "We don't want to be involved in politics." To a very limited degree, Kurdish society is able to differentiate between the independent organizational policies and political party politics or practices. This is probably a historical phenomenon since the Kurds have little experience with the NGOs and nonpolitical activities of organizations" (NGOL 7, 2021). Another reason is there are a lot of alternatives for donating in the Kurdish society. For example, a person, company, or business, instead of paying for a local or international NGO, they donate to build a mosque, a church, library, a group of poor people in a region, etc. There are so many other options for donating money than to fund a local NGO. These are all alternatives to funding local NGOs" (NGOL 7, 2021).

Alternatives to NGOs in the region are another form of a broader social and cultural problem. "When a businessman or a company or a big merchant wants to donate funds, they usually go to charities…or centers instead of supporting NGOs. For example, instead of funding a local NGO, a businessman would go and pay to establish a mosque or buy land for a cemetery or distribute meat among a group of people. This man wants to pay for establishing a mosque for people but at the same time he is not ready to pay for a scholarship program for a group of students. Otherwise, it is mostly a private sector and the NGOs usually do not have something to offer to these companies, donors, or private businesses" (NGOL7, 2021).

3- Remote Managing Strategy

I now turn to the results of the test for the third hypothesis: the effect of the remote managing strategy. There has been limited discussions about the approach of remote managing strategy. This term, which is used interchangeably with remote control, remote support, and remote partnership, is relatively new to the field of international relations and nongovernmental organizations. It has been used in a very limited number of cases and contexts such as in Afghanistan, Congo, Chechenia, Congo and most recently in Iraq (Jones et al, 2006). The current literature lacks any evidence for using this technique in regard to human rights development and democratization disconnected from humanitarian aid. Currently, there is an increasing interest in looking at remote managing strategy for developing human rights freedoms and standards by international NGOs and foreign countries. As of today, no official work, academic study or field work has been performed or published in regard to human rights and remote managing strategy.

The remote managing strategy hypothesis suggests that when international and local NGOs work together and coordinate and cooperate both outside and inside Iraq, they are more successful and best fit for a post conflict country that just survived war and ethnic violence. This hypothesis suggests that NGOs will be more effective in helping local governments and local NGOs when they locate their main headquarters outside the target country while working and cooperating with local NGOs. Here, local NGOs are inside Iraq while the international NGOs remain outside it but have cooperation and coordination inside Iraq with local NGOs. This sort of mutual partnership is done through different forms such as sending logistical help, visiting experts, and officers to local NGOs, performing online seminars and workshops, and providing other sorts of expertise and consultation for the local NGOs. This strategy was especially effective in the middle and south of Iraq during 2003-2006, when there were lots of security issues and ethnic violence.

Remote managing strategy is a work policy adapted by some international, regional, and even local NGOs in Iraq during the period of 2003-2015. Due to ethnic violence and security concerns, these organizations decided to change their work policies to some new working alternatives. These alternative work policies included closing major NGO offices in Iraq, moving their headquarters to neighboring countries, removing and/or changing their office addresses from their physical locations, changing their organizational logos, etc. Some organizations even changed their names, logos, and/or name of the projects they were performing. Many goals were behind these new changes in the work policies; first, to protect the safety of the NGO and the safety of the employees working with them since they can become the target of extremist groups. Second, it improves cooperation and coordination with the local NGOs in their works and projects (Rogers, 2006).

Although there is some limited literature about the role of remote managing programs for humanitarian missions, it does not touch on how this new approach affects the promotion of human rights by both international and local organizations. In fact, we do not have many cases that can be examined for this new method of NGO work. According to this new strategy, local NGOs will not only wait for getting financial support from outside, but they will also make partnerships and set collaborative mechanisms with international NGOs to achieve their goals and implement their programs on ground. According to this strategy, both the international and local NGOs will cooperate for implementing their goals and tasks (Libal & Harding 2011). Both types of NGOs are necessary for the success of this strategy. Within the framework of this method, the main international NGOs' staff and headquarters will be outside the target country, while local NGOs will remain within that country. By doing this, they help each other and coordinate and cooperate in exchanging data and reaching the society (Genot 2010).

The goal in assessing hypothesis three qualitatively in this study is to understand how this strategy of networking and cooperating between two sides (one from inside and another one from outside) impacted the process of human rights in Iraq and Kurdistan. These NGO leaders have provided very detailed information and insights across a broad range of human rights development projects in all parts of Iraq. Furthermore, they share their understanding of the political and bureaucratic processes of the Iraqi state's building process efforts as well as the social and cultural structures of Iraqi society. They are aware of the cultural and tribal mindset of the political leadership of Iraq and the interethnic sensitivities in a country with a lot of ethnic and religious tensions.

The main reason for adapting this international-local partnership is related to political standoffs and security problems. In fact, violence and insecurity were both main factors that forced most NGOs to leave Iraq and adopt remote programming strategies. This imposed distance has resulted in many problems and concerns in regard to the quality of aid delivered to the Iraqi people. It has become more difficult for NGOs to maintain accountability and for donors to respond and appreciate the precise needs on the ground. If international NGOs insist on working towards its goals for a country but cannot handle its tasks and staff inside that country, it will withdraw all its staff to a neighboring country. The local NGOs will remain inside those target countries with the assumption that they are familiar with the social, political, and economic issues of their homeland. It is believed that local staff can provide better protection from any security threats because they already know the language, culture, and legal issues of their own countries (Zimmerman, 2007).

In Iraq, this work policy by NGOs was implemented for a temporary period between 2005 and 2008. Once the political and ethnic violence intensified in Iraq in 2005 and 2006, the majority of the INGOs left the country to resituate in the North of Iraq (Kurdistan), Jordan or Turkey. While INGOs' employees and headquarters were targeted by extremist groups, most local Iraqi NGOs were able to protect their members and staff. The Iraqi NGOs were using several strategies to keep its members from any security issues such as quick changes of their locations, centers and even their NGO logos. In fact, most European NGOs are increasingly working through local NGOs, providing funds, and training them to carry on their work (Ferris, 2003). Table (13) shows the results from testing Hypothesis 3.

Table (13) Hypothesis Three Testing Results:

Hypothesis	Question	Support Frequency	No support Frequency	Support categories	No support Categories	Findings
H3: The higher the level of cooperation and coordination of NGOs (partnership policy), the higher level of their successful role in developing human rights standards and overcoming security challenges.	What was the role of Remote Managing in human rights progress?	14%	86%	1- Local managing 2- Previous experience	1- Security Problems 2- Geographical distance 3-Legal and technical Factors	No Support

Responses from the NGO leaders were coded and analyzed qualitatively yielding a partial positive association between remote managing strategy among local and international NGOs and better human rights developments. Prefigured codes were used to evaluate responses to indicate support, partial support, or no support for hypothesis three (Table 10). Only a small number of participants (14 percent) stated that cooperation with some international agencies and NGOs outside Iraq was necessary and successful. However, most of the participants (86 percent) indicated that this was not a preferred way for many organizations due to moving to the north part of the country.

The majority of participants (86.36 percent) did not support the idea that partnership among international and local NGOs was a successful policy in the Iraqi case. "I do not

believe partnerships with international NGOs [with local NGOs] in every country will be effective because of the geographical distance. If you are not inside or not working inside a country, then how can you be successful? Even if you have good programs, the best strategy, or lots of money, being far from the society is difficult. In the case of Iraq, it was not a successful policy at all due to security issues and geographical distances. When you are in a different country or continent such as Europe, or a neighboring country like Turkey or Kuwait, then how can you be successful in delivering your services? I do not believe that [to be the best way]. Even if we have some examples [of success], it might be very limited to a couple of them" (NGOL24, 2021).

Analysis of the qualitative data has determined four interrelated categories to explain lack of support for this hypothesis–Security factors, geographic distance, Legal factors, and historical and cultural factors. These categories were among the most important factors for hampering the work of human rights pursued by NGOs in the region.

No Support

NGOs and Security Problem

The world was shocked when the office of the United Nations in Iraq was bombed in 2003, resulting in the death of 22 aid workers, including the UN special envoy, Sergio Vieira de Mello, with many others injured. The office of the ICRC was also bombed in 2003, with two Iraqi employees being killed. A number of aid workers have been kidnapped, including the head of delegation for CARE International, who was subsequently killed. Many other agencies have also faced severe security incidents and threats. As a result of these security threats, most non-governmental organizations (NGOs)

withdrew their international staff to a neighboring country (Jordan or Kuwait). National staff have become responsible for the day-to-day implementation of activities. Other agencies continued to operate, but through implementing partners to whom they provide funds and support. To ensure a level of security for their employees, agencies now work in a low-profile manner with no mention of the agency's name and no markings or emblems on vehicles. Aid workers do not carry equipment or papers that may identify them as working for an NGO and do not tell anyone for whom they work for fear of the possible repercussions. Being an aid worker and providing humanitarian assistance is no longer a guarantee of safety (Rogers, 2006).

Security concerns were among the leading factors for NGOs to shift their strategy of working in Iraq. It all started with the attacks on several international organization agencies and the assassinations of NGOs employees and human rights activists in the middle and southern provinces of Iraq. The escalation of ethnic violence as well as terrorist attacks by extremist groups and local militias brought about the departure of many international and local organizations. They decided to leave the country for other countries such as Jordan, Kuwait, Turkey and even to Europe. "Some of these organizations even changed their names and logos before moving outside the country for a safe crossing. While others shifted this strategy to an internal relocation. Instead of going outside, they relocated their headquarters to Erbil, the capital of Kurdistan region. This provided a safer environment and better work position close to the embassies and consulates of most foreign countries. This can be called Internal Managing strategy since they were focusing on South and Central Iraq while headquartering in the Northern part" (NGOL 1, 2021).

NGOs: Development Actors or Part of Occupation

Another factor that led to the NGO remote strategy was the social and cultural misunderstandings of the role and nature of these organizations. As mentioned previously, conspiracies about international NGOs and the local NGOs they support abound in the south and middle of Iraq. This conspiracy theory is motivating local communities and religious institutions to oppose the international organization. According to this conspiracy theory, these organizations are spies working for other foreign countries. The common belief among the people in those regions of Iraq is that these organizations have their own agendas and purposes that can destroy and damage the local culture and their religious beliefs. They come under different names of relief, humanitarian aid, education etc. for other purposes such as gather information for other countries and/or to perform missionary tasks among Muslim communities. "Many believe that these NGOs organizations are just parts of or extension of occupation military. This is a very negative perspective of INGOs that sometimes carries over even to the local NGOs. Based on this, occasionally the local government and its institutions become very tough and very restrictive when it comes to dealing with international organizations. Even the local, formal government organizations were creating busy work, intentional delays, and/or tough policies for these NGOs" (NGOL 1, 2021).

One of the examples of this is found in the ICSP Project. "In Iraq we have examples of these sorts of partnership organizations or what we call remote managing strategies. By way of example, we have US Aid and ADF, two American nonprofit organizations. These organizations were funding organizations for the Iraqi development foundation (IDF). The misunderstanding of the Iraqi people about the nature and the goal of these two

organizations [ADF and US Aid] stemmed from their use of American flags in their labels. As a result of that, many members and employees of these organizations have been assassinated. Due to the ongoing security threat, they have changed both their name and their location, so they are now registered under the name ICSP (Iraqi Civil Society Program) and have relocated their offices. ICSP project was set for four years but they accomplished their goals in two years" (NGOL 6, 2021)

Many other organizations also changed their logos or deleted religious names from their products and works. They did this for two primary reasons; first, to adapt to the Iraqi culture, and second, to secure the life of their employees. "Christian Box is another international NGO organization. Originally, it came from the Netherlands, and they started working in Iraq for a couple of years. This NGO is a very old and transitional organization. It had been established more than seventy years prior, and they were Christian missionaries. Then, after 2004, they changed their name. They expanded their mission to include humanitarian relief instead of just pure missionary tasks. Their religious name became a challenge for them in Iraq. People accused them of doing missionary activities. They start to change their name because of the security threats. They removed the Christ or the Cross from the organization. Now only the name is used without Christian name. So, they adapted to the culture" (NGOL 1, 2021).

Legal and Cultural Factors

Security concerns were not the only reason for the relocation of these organizations. Some other factors also determined this sort of work policy. Many organizations prefer going to the north of Iraq due to the advantage of having a more suitable cultural, legal, and institutional framework. The culture and community of Kurdish people are more

embracing and welcoming to the work of these NGOs. This was mostly true based on two factors: the positive relations with local community and tribal chiefs as well as the welcoming policies of the local government that stemmed from providing a legal framework for these NGOs" (NGOL25, 2021).

As a result, most NGOs decided to relocate their activities to Erbil for two other reasons; accessibility to coordinate with local and international agencies and the foundation of legal protection from the local government of KRG. "Some NGOs decided to move to Erbil due to its proximity to the foreign consulates with whom they have close contact. They can easily get access to these foreign consulates and coordinate with these organizations in Kurdistan. Another reason is the institutional background of these NGOs and their preferred ways of working. For example, while the formal governmental institutions and local community in the south and middle of Iraq had no previous experience with these organizations, the people in the North (primarily Kurds) already have a broad understanding of the positive role and importance of these NGOs to the society.

As a result of these changes and legal and cultural factors, NGOs found a suitable ground for their work without having security concerns and legal problems. "I think some changes in human rights have taken place in Kurdistan since 1991 are related to political awareness regarding women's rights, children's rights, political rights, economic rights, and minority rights. There have been a lot of changes since 1991 in Iraq in general and especially in Kurdistan. For example, the role of women in the areas of leadership, education, health care, and economics and politics. Iraq and Kurdistan are very different in these levels of development. This might have something to do with the No-fly zone

decision and the sort of de facto freedom of Kurdistan [which dovetails with] the role of NGOs in general and the western allies protection of the Kurdish" (NGOL 19,2021).

The way Kurdish society looks at religion and religious texts as well as how the religious leaders deal with texts was an important factor in the decision of many NGOs to relocate and work in Kurdistan rather than in other parts of Iraq. "Kurdistan has never been a religious society. It has more tribal values than religious values. Based on this, Islamic parties are not very effective in the area despite having a considerable size of seats in the parliament and some considerable popularity. Their impact on society is limited, and Kurdish people do not like any political ideologies or programs that come from these religious political parties. Though in Kurdistan you can easily see Islamic features within its culture, it is not a major aspect of their lives. The majority of Kurdish people are Muslims, but as a culture, they have a different perspective for life, and they usually do not vote for these religious political parties" (NGOL 7, 2021).

To sum up, the results from the testing of the three hypothesis shows various outcomes for ach hypotheses. The responses from the 25 NGO leaders indicate a significant support for the Hypotheses 1. The responses show that international aid and support was a very important factor for the growth, effectiveness, and role of NGOs in the process of human rights development. Hypothesis 2 regarding cultural and local factors received a partial support. The responses show that local conditions were somehow important for the work of NGOs but was not the only factor in this regard. Finally, remote managing strategy (hypothesis 3 received no support from the responses of the participants. They indicate that internal relocation and security problems, along with other technical problem results in the

failure of any sort or partnership among NGOs. Next, two interview manuscripts from the

25 NGO leader interviews are attached.

Appendix (1): Transcribed interview No. (4) with NGO Leader No (4)[54]

Researcher: The first question is what are some changes in the field of human rights from 1990 to 2020? By another meaning, are there any changes and if so, what are they? I am talking about Iraq in general and Kurdistan in particular. This is a historical question.

NGOL (4): Very good. I'm mostly focusing on the role of women and the media.? What I am mostly interested is the role of women in working, decision making, political parties, decision centers etc. and what are the changes that happened over there and the increase of the number of violations against women. The role of women in involving with the political parties and political decision-making process, etc. and the legislations that have been enacted in Iraq and Kurdistan regarding woman and media.

Researcher: Are these developments regarding women the same in Iraq and Kurdistan or different?

NGOL (4): No, they are not the same. According to our investigations, Kurdistan is much more developed than Iraq. For example, in Iraq, we don't have any laws regarding violence against women. While in Kurdistan we have a law in this regard. The positive changes and developments are much better in Kurdistan than Iraq regarding protecting women.

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[54] Interview No. 4 was with the NGO leader "Avan Jamal" from the "Metro Center for Free Media", a local free NGO platform that defends and advocates for the rights and freedoms of Journalists and human rights activist in Iraq and Kurdistan region

Researcher: What do you think is the reason or reasons behind these changes? Are international factors behind these changes? Or are these local changes? What are the main reasons for these changes? What about the role of political parties and culture and other institutions besides the international factors?

NGOL (4): There are a lot of factors for these changes. Some of these factors are related to the organizations themselves. There are lots of nongovernmental organizations that are working here in the region especially in Kurdistan. These organizations are women's organizations, civic society organizations, political organizations. Let me go back to the 1991 uprising in Iraq. After this period time in 1991, a new generation had arrived. This is a politically aware generation. This new generation has a lot of enthusiasm for changes in every aspect of life. This new generation wants to be a developed and progressive generation and to do changes in every aspect of life. This new generation after 1991 works very hard to make changes and developments in many aspects of life such as political changes, social changes, economic changes, etc.

These changes also included the situation of women regarding her political rights, social rights, and working and education and other aspects of life. Even though after 1991 there was lots of shortcomings and problems regarding woman's position, education, working, in a political process decision making and media. Despite that, there was a lot of developments in regard to the woman's position in the media, education, working,

employment, government positions, etc. As a result of all these changes, I mean political, social, and economic changes after 1991, the position of woman has been changed and her political, social, and economic rights have been changed as well. Also, there were lots of developments in this regard. All these changes can be regarded as critical legal and social developments. The woman situation had been developed her role as well in social, political, economic aspects of life changed as well. This might be something that women would be proud of for all the achievements during this time.

Researcher: Do you have any names or a list of names for the organizations that are working in this regard? By another meaning, can you mention some organizations that are working and focusing on women's issues or for women's development?

NGOL (4): There has been a lot of organizations and women centers that has been established after 1991. One of these organizations is "Center for Women's Awareness". This center has been established after 1991. It's located in Sulaymaniyah province. This center focuses on women's issues such as how to develop women in different aspects of life. This center was a successful example that had a great impact on the way that women work, the way that woman is involving in the political, social, economic life. This center was able to encourage women's involvement in working with media. This center is an example of a successful woman organization that was able to make changes in the social, political, economic life of women in Iraqi Kurdistan. Another example for women's

organizations in Iraq Kurdistan is the "Women's Union Kurdistan". Although this is a political affiliation women's group by the PUK political party in northern Iraq, this organization had a great impact on the woman's life in social, political, and economic life. This organization was able to make some changes in the way the society looks at women and the way woman was involving in political, social, and economic life.

The impact of this organization is clear when you visit remote and tribal areas. This organization was able to make some basic changes regarding the role and position of women in Kurdish society. One example of the changes that this organization had made since 1991, was eliminating some very bad phenomenon in the Kurdish society. For example, this organization was able to eliminate what we call "Woman for Woman Marriage", "Genitalia Mutilation" and other old practices and phenomenon in the Kurdish society. This organization was working very hard to eliminate a sort of marriage - very old sort of marriage - that's called "Small for big Woman Marriage" This sort of marriage was very popular in the Kurdish society. This organization was successfully trying to eliminate this sort of marriage. Besides its campaigns and impacts, this NGO organization started to work very hard to eliminate what we call "Early marriage", an old phenomenon or practice that's very popular among tribal Kurdish society. It has a lot of impact on eliminating the genitalia mutilation of women especially in northern Iraq.

What we discussed until now was from 1991 to the beginning of 2000. After 2000 and 2001, we see the starting point of another era: establishing and developing new civic society organizations, NGO organizations that were very effective regarding women, children, human rights etc. Another successful example of woman organization that had been established after 2000 is called "Asuda Organization". This organization had been established in Sulaymaniyah province a city in Kurdistan. The main goal of this organization was to increase political and social awareness among women, change the public view about the woman's role and position in society. This organization was working very hard since the beginning of 2000 to encourage the local parliament to establish or to enact a law against family violence especially violence against women and children. We can say that the current law that prohibits violence against women and children that had been enacted by the local parliament was under the pressure of many local civic society organizations, women organizations and the "Asuda Organization" as well.

Researcher: Do you have any data about these organizations, the number of these organizations, the number of the laws, or any other numbers that you have?

NGOL (4): In general, what we have is informal data and it might not be very specific or accurate number. According to some informal sources, the number of the civic society organizations in Iraqi Kurdistan is 16,000 organizations. This huge number of Civic Society organizations had been under the impact of the new law: "Law of

Nongovernmental Organization" enacted by the local parliament. This huge number comes of organizations after the enacting of that law by the local parliament. The number of woman organization are much less among this number of organizations. What I want to explain here is that we have much less women organizations or NGO organizations that are focusing on women rights and women development. The reason for having this little or low numbers for women organizations is related to different factors (individual and cultural factors). For example, a woman should have the belief that she can make differences before she starts working in an organization. So, it's about the mindset. it's about that belief. Most men are not going to work in a women's organization because they generally don't believe in women's rights. Only women started to work in a woman organization because of the culture, the value, and the common belief of not having women's rights. Most men are ready to go and work in organizations that's not focusing on women right.

The general belief is that woman right issues are secondary importance. So, most men and even women are working with the organizations that are focusing on other issues such as children, education, environment. So, it's about the culture and the mindset. Men and even women don't have a strong belief that they can change what's already established in the society regarding women. The common sense that common belief is that they cannot change the way people think. So, they go and establish other organizations instead of

working with women's organizations. Another reason for this is the lack of belief that they can change the society's attitudes and individuals' attitudes towards women.

Researcher: Before we go to the other question regarding the role and impact of international funding for these organizations, what are the main obstacles for the activities of this organization? By another meaning, what are the challenges that face the work and development of these women's organizations in Iraq in general and in Kurdistan in specific?

NGOL (4): There are a lot of factors that negatively impact the work of these organizations that are working for women; one of the main obstacles is the lack of confidence, the lack of faith or the lack of belief of the woman's right. The society, the individual's attitudes and thinking are already negative about the role and the opposition of women. Even though there are women that are working within the political parties and held high positions among these political parties. There are a small number or percentage seats that's designed for women in the local parliament. This is not a real change despite having these numbers of women in these governmental political legislature positions, but these are not the real changes. Most of these political parties bring women for these positions or they dedicate positions to women to show the outside world that they are respecting women rights and

that they are working towards developing women rights. In fact, these are not for real changes for sure.

These local political parties want to show the world and the other international organizations that they are paying attention to women right and they are on a level of respecting women's human rights; woman is working in every aspect of life; her voice can be heard in the aspects of economics, politics, legislature, judicial and other aspects of life. These are only superficial changes and it's only for some sort of decorations. It's not a real change in the woman's life. In fact, these political parties that involve women in these positions don't have any priority goals for woman development for changing the common belief in the ability of women to work to develop to be educated and to take leadership. So, the main point here I want to discuss is the political parties and the leaders don't have that belief in the woman's case. They don't believe in the women's development. That is why these political parties are far from real changes towards woman's right in the area. Therefore, in the Iraqi Kurdistan the top political leadership or the legislation leadership or the judicial affair is under the control of men because they don't believe in the right of woman. They don't believe women can be educated, can be developed and this is the main point that real changes are not happening yet. It's all superficial changes. Most of the works that these political parts are doing are slogans or just speech. They are far from real changes

to women's situation. these are not practical changes. We need more and better changes in this regard.

Besides the lack of belief in the woman's right among political parties and local leadership, there are other factors that negatively impact the role and the position of women. These factors are religion and culture - especially tribal culture - where the men are controlling everything and economic crisis. By another meaning, the woman's situation and position woman's right are stuck among these multifactor of religion, culture, economic crisis, and the lack of belief in women's rights among the political parties. All these factors have a real negative impact on the woman situation and position in the Kurdish culture or Kurdish society in Iraq.

Researcher: Next question is related to the international factor or the role of international funding international non-government organizations. What do you think of these factors? Are these factors being helpful? Are they helping in the development of women's rights, or you don't think that they are effective anymore in this regard?

NGOL (4): This is a very good question. If there's any hope for the organizations that support women's rights are in fact those organizations. Those organizations are very supportive and helpful for women in general. The international organizations are very

important factors for working and development of women's right. The international NGO's or international organizations in general provide funds to the local NGO's and the local NGOs work on the programs that is required by this international NGOs, such as working on the women right or other aspects of life. Some of the main things that international organizations require local NGOs to work to provide is working on the issue of gender and equality, woman's role, and position. The role of these organizations can be through improving women's right or children or minorities. These organizations had a big impact and role in improving other aspects of social, economic, political life. These organizations are working to improve the quality of life for local people in Kurdistan. This was clear after 1991 until now when these organizations started to establish schools, providing homes, shelters, hospitals, and food while Iraq was under that economic siege by the United Nations.

So, my point here is that these international organizations were providing their funds to the local organizations and local civil society. These organizations are the main factors and the last four improving woman right. So, the point here is that the international factors are, and were more important than the local factors. Although the local factors will complete the role of those NGO's. but without international funding, things have been very different. So, they are always very positive and very supportive and very important for any change - any positive change in the role of position of women. Another reason for the

importance of those international organizations for the change for women in Iraq Kurdistan

is a coordinating or working together with local NGOs. Local NGOs would not be

successful especially after 1991, without the support, without the directing and expertise

provided by these international NGO's full support. So, the point here is without the support

and without the funding from these international organizations, the local NGOs would have

would not be able to make any changes in the woman's right especially involving women

in legislature, economic life, political life, media, change the culture in the area and the

general stereotypes about ability of women in involving in the education, political, social,

and legal aspects of life.

Researcher: Do you know any organization that's working outside but it's partnering with

a local organization inside for developing human rights? This is called partnered - an

international organization with a local organization specially regarding human rights. Are

there partner organizations that have an office outside the Iraqi Kurdistan and have another

office inside, but its task was to work and to coordinate with local organizations?

NGOL (4): Yes, there are many examples of "Partnered organizations" or the

organizations that coordinating between each other. One of these organizations called

"IMS ". It is an international organization that's headquartered in Europe. This organization

is helping to coordinate and working with "Metro Organization". The major organization is a local NGO organization in Kurdistan. This organization is supporting media. It is trying to increase women awareness about working in media coordinating with other organizations. This organization is trying to increase the awareness of freedom of speech, freedom of thinking, and especially focusing on the media awareness especially the gender issues. It's partnering with other organizations. There is also another organization. It is a US nonprofit organization working here. This organization supports and helps women journalists it has an office inside Kurdistan and one outside it. Besides that, this organization "The Internews", an American nonprofit organization that is also helping local organizations for increasing the awareness among women especially women journalists. There are many other organizations besides "IMS" and Internews". We have other non-profit organizations that's working for women's rights in Iraqi Kurdistan. Another organization is called "EIZ", This is a German nonprofit organization. this German nonprofit organization had a great impact on working on social, cultural, and humanitarian and aspects of life in Kurdistan and Iraq.

Researcher: Do you think these organizations are only located in Kurdistan or they are also operating in other parts of Iraq? I heard that from other sources that most of these

organizations are only working in Kurdistan they don't go to the other parts of Iraq. Is that

true?

NGOL (4): Most of these organizations are working in Kurdistan.   We have some cases

that this organization might work in other parts of Iraq in Baghdad and so the south of Iraq.

We have some organizations that only work in Nineveh province after the ISIS war is over.

We have some organizations that only work in Sinjar city after the war of ISIS is over.

They don't want to work in Kurdistan. We have some parts of this organization that their

headquarters in Baghdad the main his back that, but they have a representative in

Kurdistan. Most of the organizations are located in Erbil due to the fact that there's some

foreign consulates of some other countries in Erbil. They want to be located in Erbil and

be located close to the consulates of several countries especially in Erbil.

Researcher: My last question would be regarding some aspects with human rights that

have never been achieved? What are some aspects of human rights that NGOs failed to

achieve any development in? More specifically, is there any aspect that the organizations

have failed to achieve regarding human rights?

NGOL (4): This question depends on the time frame. In the economic aspect, there has

been some important developments there. For example, there's some developments

regarding political development, by women. Woman to some degrees were able to involve in political life, achieve some political leadership and reach the central political decision in many political parties. The one point that the woman still would not be able to achieve is in the first position (head)leadership of political parties. If you look at the political structure, you see that the first person and the second person are men. Women were unable to reach the first position of politician or the first position of a leadership of these political parties. For example, we don't have a woman that's a leader of or the head of a political party. We can't say that there had been no change in this aspect of political leadership. We don't have we don't have a woman that's head of a political party or that's the leader of a political party. There had been no change in this since 1991. The political structures of these political parties are controlled by men. We don't have a first position and we don't have a lady or a woman that's the leader or the head of a political party. Another aspect of life that has never been changed since 1991 is the security structure.

This aspect is under the control of men since 1990. We don't have woman in high position of the security officials or like a police or security guard or generals. This aspect of life the army the police the security forces all of these are under the control of man. We don't have a woman leadership in this aspect even if there is a woman in forces it is very superficial and it's very little. The changes are very slow and very little the woman's

involvement participation in the police, military, security, and other related forces. This is

very slow and even sometimes you can see zero changes.

Researcher: Thanks very much for your interview. I really appreciate your help and

providing this information this interview had been recorded and I will transcribe it and I

will translate it to English. We really appreciate your help if you have any questions, I will

let you know. Thank you very much again and have a wonderful day.

Appendix (2): Transcribed interview with NGO Leader No (9)[55]

Researcher: The first question is what are some changes in the field of human rights from 1990 to 2020? By another meaning, are there any changes and if so, what are they? I am talking about Iraq in general and Kurdistan in particular. This is a historical question.

NGOL (9): Hello. My name is Ali Ibrahim Hasan. I am a civil society activist. I have an experience of working with NGOs for around 21 years. I have worked in many aspects such as human rights, gender, women's rights, children, health, and other human rights projects. So, as you probably know after 1991, there had been a have institutional vacuum in the north of Iraq which is called "Kurdistan" since the Iraqi government withdrew from this area. Therefore, there had been a vacuum and emptiness of any institutions in this area or Kurdistan.

The region was facing a lot of challenges of lacking basic services and daily life necessities roads, hospitals, clinics and a lot of other physical needs and services for the population there. This area had been devastated by long Iraqi military presence around and wars. Probably around 4000 villages have been destroyed and they were lacking basic daily life services such as roads hospitals, clinics, schools, shelters, and people were facing

[55] Interview No. (9) was with a previous NGO activist and Leader Ali Ibrahim from Erbil (Kurdistan Region)

a lot of difficulties in this regard. The Iraqi government used a discriminatory military policy against that population in the area. For example, they Iraqi government left a huge number of different types of land mines (both tank mines and personal mines) around the villages. The roads were destroyed completely. The areas were facing severe shortage of basic services, no clinics, no hospitals were operating in the region. so, the entire region was in need for humanitarian services and for the population to survive. So, when the Iraqi government left the area, the Kurds had a stablished their first democratic experience. The public elections have been underway in 1991 to 1992 and the KRG, local Kurdish government had been established.

The region faced critical challenges and enormous struggles such as lack of economic structures and the local economic infrastructure was zero. Besides that, there was absent of any sort of legal and governmental institutions; no buildings; no roads and the region were an empty from all those of a democratic process. So, the challenges where huge; people didn't have experience with elections and democratic processes. Although the region didn't have experience with multi political parties, they accepted democratic processes and multi-party society. The NGOs were very new to the region. So, the entire region was lacking any legal frame for the work of these NGOs. The government was just established and there was no previous experience with the democratic processes, multiparty

political parties, and elections and any sort of political and democratic governing among

Kurdish society.

Researcher: As I understood from you this exceptional situation or lack of institutional on

political governing or lack of legal institutions, governmental institutions was from 1991

to what year? How long was this happening? What happened after that? Do you think

that it was a humanitarian situation from 1991? Was it about the process of

democratization and elections or NGOs or mostly humanitarian?

NGOL (9): Since the region was evacuated from the military presence and the local

government faced tough situations, international NGOs organizations, charities

humanitarian agencies from European Union and Northern American organizations and

other international organizations entered the region to help us and to support the local

government and the populations so that the region can establish its own system. The

beginning was mostly humanitarian and relief intervention. Most international

organizations and United Nations' agencies, organizations, and charities from different

countries especially from the European Union and from the northern American

International organizations. These were focusing on humanitarian aid such as building

schools, hospitals, clinics, roads, restrooms, providing food shelters etc. As example, some

nonprofit organizations from the European Union such as "MAG" Mines Advisory Group,

was helping villages and locals to remove afterwar mines that we are dangerous to the life of people. We have another organization called "Habitat". It was an international organization that was helping locals to build homes and shelters or settlements for people who had no places to live in.

Also, we can say that there had been other international organizations besides MAG and Habitat. There was also foundations and charities that participated in this humanitarian relief process and settlement programs such as Islamic Union charity and Christian charities. Also there have been a lot of a missionary organizations that participated in relief efforts to the region such as many Western churches. These organizations were supported by different churches in the western societies. Most organizations were helping locals and villagers for providing clean water sanitation, electricity, hospitals, clinics, education supplies, as well as removing mines from the fields and mountains. We can say that this relief process started from 1990 to 1991 until 2003. we can call the period "Relief Period" - for physical and physical needs for people.

From 1991 to 2003, most of the focus of the international organizations, charities, and countries were on relief, education supplies, and health issues. During this period of time, there have been some attempts or some efforts for building a civil society movement, but it was a very weak and very limited in number. These organizations were trying to focus

on right of children, women, and minorities. The most important things for people during that time was a huge need for physical needs such as food and health.

After 2003 and the removal of the former regime of Iraq, the situation had automatically changed. The situation had been dramatically changed in every aspect of life. There was an interim Iraqi government in Baghdad. The borders were open to the outside world. Many international organizations started to come to Iraq, especially northern Iraq which was much safer and relatively better than the other parts of the country. United States government, through State Department, was very effective in encouraging and sending a lot of international organizations to focus on important topics such as human rights, civil society, human rights, etc. Many of these organizations were focusing on important things such as human rights, democracy, civic society, the youth involved in politics, women's rights, children rights, environmental rights, gender equality, the role position of women in political process.

Researcher: So, as I understood from your discussion, we can say from 1991 in what was a special and unusual a period for the NGOs in the region till 2003 and on is a new era for these organizations. What do you say?

NGOL (9): Yes, for sure. 2003 is the beginning of new era for the international organization's development through models' development and more local and international issues started to work in Kurdistan and. So, yes from 1991 to 2003, most of NGOs were relief and aid organizations. most NGOs were relief or services NGOs but from 2003 and after it everything changed.

Researcher: What do you think the reason or reasons behind these changes? Are international factors behind these changes? Or these are local changes? what are the main reasons for these changes? What about the role of political parties and culture and other institutions besides the international factors?

NGOL (9): The main reason would be international factors. Kurdistan had been practicing an open door policy for international organizations, charities, humanitarian relief - such as Shelter, Habitat MAG, and a lot of other international NGOs, centers, and charities. So, the main reason for this opening was Kurdistan had been saved under a totalitarian regime of Iraq. It was liberated and after the establishing of No-fly Zone, things had been changed dramatically. There are some examples such as "Swedish" NGOs that had entered to the region, and they establish and helped to establish "Qandeel" an NGO organization for helping locals. So, an international organization is helping to establish another local organization. Both are nonprofit organizations. There are many examples where a local

NGO established under the encouragement and cooperation, and the help and support from some United Nations agencies in the region.

So, we can say that the international agencies were the starters for the growth and development of other local NGOs that were specializing in democracy, elections, transparency, fighting corruptions, women, children, patient, employees, and farmers, even disabled people, health, etc. It's worth mentioning that in Kurdistan region, this already started and gained experience by the previous international NGOs in between 1991 to 2003. After 2003, in Kurdistan, there was already a suitable environment for the growth and develop with these sorts of new NGOs. The reason for the growth and development of these NGO's was that region had previous experience with the existence and growing number of political parties. These were the secular or religious or even tribal and local political parties. This experience with the metapolitical parties was a suitable ground for the development and the growing of these specialized NGO organizations. Each political party, for example, while supporting and helping and cooperating had established several unions, charities, centers in the region. This experience led to the growth and the opening of the region with some NGOs that are independent and neutral. Most specialized NGOs were advocating for women and children environment even recently we have NGOs that support and advocate for animals. So, the structure of the political parties, despite having many problems on civil war, were also factors for growing NGO in the regions. These

NGOs will also be supporting and helping different types of unions, syndicates, charities, centers in different aspects of life. It's true that these groups and unions had political affiliates and were not independent, but they were necessary and important for growing towards more independent NGOs. Although these centers, syndicates unions, for women, children, and student were not fully independent, they were politically under the control of these public health parties, but they were good enough to get the idea of NGOs started to promote the idea of independent human rights non-governmental organizations. Thus, the culture has changed step by step towards NGOs and even government opposition in the region.

Researcher: Do you think that although this political party affiliates, union, syndicates, we're not independent, but they also paved the way for the development of other forms of organizations within them non-governmental organizations? What do you think of that?

NGOL (9): That's true because people who were working with these organizations got a lot of experience and training and how to establish and run organizations. Many of the members of these organizations or political organizations traveled to Europe. They got a lot of training, experience, ideas, experiments, about the non-government organizations. So, some of the leaders of these political party unions, syndicates, and groups charities,

and centers, eventually got enough experience to build and start their own non-government organizations or to work with international organizations.

Researcher: Next question is related to the international factor or the role of international funding international non-government organizations. What do you think of these factors? Are these factors helpful? Are they helping in the development of women's right or you don't think that they were effective in this regard?

NGOL (9): Let's talk about the second stage from 2003 to 2014. Before the coming of ISIS in 2014, there had been a lot of developments in many aspects of life and human rights, women rights, and children and minorities. The Iraqi civic society had developed a lot. For example, the US State Department initiated a program called "IDF". They also have a program called Iraq Civil Society Program "ICSP". ICSP supported by the US Congress. The main goal for ICSP was to bring people from different cities, towns, and as provinces in Iraq to train them get knowledge on how to depend on the self-establish new organizations and run and functioning organizations. So, it was a civil society initiative supported by the Congress for developing local NGO sector in Iraq.

This program was training people have to a start professional organization - how to build professional careers, how to find financial supports, how to build nonprofit

organizations that can sustain itself. This program was trying to provide small funds for these initiatives. This ICSP program was also trying to teach these NGO leaders how to write proposals, how to apply for funding and then finding partnership with international funding. Therefore, we can say that ICSP in Iraq was a very important initiative by the US State of Department and they have a huge impact on establishing new NGOs in Kurdistan and Iraq. It resulted in developing different types of local NGOs and various the nonprofit organizations that supported and advocated for human rights in the region.

NGOL (9): The role of funding: The funds were very important international factors. For example, it was in helping local NGOs to write down proposals to find areas of working to be creative in and searching and finding some social, economic, legal, institutional projects. These projects were related to topics such as human rights women's rights, children, minorities, causes of extremism, woman in the political process, and many other areas and subjects. These were encouraged by the international funding process. We have a local law number (1) of the year of 2012, The law of nonprofit organizations. This law had been enacted and legislated by the local parliament in 2012 under the pressure and of all these initiatives by the NGOs and international organizations.

Besides this law, which was a great important development for finding a legal frame for international and local NGOs, another good step was under the pressure of these

organization, the percentage of women participating in the legislation in the local parliament has been successfully increased. The NGOs were able to increase the number of women to 30%. Another important of aspect was that these NGOs were able to encourage of the government to improve the life and the services for prisoners and to update some traditional judicial laws in this regard to improve the life and the services for prisoners and young people. This was under the pressure of these organizations, the NGOs were able to also improve the life and the position for role of women in political process, the role for women in the economic process and participate women in political life, economic life. Improvement of that life and services for villages in the remote areas and reviewing and updating many educational was done under the role of these NGOs such as prohibiting beating the children that was permitted under the previous laws. We can't say that those initial efforts were very effective although very limited and since the region was under totalitarian dictatorship for a long period of time. It needs continuous support and funding from international organizations and outside countries.

Researcher: What happened to the ICSP Program?

NGOL (9): I think the initiative started in 2006 with the establishment of a lot of local organizations with this program continued until 2013 or later. They were able to help creating and developing a lot of organizations and non-government organizations in the area.

Researcher: What do you think of the role of culture and religion in regard to human rights development? Are they in conflict or complete each other?

NGOL (9): I believe that if we properly deal with local culture, tribal values, and some cultural norms properly in a very appropriate way, we can achieve many goals in the region. So, I think both coculture and the popular religion would be two fairly important factors for supporting the growth and the development and success of NGO's. This needs a lot of researching and studies. For example, I believe that first we have to increase the level of political religious awareness among the leaders of the people. So, starting from the top to the bottom not the opposite. For example, religious Imams and the tribal leaders are important factors because majority of the public will listen to these groups and leaders.

For example, for decreasing the consumption of electricity, first we increase the level of this issue through the imams, religious leaders, then the people were listening to them. The same thing for other aspects of life. First, we have to start with the top-down, because the majority of people are uneducated and they will listen to their tribal leaders and imams or religious leaders, etc. Sometimes there is conflict between them, and religious leaders and human develops activists, but this is all depends on the misunderstanding between them. There were conflicts between the two sides of human rights activists and religious

leaders, but it was very small. If we compare this to the rest of Iraq this is very small

conflict and became an example of coexistence of religious and minorities together

Researcher: Do you have any name for the human rights activists' leaders that they went

to become political leaders or legislative parliament members? Do you have these human

rights activists who later became political leaders or members of parliaments?

NGOL (9): Yes, many NGO leaders in fact. Nasreen Barwari; The wife of previous Iraq

president.   she established the NGO of "Shnaba" (Breeze), a humanitarian charity

organization. This organization has been established by her for helping low-income

families, educations, and huma rights advocacy. They were focusing on how to develop

mechanisms for helping women with the stress on the family, domestic problems, and

reduce the number of honors killing, etc. Later, this human rights activist became a human

rights minister, and she took the position of ministry of human rights. She became a

minister in the government, and she got her Ph.D. later in United States. She initiates many

campaigns on how to manage a post-conflict societies and regions. Another one is

Abdulsalam Madani; this human rights activist was first successful in helping and then

establishing a lot of local independent NGOs about human rights, young women, and

children. Later, this activist became a university manager or head of the university. Now,

he is the head of one of the biggest offices of an organization called "Rwanga". This is an organization for developing humanitarian reliefs and initiatives. Wishyar Malo; NGO leaders and a human rights activist and civil society activists. they have an office and organizations for called "Human Rights Watch" could stand here. Hoger Chato in POW organization. Ali Kareem, a human right activist, is now Iraqi president advisor in Baghdad. Amer Abdulla; a trainee in NGO government office. Zaito Siani. An ICPSp trainer and a UNAMI deputy in the region. Kirmanj Othman, previous ICSP trainee and now legal advisor for the department of justice in Kurdistan region. Shno Faraj: ICSP and NGO activist and UNDP employee. Talara Faiq: a high KRG official. These all were NGO leaders and elites in the region who had great impact on the growth and development of human rights NGOs sector in general.

Researcher: Thanks very much for your interview. I really appreciate your help and providing this information this interview had been recorded and I will transcribe it and I will translate it to English. We really appreciate your help if you have any questions, I will let you know. Thank you very much again and have a wonderful day.

CHPATER SIX:

EMERGENT THEMES

This chapter presents the inductive results and findings discovered from qualitative data analysis of the ethnographic interviews of the twenty-five prominent NGO leaders and governmental officials. These themes and categories have been discovered while analyzing the detailed qualitative data of the transcribed interviews of this study. This was all gained as an attempt to understand why NGOs in Iraq (Kurdistan region in particular) have been successful in pushing the human rights agenda forward. These efforts by these NGOs resulted in the parliament editing, reviewing, and enacting more modern laws and legislations to respect human rights. Laws related to women and family codes, in particular, underwent significant review and edits. As a result of these NGOs' impact, more progressive laws had been passed by the parliament to better reflect international human rights standards. We especially focus on laws related to women, minorities, and children. The story of successful NGO work and function in a country that was ruled by a totalitarian regime with no previous democratic elections and experiences was always in doubt by most scholars.

Any accurate academic discussion about NGOs and human rights developments in Iraq should take into consideration the two sides of the picture (Iraq and Kurdistan region). These two parts of Iraq (the Arab Part and the Kurdish Part) have separate social, cultural, and political trends of development. In some cases, they even have conflicting laws and legislation in regard to many spheres of human rights and fundamental individual freedoms. Until recently, these two parts of one country struggled in finding common

ground between them for many social, political, economic, and legal developments. From the day of its establishment as a modern country in 1921, the Iraqi central government and its political elites had always tried to rule the country with a very strong suppressive system. Unlike the reality, political elites always tried to show Iraq as a homogenous nation composed of Iraqi people. "History tells us something else. Iraq has never been a unified nation in all of its modern history. Meanwhile, most subsequent central governments and political leaders tried to suppress the minority demands for self-determination and /or any sort of constitutional recognition. This unjust political system was the prominent factor for the ethnic revolutions and political instabilities by Kurds and other minorities" (NGOL 1, 2020).

The remaining content of this chapter is divided into these sections: First, the systematic process of data-driven theory analysis will be discussed to describe how the inductive, emergent themes were derived from interviews of the twenty-five top NGO leaders, elites, and other governmental officials. Second, the main emergent themes drawn for the thematic and domain and taxonomic coding approach are discussed. Finally, this chapter will conclude with a summation of the main findings.

Data Analysis

In this study, data driven coding and thematic coding approaches were the primary analysis tools used to identify and discover the most important themes. Unlike the theory driven coding approach, in the first and second cycle of coding, emergent codes were applied to the data. These emergent codes were driven thematically from the responses by participants that was different from the prefigured codes formed for the hypothesis testing approach. Code labels have been developed through the thematic coding approach

(Creswell 2012, Saldana, 2014). Emergent coding was a complicated process since the interviews included a significant number of cultural expressions that left key ideas as implications for the researcher to ascertain. Participants assumed that the researcher is from the region and can easily get the idea of what is going on there. Elucidating these key themes was a difficult task because in high culture societies, people tend to use a lot of cultural phrases and expressions to communicate and deliver their ideas.

This sort of symbolism has psychological and historical roots to it. Since the Iraqi society has never been a free society but rather a series of totalitarian regimes, people are accustomed to expressing their feelings and ideas in a nonliteral way so as to say something without risking government retaliation. Historically, totalitarian governments have used hidden networks and spies among their own citizens for political control (Geertz, 1973). As a result of this long history of suppression, people use culture with its system of meanings and symbols, unfinished phrases, iconic sentences, and jokes to communicate and deliver their ideas instead of being straightforward. Taking this into consideration, many themes needed to be developed in each stage of the data collection process and later in the analysis process.

The thematic and domain & taxonomic coding methods were used to understand and explain the factors that led the government to step toward passing more laws and legislation related to human rights. These laws and legislations include examples such as new laws for protecting minorities, developing, and improving the social, legal, and political position of women. Despite some critics who accuse this method as oversimplifying social phenomena (Geertz, 2003), these coding approaches, especially the domain and taxonomic approach, are particularly effective at identifying semantic

relationships (Saldana 2015). While taxonomies are conceptual constructs obtained through the establishment of semantic relationships, domains are categories of cultural meanings, and they include subcategories that are semantically related. They together establish a good structure for good analysis (Spradley, 2016). In the first and second cycles of coding, a taxonomy of words and phrases was created using MAXQDA software, which listed all relevant emerging codes that could explain the *why* and *why not* of NGOs' success in Iraq and Kurdistan on a case-by-case basis.

Next, emerging codes were classified into domains and categories that had some sort of relationship or shared attributes. Finally, the domains were used to construct categories under four inductive themes. Table (14) contains four major inductive themes. Each theme has several domains/ categories that impact the success and effectiveness on NGOs in the process human rights in Iraq and Kurdistan. These themes are derived from the interview of the 25 current and former NGO elites. These four inductive themes are: Historical and Psychological Factors, Tribal and Cultural Practices, Domestic financial Factors, and Institutional and Legal Practices.

Table (14) Results from Thematic, and Domain & Taxonomic Coding

Inductive Themes	Domain/ Categories	Taxonomy
Historical/ Political Factors	Historical Factor- Independence Goal	2005 Referendum 98% voted "Yes" 2017 Referendum 92% voted "Yes"
	Psychological Grievances-NGO Perception	Forced identity, religion, and Culture
	Political Factors	Political associations and unions
Cultural/ Tribal Practices	Lack of Religious Leadership	No Supreme religious leader
	Ethnic Diversity and Ethnic Coexistence	Historical & Ethnic diversity 15 ethnic and religious groups
	Women Leadership	Women governmental and tribal leadership
International /Financial Factors	Humanitarian factor	US and UN support (humanitarian support)
	Funding & Financial Resources	Formal and informal financial support – UN Food-for-Oil Program
	Legal and Institutional practices	New laws and policies for human rights
Legal / Institutional Practices	Parallel NGOs	Legalizing and organizing different types of NGOs

Inductive Emergent Themes

During the data collection and analysis of the qualitative phase of this project, five additional exploratory variables were discovered from the participants' rich and detailed responses. These inductive findings were discovered following the qualitative code-to-

theory mode (Saldana, 2015). The inductive variables centered along four unique themes: first, Historical Factors, which includes both political factors and psychological grievances; second, Tribal and Cultural practices, followed by International and Financial Factors, Institutional and Legal Factors and Lack of Institutional Identity. Each of these themes consisted of two or more distinct categories.

Findings

Historical and Political Factors

One of the main reasons for the successful relationship between the Kurdistan government and NGOs is related to the political cause for Kurdish independence and liberation from Iraq. Kurds believe that helping and accepting NGO pressures will be a good strategy for gaining outside support for their political independence. For the Kurds, Iraq (and other countries that have Kurds such as Turkey, Iran, and Syria) is an imposed political and legal system against their natural rights of independence. Kurds believe that Iraq is a country that had been established without any consideration to its ethnic and religious make up. "It was a project by outside powers who did not pay attention to any of the historical ethnic maps and formations in the region or the desires of the local people. In short, Iraq was a project imposed on several ethnic groups who never used to live together and did not want to be together. Although there has always been contact between these ethnic groups, they never have a shared history or a desire to form a unified country together. Kurds, for example, are an ethnic group that never regarded themselves as part of the newly established Iraq. Rather, they envision themselves as a part of a greater ethnic group called Kurds who inhabit Kurdistan, a land geographically far and different from the deserts of Iraq" (NGOL 1, 2020).

Based on these historical facts, Kurdish people have always tried to separate themselves from Arabs, Turks, and Persians. Despite a long history of suppression and subsumption of their culture and language to other language, Kurds always insisted that they are not a part of other nations. As scholars state that the most important factor for Kurdish to feel they are Kurd is by traits they share such as language, clothes, traditions, cultures, geography, and other traits. Through these traits, they always attempt to protect themselves as a distinct ethnic group (Rubin, 2003) (Natali, 2005). As a result of this self-separation from the rest of Iraq, Kurdish people have always tried to be different in almost everything they perform. This self- separation pushed them to use and utilize any mechanism to create separation from Iraq. Two independence referendums were held by Kurds – 2005 and 2017 – both overwhelmingly voted for independence[56].

The arrival of international agencies, organizations, and NGOs was a great opportunity for Kurds to advance their cause. Therefore, the local governments open policy and acceptance to the demands of these agencies and originations resulted in a very positive cooperation and coordination between the two sides. Although NGOs have their own various agendas and programs, the local KRG government and the Kurdish people perceived them as helpful to their political goal. This type of perception was the positive factor for cooperation and coordination between the two sides. "The Kurdistan government always welcomed these NGOs and international agencies and accepted their terms and conditions for working in Kurdistan. Rarely did the local government refuse their demands

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[56] Two Political Separation efforts: 2005 Referendum; 98% voted "Yes" and 2017 Referendum; 92% voted "Yes"

and working terms and conditions. This cooperation positively impacted the course of human rights in later legal and social developments" (NGOL 25, 2020).

These historical, political cleavages further supported the idea of separation by Kurds who were searching for an alternative way to liberate themselves from the current Iraqi regime. "As a result, they welcomed any sort of outside intervention and any opportunity to step toward independence. The 1991 Spring Revolution was a historical opportunity to liberate themselves from Iraq. For Kurds, the arrival of NGOs and international organizations to the region was an additional opportunity to deliver their grievances to the world. CNN and Fox News were the first international media to enter the region and report about the Kurds' case. For Kurds, language and culture can only be preserved with the modernization, democracy, and global standards of human rights. This lack of common language in Iraq was an important factor in diminishing any project for establishing a national identity in Iraq" (NGOL17, 2020).

Psychological Grievances: NGO Perception

The long history of political and cultural grievances and suppressions by the Arabs, Turks and Persians against the Kurds spawned a crucial psychological element for the Kurds that motivates them to search and cooperate with any outside forces, agencies, or organizations. Throughout history, Kurds have always hoped for networking with an outside force to get support and help for their own cause. This created a historical psychological conviction that working and cooperating with international players such as foreign states, international organizations, NGOs, and other international players is a strategic way to preserve their language, culture and ultimately their political independence. "We are helping and supporting the NGOs and other international agencies

and centers since we have our own long term political goals. We do not trust these totalitarian regimes in the region. We hope that our cooperation gets us more international support and help, especially from European countries. We know that these NGOs have a lot of popularity in Europe and North America" (NGOL 6, 2020).

Kurds seek every avenue to liberate themselves from these four powers (Iraq, Iraq, Turkey, and Syria). They utilize and pursue any thread of help for independence. "These historical grievances are regarded as an element in helping and supporting foreigners in the region, believing that it might lead to independence. Kurds will help any power come to the region if they feel it will protect them against these local forces. Not only have NGOs been perceived as helpful and supportive for their case, but other international forces have also been approached with the same perception" (NGOL 14, 2020). For example, in 1991, I (the researcher) was twelve years old when the allies attacked Saddam Hussein to liberate Kuwait. Kurds were the most delighted nation to see that happening. Once they found the opportunity, they revolted against the Iraqi military and liberated almost all of the Kurdish part in Iraq. I recall that people from all over Kurdistan attacked Iraqi militant bases and complexes. The Iraqi army was easily overwhelmed by the armed civilians. I remember seeing long lines of Iraqi soldiers and military officials surrendering to armed Kurdish civilians. "The Kurds' permanent search for independence is the crucial factor for cooperating with outside forces and governments. Human rights NGOs are perceived in the same line of logic. Once they entered the region in 1991, Kurdish people and the local government helped them and provided them with translators and cultural advisors. Many locals even opened their Mosques to be used by those NGOs for different activities such as charity events, workshops and seminars, and other communal services in the area.

Although these NGOs were not political, the Kurdish people always wanted to get connected with them due to the belief that they might spread their voice and desire for independence to the outside world" (NGOL 13, 2020).

These attempts to attract and gain the international community's sympathy were successful to some degree. In 1991, once Iraq agreed to the Allies' terms and the military operation stopped, the Kurds started their exodus to Iran and Turkey to avoid Iraqi military revenge. American and European TV stations began to arrive in the region, such as CNN and Fox News. They broadcasted the enormous scale of the humanitarian situation of the Kurdish people to the international community. Those images of Kurdish suffering pushed France and other counties to ask the UN Security Council to establish a no-fly zone area as safety for civilian people against the brutality of the Iraqi army. Although it was primarily a humanitarian decision, the Kurds still believe it was a step forward in getting closer to independence. These were the reasons why the Kurdish people have tried several referendums for independence back in 1992, 2005, and 2017.

The history of oppression has continued from the arrival of Islamic caliphates to the Ottomans, all the way until the establishment of these modern Middle Eastern boundaries after World War I. The arrival of international forces opened the historic doors for Iraqi and Syrian Kurds for the first time in more than a millennium of history to be far from oppressive regimes. "After 1991 and 2003, all the Kurdish villages started opening Kurdish schools in Kurdish languages. With the arrival of international forces, NGOs and UN agencies, people began asking to open Kurdish language elementary schools. These agencies and international organizations such as Shelter, Qandeel, UNICEF, etc. helped in the establishment of many elementary schools. Later, they helped establish the first

Kurdish academic institute for the development of a standardized Kurdish language"
(NGOL 7, 2020).

Historical suppressions and lack of trust between Kurds and other nations who
occupied them throughout history made the Kurds preferential to the coming of an
international player to their region to counteract the influence of one of these neighboring
nations. Based on these psychological explanations and historical experiences, Kurdish
local Parliament has always encouraged and facilitated assistance for international NGOs,
companies, and corporations to open branches in Kurdistan, working hard to provide a safe
environment for their work" (NGOL 17, 2020). They believe that availability of any
international player in the region will deter and postpone any new invasions and
occupations. On the other side Iraq, Iran and Turkey have always threatened Kurdish
political leaders with revenge if they take any further steps towards independence.

Political Factors

Besides international funding factors, one of the other important factors pertaining
to the success of NGOs in the area of human rights development is internal politics. It is
true that many other internal factors such as religious tolerance, pro-liberal individual
attitudes and other cultural and social norms and beliefs continue to influence the human
rights movement in Kurdistan. However, the practices and foundations of local political
parties were significant in the growth of human rights in the region. "Kurdish political
parties, from 1940 until today, have tried to be open and democratic in their practices and
formations. While it's true some of them are tribal political parties, their practices later
helped the growth and development of women's NGOs and other advocacy groups in the
regions" (NGOL 8, 2020).

Most Kurdish political parties adapt a democratic name or a liberal attachment logo to their name or slogans. For example, "in 1945, when the Kurdish political leaders established the first political party, they called it Kurdistan Democratic Party. These democratic slogans and concepts were very uncommon among tribal political parties in the Middle East back in the 1940s. The Middle East was living in the shadow of the Soviet Union. Most states and political parties were either communist, Islamic, or nationalistic. In 1945, Kurdish political parties established the first communal organization that were like NGOs in their work and structure such as Women's Unions, Youth unions, and other democratic small groups. Although they were not independent NGOs as we see the in modern days, they were pro-liberal groups for supporting women's issues and minority groups" (NGOL 19,2020). Back then, these groups pushed for modernization within a very brutal nationalist and dictatorial regime that was following both communist ideology and a pan Arabic nationalist ideology. These historic backgrounds helped establish new NGOs and human rights platforms later in 2000 to 2020 to advocate for women and minorities. We have the first NGO in Middle east to defend LGBT rights, we have the first NGO platform to defend the right or Jewish people to return to their villages. This is something unique in Middle East" (NGOL 7 ,2020).

Another helpful political practice by political parties in Kurdistan is international networking. Since the 1940s, most political parties in Kurdistan established secret relations with governments, political parties, organizations - even NGOs outside Iraq - in order to gain support for their cause. For example, back in 1945, the KDP leadership secretly cooperated and coordinated with Israel's officers. "The Israeli officers had trained these Kurdish officers and sent a military trainer to the Kurdistan Mountains to secretly train

Kurdish Peshmerga for military purposes. My cousin told me that in 1966, he received a lot of training from Israeli officers on how to use new weapons to defend against the Iraqi army in the areas that were under the control of Kurdish forces. These exterior help-seeking efforts of the Kurdish political parties were important both for independence and for social and liberal movements. Later, these secret relations impacted Kurdish respect for and cooperation with any organizations that entered the region such as human rights NGOs. Thus, Kurdish civil society and democratization took root through an early historical experience for independence. These factors we see bearing fruit in the present as the new Kurdish parliament passed new laws and legislation advancing those rights" (NGOL 3, 2020). Specifically, the Kurdistan parliament prepared a recent draft to encourage the return of Jewish people who had been forced to leave Kurdistan during the 1980 by the Iraqi regime.

2- Cultural and Tribal Practices

Many scholars believe that Iraqi society is still regarded as a tribal society (Raphaely, 2007). A tribe can be defined as "form of political identity based on common claimed descent. It is not necessarily a lineage group, as tribal subunits (sections or subsections) may manufacture fictive kinship ties or alter their tribal identity or affiliations for political, economic, or security-related reasons (Eisenstad, 2007). Tribal societies have two main characteristics: groupism and lack of national identity. Groupism translates to attaching identity with a specific group to some degree. Said another way, individuals identify themselves with a specific group, tribe, clan, family, etc. This groupism applies to both ethnic and religious groups. "Almost all Iraqi people have some sort or some degree of this groupism inside ethnic groups or religious groups. These affiliations with an ethnic

or religious group are still strong among Iraqis. They define themselves with either religious sects, such Sunni or Shia, or with ethnicity, such as Kurdish, Turkmen, Yazidi, etc." (NGOL 10, 2020). Besides the groupism feature, there is another shared characteristic among the tribes, that is lack of institutional identity. "Instead of indicating some national or institutional identity, most Iraqi people identify themselves with their ethnicity or religious sects. Knowing and identifying your tribe and your religious sect has become a social norm passed down generation after generation. Throughout history, the Iraqi education system has failed to build a civic society and change these social and cultural norms and connections. Those tribal and social and family ties are much stronger than any other formal identities and attachments to state, government, etc. This reflected on every aspect of social and political life. No political parties have ever been established to represent all Iraqis until today" (NGOL 12, 2020).

The Kurds, however, are different from the tribal societies in Middle East in two aspects–lack of religious leadership and weak tribal affiliation in cities and urban areas. These two factors were helpful for NGOs to easily assimilate, grow and advance human rights projects, and affect other social and political changes. Kurds have never appointed or established a religious hierarchy or a spiritual religious Marjaia (Religious Reference). "Despite having some small religious leaders on a local level in some villages or small towns, on the national level, there are no such religious positions. Unlike the Shia Mirjaia that oversees all religious issues for the Shia people, Kurds do not have a supreme religious council.

This sort of religious detachment made it easy for social and liberal movements to grow. The lack of religious reference among the Kurds was a crucial factor in encouraging

faster and easier cooperation and coordination with international organizations. Kurds have never heard any Fatwa (religious decree) that bans dealing with or helping non-Muslim foreigners as we see in other parts of Iraq" (NGOL7, 2020). This sort of thinking contributed to a greater role for NGOs, who found working and developing civil society easier among the Kurdish people, making it possible to establish numerous local NGOs to support women's rights, children's rights, and minority rights.

Despite being a tribal society, tribal affiliation and groupism is vastly and quickly disappearing in major cities in Kurdistan. This tribal affiliation is mostly stronger in villages outside cities and major towns. "The further you go from the cities, the stronger the tribal attachments. For example, in some major cities in the area, tribal affiliations and group identities have almost disappeared. When you talk to people in Sulaymaniyah, for example, they identify themselves by their jobs or organizational titles rather than mentioning any tribes or geographic affiliations. Most people do not know what a tribe is and why they belong to a tribe. This quick disappearance of tribal identity resulted in the development and growth of civic institutions, social movements, and NGOs at a faster rate" (NGOL 7, 2020). As a result, "NGOs have been developing there since 1992. For example, the first local Human Rights NGO with local staff started there in 1995. Now there are around 1,000 NGOs and civil society groups to advocate for issues related to women, religious freedom, free press, gender equality, minorities, etc. There are even NGOs that defend LGBT rights, something that has never existed before in Middle Eastern cultures" (NGOL 1, 2020).

Religion: Spiritual Relationship or Political Ideology?

Unlike the common understanding that religion and culture hinder the social and political changes, Kurdish religious practices and understandings proved to be very helpful for the human rights movements and NGO effectiveness in the region. Furthermore, their practice of religion aided the NGOs' success in assimilation and integration with the society and the political and religious institutions as well. This was clearly evidenced after the influx of NGOs to the region for humanitarian relief and the role of religious leaders and worship places in this regard. "In fact, we have many NGO leaders that were previously imams and religious leaders. They started to work with NGO once they found that many NGOs are doing charity work, helping society, and providing relief to people" (NGOL 6, 2020).

Throughout their history in the region, a large share of Kurdish people converted to Islam while the rest remained in their old religions and traditions. Some Kurdish people are still practicing Judaism, Christianity, the Baha'i faith, Yezidism, or the faith of Zedek (popular in the region of Sinjar, Ninawa province). Armenians are living in the mountains of Duhok province, Kakaeis are mostly in Kirkuk province, Zoroastrians are in Sulaymaniyah province, and Christians (both orthodox and Catholics) are almost exclusively in cities and towns.

Other ethnic groups also inhabit Kurdistan, such as the Yarrsans, Failees, and Turkmen. "Historically, Kurdistan was very tolerant to all beliefs and religions. Although there were some scattered tribal conflicts and competitions among Kurdish people, no ethnic and religious persecution or conflicts have ever been recorded in the history Kurdish people. Kurdistan inhabitants were always open and tolerable towards different religious

groups even before the spread of Islam. Once Islam dominated the region, things changed dramatically. Any sort of oppression or conflicts against any ethnic groups were not initiated by the Kurds, but rather by the political institutions outside the control of Kurds in the regions" (NGOL15, 2020). "This rich social network of religious tolerance among all religious groups in Kurdistan was a good ground for developing NGOs and human rights networks. There are NGOs comprised of all religious groups in Kurdistan, something unique in the region" (NGOL 3, 2020).

Although the Kurdish people converted to Islam, their version of Islam reflects their flexible culture of tolerance. The views and understandings of Islam among Kurds are way different from the Arabs, Turks, and Persians. When the researcher conducted the ethnic interviews, the majority of NGO leaders from Kurdistan indicated these differences. They believe that the "Kurdish understanding of religion is not ideological but rather spiritual. This sort of broad understanding of religion was an important factor in accepting and welcoming the international community's agencies, NGOs, and foreign forces. Unlike the other parts of Iraq, Kurdish region was a welcoming and safe environment not only for NGOs, but for all international agencies, foreign consulates, UN agencies and foreign forces. Even though the majority of the society had no experience with these types of organizations, both the local government and the community adopted an open policy. This was a great step towards later legal practices and social and political developments" (NGOL 6, 2020).

The values of supporting and cooperating with human rights NGOs are reflected even inside the religious political parties. These political parties are not so much ideological as they are service political parties. These religious parties are effective and

have substantial parliamentary seats. They established many Local NGOs that later integrated and became part of the overall civil society for supporting human rights developments. "These religious parties adopted very peaceful tendencies towards social and political freedoms. For example, two major Islamic parties in Kurdistan – the Islamic Union and the Islamic Movement (recently changed to the Justice and Development Party) – have a substantial percentage of seats in local parliament. Since the 1980s, they have been able to establish their version of NGOs and cooperate with other local and international NGOs. "Kurdish Islamic movements never practiced any sort of extremism towards NGOs or international organizations. Unlike the Islamic parties of the Sunnis and the Shiites, they were always in line with religion being a spiritual relationship with God, far from political ideology or forms of political control. This is totally contradictory with the Sunni and Shia type of Islam, where Islam is basically politics" (NGOL7, 2020). Although these two Islamic parties are supported and funded outside Kurdish society, they remained within the Kurdish flavor of religious freedom. These factors and considerations were always helpful for initiating democratizations and social reforms faster than any other parts of Iraq. For example, in many cases, NGO initiatives were supported by progressive imams and started in some mosques" (NGOL6, 2020).

Lack of Supreme Religious Leader

Unlike the rest of Iraq, Kurdish people have no supreme religious leaders. This factor helped the local and international NGOs to easily integrate and grow in the region. "Lack of religious leaders accelerated NGOs' reach to communities and local leaders without being hindered by any religious leaders or religious filtrations" (NGOL8, 2020). If you look at Shiites in the south, they have a high supreme spiritual leader. This religious

leader or his institutions have extensive political and social authority that can easily impact the political and social life of the Shia sects. The Shia sect of Islam puts a high regard on historical contexts. The incident of Imam Hussein (the grandson of Prophet Muhammed) is a turning point in their communal life. This historical incident of the killing of Imam Hussein is a very holy day in their history, social, and political life. Every year, they have specific social and religious rituals to commemorate and remember that incident. It became a point for their social and political revolution. Kurds, on the other hand, have no such things. "They have their national day, called Nowruz ("new day") on March 21st each year. Despite having small religious sheiks here and there, it is mostly an open society with some sort of freedom of religious practices. This was a crucial factor for NGO leaders to advance human rights projects such as changing the old laws and progressing women's social and political rights" (NGOL25, 2020).

This sort of understanding of the role of religion has historical roots. Throughout history, Kurdish people were tolerant of other religions and groups. I remember back in the 1980s and 1990s, the majority of my elementary school teachers were non-Muslims. In actuality, the village I grew up in has five elementary teachers that were not Muslims. Additionally, my village has numerous Jewish and Christian sites and names. These non-Muslim teachers were well respected by the local people. This historical religious tolerance has been deeply embedded in the Kurdish society. This was an important factor when in the 1990s international and foreign organizations and NGOs entered the region. It became a rich legacy for human rights development and social movements. "In fact, many NGO leaders were religious leaders or held leadership positions among religious communities

before establishing their independent NGOs for advocating women and minority rights (NGOL 9, 2020).

There has been no single incident of killing, assassinating, or even harassing foreigners in Kurdistan. Contrary to that, people were competing to find cooperation and coordination with these NGOs in the area. Back in 1991, I remember there was a wedding party for one of my cousins. I saw around five European people who were invited to the wedding. They had been invited to the local party for socializing, sharing food, etc. The foreigners were service NGO leaders who were working in the area. I do not remember what organization they were working with. They were most probably working for shelters, clinics, schools or providing other physical needs for the region. "This social and communal acceptance was not easy in other parts of Iraq and the Middle East. NGOs in the south and middle of Iraq have a very suspicious perception of NGOs as being part of foreign occupation and generally do not welcome them there. Unless they get permission from the supreme leader of Marjane (spiritual religious leaders), NGOs cannot easily work and grow there" (NGOL 22, 2020).

Ethnic Diversity and Ethnic Coexistence

This sort of Kurdish style of understanding the religion is reflected not only in their daily social and political views, but also in legal matters and at the government level. Once they established their first democratic example, in 1991, they included all non-Muslim minorities in the government. This parliament included Christian, Yazidis, Kakaeis, Armenians, etc. The first established department for religious affairs was called Islamic affairs ministry. Later, "under the demand of civil society, they changed it to Department of Religious Affairs so that all other faiths can have representative in the department. Now

this department has representation from all faiths and religious groups. Another dramatic change that has occurred is the percentage of minorities and ethnic and religious groups in the local parliament. They added quota system, where each minority and ethnic groups will have their own ethnic representative in the parliament" (NGOL 1, 2020). They will get this privilege even if the ethnic or religious minority candidate does not have enough votes to enter the parliament.

This system enabled all ethnic and religious groups to have at least one member of parliament in the regional government. Another example of these changes that reflect Kurdish understanding of religion is changing the school syllabi for elementary, middle, and high school textbooks. "Most of the old school system was brought in by the former regime. The Islamic education textbooks included high and extreme interpretations of Islam such as Jihad and revolution against infidels, outside powers and foreigners. These textbooks and syllabi have been updated and changed by the education department to include a flexible and peaceful Islam during the period 1998 - 2020. The new school texts on religion now are optional for study. In most cases, the included texts from the Qur'an and the speech of Muhammed are ones that encourage peace, cooperation, communal and charity tasks and helping those in need" (NGOL 3, 2020). The interpretation of Jihad had been changed to struggle for God for helping people in need, community tasks and other charitable tasks (avoiding any support for holy war against infidels or outside powers). These educational and religious changes encouraged a very peaceful, open minded, modern generation of Muslim Kurds far from extremism. "Another important first was the addition of non-Islamic texts for non-Muslims such as Yazidis, Christians, and other faiths. These texts, while optional for Muslims to attend, became required for the followers of those

faiths to study. These religious and educational modernizations and changes in freedoms in the education system had a great impact both for the civic society and for the political and legal and institutional parliament to deal with international organizations, NGOs, and forcing countries with flexibility policy" (NGOL 4, 2020).

On top of the overhaul to the education system, the media has also witnessed a huge revolution in dealing with national and international issues. For example, "beside the political and affiliated newspapers and magazines, hundreds of free and independent newspapers and magazines have been established in the area. This free press and independent magazines and newspapers lead to a liberal society that is far from any sort of extremism. Recently, A huge number of websites, online platforms, radios, and TV stations established to provide services and support for different groups. All ethnic faiths, religious groups and sects have more than one TV station, free press and radio stations, something very new to the region" (NGOL 8, 2020). In 2018, I was impressed to see that there is a local newspaper for Jewish people in the region, called "Kurd-Israel magazine", something unique to the region. When I saw this newspaper, I immediately remembered the Iraqi regime back in 1980s in the town of Diana. That year, the Iraqi military surrounded the small town of Diyana (4 miles south of my village) to capture and deport the last Jewish family and force them to leave for Israel. I still remember the innocent family and the old Jewish lady that was living in a poor house near elementary school.

Women Leaders

The practice of female tribal leadership proved later to be a crucial factor for NGOs to work effectively in the region. Leadership practices of tribal systems have several shared characteristics in general, such as loyalty to informal institutions like one's tribe, sheikh,

chief, geographic affiliations, etc. It also features men that practice polygamy in most times. In those sorts of societies, men control the fate of the family and decide on legal, financial, and social decisions, while women are restricted to the home and given the responsibilities of preparing food, giving birth, and raising children. The man is supposed to work outside and the woman inside. These sorts of societies are ruled generally by some high culture norms such as honor, pride, war, etc. Women, in general, have a classic role of preparing food, raising children, etc.   These cultures are generally difficult for social and legal changes. It might take generations to change the role and position of women in these kinds of societies. (Carroll, 2011). However, Kurdish societal norms and practices paved the way for NGOs to act very effectively.

Allowing women to become tribal chiefs and practice some sort of social and political authority coincides with some standards of international human rights norms and freedoms related to women's rights. "This cultural practice lent itself well to later establishing many female-led NGOs, gender centers, and other forms of social and political forums with assistance from other NGOs" (NGOL 4, 2020). For example, "in Kurdish society, women always had a special position socially, legally, and governmentally. Historically, Kurdish women have been tribal chiefs and performed unclassical roles of leadership, military revolutions, etc. Understanding these unique roles for the women provides the basis for any social movement and preliberal norms for advancing human rights in the region. This element is absent in most neighboring cultures such as Iraqi culture. These pro-liberal views about the positions of women reflect on the political and legal behavior of the Kurdish government. Polygamy was widespread under Iraqi regime for a long time, but things changed later" (NGOL 3, 2020). While the Kurdish parliament

passed laws to ban polygamy, "the Iraqi parliament that is dominated by Shia and Sunni political parties, proposed couple drafts for encouraging men to marry more than one woman. The draft law justified that [decision] due to the increased number of women in Iraqi society after long periods of war and male immigration to Europe and other countries" (NGOL 2, 2020).

3- International Humanitarian Factors & Institutional Changes

The international element was an important factor for the entire process of human rights development in Iraq. It is true that internal factors have already established a suitable environment for attracting international organizations, and it is equally true that the international community played a crucial role in the development as well. The international organizations, charities, states, and other regional and international agencies were not involved in all of Iraq at an equal pace. These international community organizations and agencies were very selective in their involvement with certain regions. They have focused more on the north of Iraq (Kurdistan) than the middle and the south. There were two categories of reasoning behind this sort of selectivity by the international community: humanitarian reasons and political reasons (Goutier & Francia, 2012). This international support proved to be very important for later human rights development and the growth of human rights NGOs.

This special treatment for northern Iraq by the international agencies and NGOs was totally absent in the south. In fact, while dozens of service NGOs entered the north in 1991 and later, not a single NGO entered southern Iraq. "This legal, political, and humanitarian protection for the Kurds by the international community encouraged them to respond positively to the demands and projects of these NGOs. Kurds feel they are obliged

to improve human rights otherwise they lose their international protection. Although there is no written agreement between Kurds and international NGOs, organizations and foreign states, Kurdish local authorities interpret this protection as a condition to improve and develop human rights policy in the region. Therefore, they always accept international community conditions. They are always afraid that losing their support means the return of the Iraqi army" (NGOL 14, 2020).

Humanitarian Factors

The humanitarian factors, originating from the civil war, paved the way for the arrival of the first NGOs to enter the region. Later these NGOs created and developed other forms of NGOs for advocacy work. In 1991, once the Iraqi military was defeated in Kuwait, it utilized its forces to suppress and avenge Kurds and Shia Arabs. Returning from Kuwait, the army moved south and north to "punish" the Kurds and Shia who "betrayed the regime" during the war. At that time, both ethnic and religious groups were under the retaliation of government forces. Once the Iraqi military started the operations of revenge in the spring of 1991, atrocities happened against civilians. In the south, the Iraqi military attacked the Shia minority and killed or imprisoned anyone they found in their way. The Iraqi army even destroyed all their holy shrines and cities. The atrocities were unimaginable. Hundreds of thousands of civilians have either been killed, imprisoned, or executed. Thousands ran to the neighboring countries of Kuwait and Saudi Arabia. The same thing happened in the north" (NGOL 8, 2020)

I remember I was twelve years old when the panic started among people. Rumors came that the Iraqi army is going to use chemical weapons again. This was easily believed among the Kurds because they had already experienced this with the same regime back in

the 1980s. In less than one week, millions of civilians, myself included, left their villages, cities, and towns to go toward the border of Iran and Turkey. The situation was so horrible that it cannot be told easily here. People ran to the mountains with children and elders during the harsh winter of 1991. While the Iraqi military tanks, helicopters and infantry were entering Kurdistan, millions of civilians were running to reach the border of Iran and Turkey. On my way to Iran, I witnessed horrible things that can be recorded as violations against basic human rights. The Iraqi army was killing, arresting, and executing at random in their advance to cities and towns in the North. It was an exodus of Kurdish civilians.

CNN and Fox News were transferring these images to the Western World. Thanks to the media and brave TV channels and journalists, the international community finally witnessed the atrocities of the Iraqi army against its own people. Once these horrible pictures and videos reached the world, things had changed a little bit. While the Islamic world was silent, France and other western countries asked for some sort of protection for the civilians. As a result of that, the UN Security Council decided to adopt the international decision for protecting Kurds: No-fly Zone. Ever since then, the French have tried to support Kurdish cause in the Middle East to correct its historical mistake in the Sykes-Picot agreement. I was under a tent in the high mountains of the Iraqi border with Iran when my dad came back and said we are going back to our villages because the Iraqi army had been stopped from any further advance. Those pictures and videos of civilian atrocities as well as the enforced no fly zone decision were the beginning of the involvement of the international community and INGOs in the region. These NGOs created and established other local NGOs to advocate for women's rights, minority groups, children, etc." (NGOL 8, 2020). "Without the support and help of these early NGOs, human rights and new laws

would have never progressed in the region" (NGOL 7, 2020). "Some NGOs created alliances and established networks with each other to propose new laws to the region such as the minority laws, gender laws and other progressive laws" (NGOL 9, 2020).

The international community's protection for civilians was only for the Kurds. After the No-fly zone decision, the Iraqi army and government were not allowed to enter the north. This protection opened the door for international agencies and charities to enter the region easily. Almost all international organizations and NGOs came to Kurdistan and started their work there, not in the south. "The reason was related to security, culture, and politics. Kurdistan was no more under the Iraqi threat. It became a region under special protection. The Iraqi military had no control over the region. Second, Kurdish culture had more relevancies to western cultures. Despite being majority Muslims, Kurds have a culture that leans more pro-liberal and accepts and tolerates freedom of religion and tends toward an open society. Finally, it was mostly political reasons and justifications for working in the north since the humanitarian and political cause was more preferred by the international community than the religious case in the south" (NGOL 13, 2020).

The Elections and the US

The legal and institutional changes during the period of 1991 and 2003 were important factors for later development in human rights. The special humanitarian protection for Kurds provided an opportunity for some sort of self-governance. "Although Kurds lacked previous democratic governance experience, Kurds initiated their first democratic elections. The first free election ever among Kurds was in 1991. The results and the consequences were important yet problematic. Kurds do not have experience with democratic systems. Under some sort of international monitoring, they started their first

free public election. It was unique for a country that had never had such democratic and free elections. The United Nations supervised the elections" (NGOL 13, 2020). Although it was not free from problems, the experience established a democratic precedent for the politicians and democratic culture for political and social developments.

The first election was unique in many aspects but problematic on the other side. It was unique since almost 10 political parties participated for the first time in Iraqi and Kurdish history. All political parties (communist, Islamic, liberal, independent, secular, and tribal political parties) had participated in the election. This was a great democratic process for a tribal society that had never had such an experience. It became a precedent for later elections and established a democratic process in the region that greatly impacted the institutional and legal changes in the region. Despite all these positive indicators, the first Kurdish democratic attempt resulted in very weird and unfamiliar results for any democratic system. Since both major Kurdish political parties refused to accept failure, they agreed to strangely announce the results as a fifty-fifty tie. To avoid undesired consequences, the two main political parties agreed to divide the authority for all governmental and official posts. All governmental positions have been divided between two major political parties. They called it "50+50 democracy."

Later, this system failed to continue, and a short civil war ensued between the two political parties from 1995-1997. The war had a very negative impact on the Kurdish international cause and on the efforts of NGO and international community. Luckily, the US and the Allies were able to end the internal conflict among them in 1996 (Mustafa, 2021). Former US secretary Malden Albright met with the Kurdish political leaders and reached a political agreement to end the war between them. Thus, the democratic process

was reinstated. "Despite the continuous threat by the neighboring Iraqi military, Kurds continued their free and democratic elections until 2003. Although the local Kurdish parliament was inexperienced, it proved to act decisively in regard to many important issues. The parliament was able to enact more than 100 laws for different aspects of social, political, and economic facets of life. It passed many laws and regulations that modernized the region in regard to the protection of minorities, children, women and other modern laws. These changes and developments have impacted the political and social life not only in Kurdistan, but also in Iraq proper. The parliament stepped in to modernize laws and review and change old laws that were passed from the military and suppressive regime of Iraq. Apparently, the parliament was enacting the laws, but most of these laws and legislations were drafted and prepared by international and local NGO and other organizations. For example, the law for protecting the minorities was passed once a network of local and international NGOs drafted it and proposed it to the local parliament" (NGOL 7, 2020).

Despite the continuous threat posed by the central government of Iraq, the local parliament continued its work and function for around 12 years. "During this period, the local parliament established a precedent for more democratic elections, political and social changes, and further advancements in the agenda of human rights. These changes were part of coordination and cooperation with United Nations agencies in the region such as UNAMI, UNICEF, and other international and regional agencies and NGO organizations. Although critics say these changes were most superficial and not real, they proved to be important for later changes and modern social movements in regard to women, children, minorities, employees, political prisons, IDPs, etc." (NGOL 16, 2020).

Domestic Finance

No one denies the facts that financial support was crucial for the humanitarian process for the Kurdish people in 1991. This process started right after the UN Security Council No-fly Zone decision. Once the UN adopted the oil-for-food program, "Kurdistan had received 17 percent of the Iraqi oil revenue. These Petro-dollars had a great impact on the overall economic and business development. Many new, local small businesses have been established. The political parties, the NGOs and the charities were distributing these petrodollars among civilians. As a result of the financial resources, funding processes started for the NGOs and more local NGOs were established. Many international NGOs helped the process of delivering these finances to open new schools and hospitals, and the entire educational process developed very fast" (NGOL 16, 2020).

The Phenomenon of "Parallel" NGOs.

One popular phenomenon in the region that was very helpful in the growth and effectiveness of NGOs is what is called parallel organizations. These organizations are not independent since they were established by a political party for several reasons and tasks such as advocating for the specific political agendas of a political party, aiding election campaigns and collecting votes for that party, spreading the ideology of that political party, etc. According to some scholars, these are not real, independent NGOs but rather instruments that the government uses to appear to be supportive of civil society, to channel funding to preferred causes and away from opposition groups, and to discredit independent NGOs or opposition groups by claiming that government-affiliated organizations are the only "legitimate" form of civil society. In other cases, the government sponsored and funded these "parallel" NGOs to compete with opposition groups. In other cases, the

government trains them to impede democracy-promotion efforts and to buttress authoritarian incumbents facing electoral challenges" (Gershman & Allen, 2006). However, Iraqi Kurdistan is conflicting with this sort of view. The state and political party sponsored NGO have proved to be working the other way. They benefited democratic promotion and contributed to further human rights developments.

Back in the 1940s and 1960s, Kurdish political parties had established many of these organizations during the ethnic wars with the Iraqi government. "Many of these organizations were very popular among the local villages and civilians. They have been part of the social and political trend for liberating and revolting against the Iraqi regime. For example, KDP had established Kurdistan's Women Union, Kurdistan Youth Union, and Kurdistan Student Union. These organizations were originally political and affiliated with the founder political parties. They were active among civilians in the villages during the war with the Iraqi regime back in the 1940s up to the 1990s. They usually have a democratic name in their logos and writings to inspire people to support Kurdish independence from the suppressive regime. Although they were not independent organizations, their development, functions, and establishment paved the way for creation of other independent NGOs later in the 1990s. These precedent NGO-like organizations became an important way for the growth of local NGOs and human rights movements in the region" (NGOL 17, 2020). Later in 1991 and 2000, most of them either integrated into an international NGO or separated to become independent NGOs in the area.

After 1991, hundreds of these organizations had been established by local political parties. These affiliated organizations were not NGOs or independent, but later they proved to be crucial, elementary steps for advancing Kurdish society. "They were introductory

steps for later growing a civil society that defends human rights. Some of these organizations even cut relations with original political parties and became independent political parties or NGOs. These organizations were mostly active among women, students, and young people. Their practices and behaviors proved to be important for political awareness, political changes, social and legal developments. From the 1940s to the 2000s, these small, affiliated organizations started their own newspapers, publications, and free elections in schools, colleges, and universities. These democratic processes were to elect the representative for women, students, and youth in parliament and government bodies. For example, in each college there was a representee from the students to defend students' rights if they had been accused of violations. Later, women's unions were able to elect a higher council in the region for advocating their rights, something unique in the entire region. Back in 1991, some of these affiliated organizational leaders later started their own NGOs for the first time in the region. The Kurdistan Organization for Human Rights in Suleimani is one such example. Established in 1991, it is one of the first Kurdish NGO for defending human rights" (NGOL 20, 2020).

The practices and agenda of these semi-political organizations later paved the way for more civic society activities and legal developments. "Some leaders of these organizations left their original political parties and joined either an international NGO or established their own independent NGO to defend women rights, minority rights, etc. Although the original goal was promoting a political agenda for the founding of political parties, later, they led to the growth and development of independent NGOs. This parallel NGO phenomenon led to the establishment of greater network or syndicates, unions, charges, afflicted NGOs and caused NGOs to put pressure on local parties to adapt laws

and rules that benefit human rights changes in the region. This does not mean that all of them have been changed. Other forms of NGOs still appear in the region, such as political or religious NGOs. These technically cannot be NGOs since they are not independent. However, they work and advocate for a specific group of the people such as political prisoners, free presses, freedom of religions, minority protections, etc. Their works, activities, and functions created a culture very close to the international definition for NGOs. Despite that, they still cannot be labeled as independent NGOs" (NGOL 5, 2020).

The phenomenon of parallel NGO was unique for the social and political changes unique to the region. Some of these NGO-like organizations are supported by political parties, others are supported by the government or some tribal chief. "These NGO-like organizations later started to establish their independent platforms, offices, and media such as TV, radio, weekly and monthly publications, and websites. Thus, it led the local parliament to pass a law for non-governmental organizations in 2010 for the first time in Iraq. The law has been an important legal framework for the establishment and work of NGOs. Many NGO experts ask for editing and modernizing it, claiming that it needs further modernizing. This law became the first successful NGO legacy that resulted in preparing many drafts of law and legislations to the local parliament" (NGOL 24, 2020).

Conclusion

The previous sections of this chapter presented in depth results gained from the qualitative analysis of the ethnographic interviews of 25 current and previous NGO leaders, human rights advocates, and government officials. Findings indicate a broad range of historical, social, political, and ethnic cleavages that made one part of the country advocate for human rights developments while the other part remains reluctant. These long

historical, social, political, and religious tensions and conflicts centered around lack of national identity, historical and psychological grievances, cultural and tribal practices, international and financial factors, and legal and institutional practices. The turbulent history among these two major ethnic groups in one side and the lack of trust between the two major religious sects in one country and its corresponding effect on its citizens compelled these ethnic groups and religious groups not to act differently throughout their history in the region. For Kurds, it is about an ethnic identity struggle to separate from a country they have never had loyalty to. For the Shi'ites in the south, it is about lack of trust and liberation from the oppressive Sunni minority. For the Sunni minority, it is about their historical right to maintain a nationalistic Arabic country. Next, two interview manuscripts from the 25 NGO leader interviews are attached.

CHPATER SEVEN:

CONCLUSION

The goal of this project was to explain how and why human rights NGOs significantly impact changes in human rights in Iraq and Kurdistan in particular. Putting it in a different way: Which factors and dynamics impact the effectiveness of these NGOs in improving human rights in Iraq? This study challenged past research by identifying previously undiscovered historical, political, and social phenomenon from the responses of 25 current and former NGO elites and government officials, validated by historical analysis and legal document analysis. In the emergent themes, several major factors evolved from the international aid and support, institutional and political practices, cultural, and psychological differences on the human rights developments on domestic happenings. These cultural and social factors, coupled with the arrive of international NGOs in the region facilitated a great development towards the threshold of human rights development.

In the following sections of this chapter, the summary of NGO success is presented based on the integration of the findings from this explanatory mixed methods study. Next, the theoretical and policy implications of this project are discussed, highlighting the contributions of this study to the existing academic literature and the potential impacts to policy decisions involving Iraq. The limitations of this dissertation are presented along with the necessary steps taken to mitigate their impact on the conclusions drawn from the explanatory case study research design. Finally, the broader research plan for future research is discussed to test the theory of NGO success both within the country and with similar cases both in the Middle East and in the international system.

Theory of NGO Success

The results of this explanatory case study method identified several shortcomings of the theory of NGO success in Iraqi Kurdistan. The original theory was centered on three hypotheses exploring the relationship between international aid and support, adaptability to local cultures, and utilizing remote managing policy and the successful NGOs efforts to develop human rights for women, children, and minorities. These three hypotheses were tested qualitatively. The findings of the qualitative tests found support for the international aid hypotheses, partial support for the adaptability to local and cultural factors hypothesis, and no support for the remote managing strategy. I briefly review these results below, and the theorical and policy, limitations, and future research.

The international aid and support hypotheses states that the higher the level of support and aid from international agencies and NGOs, the more effective and successful local NGOs would be. By another meaning, the establishment, functions, and structures of NGOs depended mostly on international community support and aid. This support mostly came from various international organizations and agencies from Europe and northern America. The support and aid took different shapes and routes ranging from direct funding, such as providing financial resources, to logistic aid such as workshops and seminars about how to establish local NGOs, how to apply for funds, and providing human experience and expertise to create and sustain local NGOs. The international aid might be through establishing networks and alliances with local NGOs as well. This international support and aid-built capacities for NGOs to develop human rights in both developmental and post-conflict countries. This would be through activities such as agenda setting; creating norms and promoting policy change; building networks and coalitions in the target countries,

implementing solutions through tactics of persuasion and pressure to change practices or /and encourage compliance with international human rights norms.

Foreign aid, especially funding and other logistic support by international donors, is essential for the success of human rights NGO to operate now and in the foreseeable future. The analysis of the responses of current and former NGO leaders and government officials indicate support for the idea that providing foreign aid, especially financial support to local NGOs and other local active organizations in the region plays a crucial role in advancing human rights projects. In the interviews, NGO elites and government officials reported that it was impossible for any human rights development and growth of human rights NGOs without international funding because local funding was absent during the first arrival of these NGOs. They also stated that supporting and donating to NGOs is mostly perceived to be from outside funders. This perception started in 1991 when relief NGOs entered Kurdistan to provide physical needs for local people. This insight was also supported in chapter two (historical chapter), which analyzed and tracked the arrival of relief NGOs from 1991 to 2021. The comprehensive analysis of the foreign aid and international financial support hypothesis positively impacted the growth and development of local human rights NGOs and advocacy groups later in the region. This was analyzed as a causal mechanism for advocacy network to defend issues such as women, children, minorities, environment, gender equality, etc.

Adaptability to local cultures: The findings from the responses from NGO elites and government officials indicated partial support for the adaptability to local cultures hypothesis. Iraq has consistently been described as both a tribal and a developing country throughout its history. Besides formal government institutions, local ethnic and religious

groups have strong social and political ties to other non-formal institutions (alternative institutions) such as religious institutions, tribal and cultural formations, and entities, etc. NGOs capabilities for social and political change within these societies can only be possible when the values pursued by NGOs are relevant and adaptable to the local people's situations and belief system (Noh, 2017).

These NGO adaptability strategies and policies started with the humanitarian services and tasks these NGOs performed since 1991. By doing this, these NGOs were able to create a long positive relation with both the local communities, tribal and religious leaders on one side and with formal political institutions on the other side. This tripartite positive relationship between NGOs, the public and political parties started since the humanitarian situation in 1991. The long history of the humanitarian aid and services of these organizations to citizens was the reason for the positive perception of these organizations among the local community, political parties, tribal and religious institutions.

Adapting these strategies resulted in a strong social and cultural acceptance towards these international organizations. For example, once they arrived in the region, they provided physical needs and other humanitarian services not only for civilians but also for the local government (such as establishing schools, opening hospitals, constructing roads, etc.) Another flexible and successful strategy was incorporating local cultural expertise and even religious leaders in their workshops, seminars, and other empowering activities to gain the local support without touching sensitive social and cultural topics at the beginning. These humanitarian services were urgent and important both for the local communities and the local government that had little to no experience with these projects. As a result of all these strategic and flexible policies performed by these early NGOs, the

Kurdistan region, unlike the rest of the country, witnessed very positive working conditions for NGOs present there. This social trust and cultural acceptance gained by NGOs was an important factor for development and growth of local NGOs, empowering local NGO leaders, and making alliances with local NGOs to help the local government in consultancy and legality services. This resulted in combined efforts by these NGOs to propose several new laws to the local parliament such as Kurdish Personal Law Status (Number 15, 2008), "Law of Protecting Rights of Minorities in Kurdistan (Law No. (5), 2015), and "Act Against Domestic Violence (No. 8, 2011).

Remote Managing Policy: Remote managing strategy had been used successfully in different humanitarian cases and contexts around the world such as Afghanistan, Chechenia, and Congo (Jones et al, 2006). However, the Iraqi case turned out to be different. The analysis of the responses of current NGO leaders, human rights advocates, and government officials indicated no support for the idea that operating outside Iraq could have been helpful for the development of the human rights process. In the interviews, NGO elites and other human rights advocate leaders reported that despite effectiveness in a very limited number of cases, this policy of cooperation and coordination between local and international organizations was not successful for several reasons related to security reasons, geographical distances, technical, and institutional corruption inside Iraq. Looking at the participants responses, we found that only 13 percent of them stated that cooperation with some international agencies and NGOs outside Iraq was necessary and successful. Moreover, the majority of them (86.36 percent) did not support the idea that partnership among international and local NGOs was a successful policy in the Iraqi case.

Participants related this to factors of security problems, geographical distance, and institutional corruption among others. Once the security situation deteriorated in Iraq back in 2005 and 2006, and especially after the attacks against the UN in Baghdad, most NGOs and international organizations either relocated to north or left to a neighboring country. As a result of that, NGOs lost their ground connectivity to both the community and local NGOs. A majority of these international NGOs and even local NGOs left Iraq to neighboring countries such as Kuwait, Jordan, etc. This created a vacuum in the work and effectiveness of NGOs. Being outside the country resulted in difficulties and challenges for these organizations to cooperate and help each other provide services and workshops. It was actually a disruption of NGO effectiveness and functions in the country. Beside security problems, such as explosions, kidnapping, and assassinations of NGO leaders and activists, technical problems were major obstacles in any sort of cooperation between NGOs outside the country and local NGO inside Iraq. There were shortages of electricity and internet service and other technical problems. Besides all that, sending services and funds through local organizations ended up being a waste of time and resources due to widespread institutional corruption in Iraq.

NGO leaders stated that, with the exception of very limited cases, relocating NGOs outside Iraq resulted in many problems and concerns that negatively impacted any previous development in human rights discourse. These problems and concerns decreased the quality of aid delivered to Iraqi people, NGO accountability and donor ability to respond and appreciate needs on the ground and increased institutional corruption. Many NGO leaders reported that it was a misleading strategy because an international NGO assumes that a local NGO has the ability to handle its tasks and mission since it already knows the

language, culture and legal issues of that country in order to provide better protection from security threats.

The main argument for this study was that when the three hypotheses of international aid and support, adaptability and flexibility to local cultures and tribal values, along with using the remote managing strategy are met, the role and the effectiveness of human rights NGOs will increase in the region. The results of the test of these three hypotheses result in different outcomes. The international aid and support and were crucial element in this regard. While adapting to local and cultural values and tribal conditions was important to some degree, the remote managing strategy was not as crucial as it was assumed at the beginning by the researcher. Although this strategy was successful in many other international humanitarian cases, the Iraq and Kurdistan case seemed to be not a successful example due to various factors.

Emergent Themes

The outputs garnered from the testing of hypothesis grounded in the existing literature were essential in understanding and explaining common conditions that exist in Iraq and Kurdistan bringing NGO success. The insights of current former NGO elites and government officials highlighted misconceptions and flaws in the theoretical model of NGO and human rights development. Emergent themes during interviews of NGO participants and government officials and the subsequent data analysis in this study illuminated explanations not anticipated prior to beginning this research.

Four main themes emerged from the interviews: first is the historical/ political factor, where the political cause for independence encourages human rights changes among

Kurdish authorities. Second, cultural, and tribal practices facilitated human rights development. Third, international/ financial factors were accelerating these changes in the region Finally, some institutional and legal practices in Iraqi Kurdistan emerged as important. All of these were impossible without the help of NGOs. Therefore, NGOs were regarded as helpful and important junctures for accelerating human rights development. They played a significant role in distinguishing social, political, and cultural comparisons between the two parts of Iraq. Each theme is discussed briefly below.

Historical/Political Factors: One of the main reasons for the successful relationship between Kurdistan government and NGOs is related to the political cause of the Kurdish independence and liberation from Iraq. Kurds believe that helping NGOs and accepting their human rights conditions will be a good strategy for gaining outside support for their political independence. The 1991 arrival of international agencies, charity organizations, and NGOs was a great opportunity for advancing their case. Therefore, the local government open policy and acceptance to the demands of these agencies and organizations resulted in positive cooperation and coordination between the two sides. Although NGOs had their own various agendas and programs, the local government and the Kurdish people perceived them as helpful partners to achieve their political goal. This type of perception was a positive factor for cooperation and coordination between the two sides.

The long history of political and cultural grievances and suppression by neighboring Islamic nations against Kurds became a crucial psychological element for Kurds to search for and cooperate with outside forces, agencies, or organizations.

Throughout history, Kurds always hoped that networking and dealing with an outside force would get support and help. This created a historical psychological conviction among Kurds that working and cooperating with international players such as foreign states, international organizations, and NGOs would be a strategic way for their language and culture to survive and ultimately to achieve political independence.

The practices and foundations of local political parties were important reasons behind the development of human rights NGOs in the region. Since 1945, most Kurdish political parties established many communal organizations that were like NGOs in work and structure such as Women Unions, Youth unions and other democratic small groups to defend these minorities. Although they were not independent NGOs as we have in modern days, they were pro-liberal groups for supporting women issue and other minority groups. These historic backgrounds helped establish new NGOs and the human rights platform from 2000 to 2020 to advocate for women and minorities. Kurds have the first NGO in the Middle East to defend LGBT rights, and the first NGO platform to defend the right of Jewish people to return to their villages. Thus, the Kurdish experience with developing human rights efforts under the cooperation and coordination with NGOs is rooted in the historical experience for independence. These are important factors that led the Kurdish parliament to advance new laws and legislations to change the entire human rights process.

Cultural/Tribal Practices: Although many scholars believe that tribal societies have difficulty complying with modern international human rights standards and norms, Kurdish society proved to be very different in a way that helped the growth of NGOs and eventually the development of human rights. The Kurds are different from tribal societies in Middle East in two aspects: Lack of religious leadership and weak tribal affiliation in

cities and urban areas. These two factors were helpful for NGOs to easily assimilate, grow, and advance human rights projects, and impact other social and political changes. Kurds have never appointed or established religious leadership or a spiritual governing group (religious reference).

This sort of religious detachment made it easy for social and liberal movements to grow. This lack of religious reference among Kurdish was a crucial factor in encouraging faster and easier cooperating and coordaining with international organizations. Kurds never had or heard any Fatwa (religious decree) to ban dealings with or helping non-Muslim foreigners as happened in other parts of Iraq. This sort of thinking positively impacted the greater role of NGOs, working and developing civil society easily, and establishing numerous local NGOs to support women's rights, children's rights, and minority rights.

Tribal affiliations and group identities had almost disappeared among Kurds. When you talk to people in Sulaymaniyah, for example, they identify themselves with job or organizational titles rather than mentioning tribes or geographic affiliations. This quick disappearing of tribal identity resulted in developing and growing civic institutions, social movements, and NGOs at a faster rate. As a result, NGOs have developed there very quickly since 1992. The first local Human Right NGO with local staff started in Kurdistan in 1995. Now there are around 1000 NGOs and civil society groups to advocate for issue related to women, religious freedom, free press, gender equality, minorities, etc.

Unlike the conventional belief that religious practices hinder human rights progress, the Kurd's version of religion helped the development of human rights system. Although Kurdish people converted to Islam, their version of Islam reflects their flexible culture of tolerance. The views and understanding of Islam among Kurds are different from

other Islamic nations in the Middle East. When I did the ethnic interviews, the majority of the NGO leaders from Kurdistan indicated these differences. They believe that the "Kurdish understanding" of religion is not ideological rather than spiritual. This sort of broad understanding of religion was an important factor in accepting and welcoming international community agencies, NGOs, and foreign forces. Unlike other parts of Iraq, the Kurdish region was a welcoming and safe environment not only for NGOs, but for all international agencies, foreign consulates, UN agencies and foreign forces. Even though a majority of the society had no experience with these types of organizations, they adapted an open policy both by the local government and the community as well. This was a great step towards later legal practices and social and political developments. Supporting and cooperating with human rights NGOs by Kurdish people was even reflected inside religious political parties. Most of these political parties are not ideological, but rather service political parties.

Institutional/Legal Practices: some legal and institutional practices by Kurdish parliament impacted women and minorities. These legal and institutional practices later impacted the process of human rights development. Many of the laws and acts were in fact proposed by NGOs. Kurdistan Parliament included efforts to update the family and Personal law status of the 1959. This was under the pressure and demand of human rights activities and NGOs These laws have both legal and social consequences that positively impacted the movement of civil society and human rights movements in general.

These laws and regulations became precedents for later developing more advanced human rights laws and legislations for political prisons and IDP help by Kurdish local movements. These parliamentary experiences and precedent were important for later social

and political change in Kurdistan. Later, the Kurdistan parliament issued many laws and legislations that were more advanced towards human rights regarding woman, minorities, gender equality, family and personal affairs and free press and religious freedom. As a result of these legal practices and developments, the parliament of Kurdistan issued laws benefiting human rights; we mentioned two laws in this regard: Updating and reviewing old laws like the law of personal affairs, the law for eliminating violence against women, and the law for protecting minority rights. Some of these laws conflict with laws enacted by the central government regarding polygyny and freedom of religion.

Another institutional practice that was later legalized is called parallel NGOs. Parallel NGOs were very helpful in the growth and effectives of NGO is what is called parallel organizations. These organizations are not independent since they were established by a political party for several reasons and tasks such as advocating for specific political agendas of a political party, election campaign and collecting votes for that party, spreading ideology of that political party, etc. According to some scholars, these are not real independent NGOs, but rather the government use of these organizations to appear supportive of civil society, to channel funding to preferred causes and away from opposition groups, and to discredit independent NGOs or opposition groups by claiming that government-affiliated organizations are the only "legitimate" civil society.

In the 1940s and 1960s, Kurdish political parties established many of these organization during the ethnic wars with the Iraqi government. "Many of these organizations were very popular among the local villages and civilians. They have been part of social and political trend for liberating and revolting against the Iraqi regime. For example, KDP had established Kurdistan's Women Union, Kurdistan Youth Union, and

Kurdistan student union" (NGOL6, 2020). These organizations were originally political and affiliated with the founder political parties. They were active among civilians in the villages during the war with Iraqi regime back in 1940s to the 1990s. They usually have a democratic name to their logos and writings to inspire people for supporting Kurdish independence from the suppressive regime. Although they were not independent organizations, their development, functions, and establishment paved the way for creation of other independent NGOs later in 1990s. These precedent NGO-like organizations became an important way for developing local NGOs and human rights movements in the region. Later in 1991 and 2000, most of them either integrated into an international NGO or separated to become independent NGOs in the area.

The practices and agendas of these semi-political organizations later paved the way for more civil society activities and legal developments. "Some leaders of these organizational left their original political parties and joined either an international NGO or established their own independent NGO to defend women rights, minority rights, etc." (NGOL 7 2021). Although the original goal was promoting the political agendas of the founding political parties, later, they lead to the growth and development of in depended on NGOs. This parallel NGO phenomenon led to the established to greater network or syndicates, unions, charges, afflicted NGOs and intended NGOs to put pressure on locale parlays to adapt laws and rules that benefit human rights changes in the region.

Implications

This study offers qualitative analysis of responses from current and former NGO leaders and government officials serving multiple institutions within the Kurdish and Iraqi government. The systematic analysis of such a large number of participants responses has

never been replicated in Iraqi scholarship to date. The analysis of this dataset offers a valuable contribution to the existing literature focused on Iraq and Kurdistan and provides important implications for the study of Iraq and the Middle East. The explanatory cases study analysis of the Iraqi and Kurdistan government adds significant contributions regarding Iraq and understanding its complexities in the cultural and ethnic political relations of the country. Besides that, the findings from this study can provide a new framework for policy analysis to approach Iraqi and Middle Eastern policy decisions by the international community.

Theoretical Implications

The most important theoretical contributions of the study are the models of NGO success within a post conflict country and a tribal society. The causal mechanisms identified from the qualitative, historical and document analyses conducted in this project offer an understanding of the domestic political, social, and tribal dynamics in Iraq and Kurdistan since its inception as a modern state in 1921. The perspectives of a representative ethnic and regional sample of 25 NGO leaders and government officials created a considerable qualitative data set that has never been conducted in Iraq before this study. The findings challenge previous theoretical premises that tribal societies and religion are hampering development of human rights systems especially in regard to women and minorities in a post conflict country in the Middle East. By referring to this study about NGO success, academic scholars and policy professionals can apply the findings to future study endeavors and decision-making models for foreign policy decisions.

The findings for this study have theoretical implications for potential positive political and social impacts in Iraq and the Middle East at the state and regional level. Most

studies see challenges and difficulties for human rights development by NGOs with tribal and conservative societies in the Middle East and Iraq in particular because it has never been an open society and has a long history of suppressions and totalitarian system. The responses and analysis of the current NGO elites and government officials, triangulated by historical and legal document analysis of different periods since its establishment in 1921, indicate a much different situation and reality. The theory of NGO success in Iraqi Kurdistan offers both support and challenges to the existing theories of international aid, adaptability to local cultures, and remote managing strategy.

The findings from the qualitative hypothesis testing of this study add significant contributions to the relationship between local and international human right NGOs and the state policy towards the human rights system. The results from the evaluations of the international aid hypothesis - The higher the level of support and aid from international agencies and NGOs, the more effective and successful local NGOs would be- add to the findings of other previous studies of NGOs and state policy (Özlem & Ahmed, 2012). The analysis of responses from the NGO elites and human rights activists interviewed during this project support the conclusions that funding and logistic support from outside can lead to NGO effectiveness and activity in a way that pushes local government in Kurdistan to pass progressive laws and legislations in regard to women, children and minorities. This study replicates the findings of (Ebrahim, 2005) that international aid reveals the crucial impact of NGO- funder/donor relationship on human rights development discourse and NGO reporting, monitoring, and learning.

Policy Implications

The aim of this project was not only to indicate theoretical deficiencies in the academic literature involving the success of NGOs in a post conflict country with a tribal social foundation, but also to provide a useful examination of the conditions within the country for policy analysist and officials in government institutions. This includes both Kurdish and Iraqi politicians that implement foreign policy. The popular principles of western policy makers have been that human rights development can be easily achieved with the following: creating a stable, elected democratic government, supporting the government institutions with financial and logistic resources, and establishing strong relations with the politicians and government officials. However, these goals were guided by well-intentioned, but inaccurate theoretical assumptions of the post-World War II strategies of nation building, international human rights principles, and models.

For example, American and western allies believed that interventions in Iraq, namely removing the previous regime, dissolution of the Iraqi army, performing regular elections and other superficial changes in government institutions would be sufficient for a stable Iraq that respected democracy for its citizens and develop a human rights system. The US politicians believed that Iraq could easily fit into a democratic system and respect human rights principles after removing the previous regime of Saddam in 2003. Additionally, billions of dollars in foreign aid were channeled through the central government believing that the state would gain enough capability to end corruption, establish democratic government, and change and update laws of human rights at the national levels. As a result, lots of foreign aid was given to the central government.

Unfortunately, this strategic work failed and created more corruption, human rights violations, and political and social problems in the country.

The conclusions drawn from the findings of this research project offer some implications for policy decisions regarding Iraq. The first policy issue to consider is the domestic tribal and cultural structure of Iraqi and Kurdish society. Iraqi society is a tribal society. The country is struggling with enforcing the rule of law. This means in most areas that tribal and non-governmental loyalties outweigh loyalty to the government and the rule of law. This has created several problems: for example, most people do not get services and support from the central government. This created a gap in trust between the government and its citizens. The international organizations instead deliver many services and support for remote areas on behalf of the government. As a result of this, the government accepts any conditions and terms form these organizations before delivering these services. In many cases, NGOs fill the gap and put pressure on the government. Eventually, this creates a situation that local government accepts legal proposals from these NGOs before performing any activity in the region. In turn, the local political elites and especially the parliament cooperate and coordinate with these NGOs in the region. Second, political, and legal departments in the local government have no choice but to accept the pressures and terms of these NGOs since they deliver the services, not the government.

The second implication is about gradual change to the human rights system. Human rights developments in western societies had developed over centuries with periods of wars and civil unrest and considerable backlashes. It is not realistic to see a real and sudden human rights development in in a relatively short period of time in Iraq. This country has no experience in its history with the international human rights standards and democratic

process. Long term changes in regard to developing and respecting human rights will be challenging and generational. This society cannot embrace and develop a successful human rights system easily in a short period of time. Respecting the local cultures and societal norms with a flexible work policy would be the basis for real human rights success and democratic changes in the country. Any change in this society needs to be implemented incrementally over time. These changes are possible with NGO help both for the government and the people. The last couple years showed that NGOs were successful in many cases when they adapted their flexible policies and failed whenever they ignored these social and political realities.

The findings from this dissertation offer a sense of hope and optimism for the future of Iraq. Of the 25 NGO leaders and government officials interviewed during this study, none of them stated that they could see an Iraq where people accept a new totalitarian system that suppresses human rights standards. All of them expressed their optimism towards a better human rights situation in time. This project found that the successful human rights NGO experience in the north would eventually impact state policy in the south as well. Despite all the challenges on the road to social and political changes, NGO leaders were optimistic about a better future for Iraqis.

The case of NGO success in Iraq can easily be generalized to neighboring countries for two reasons. First, Iraq is culturally regarded as an extension to neighboring countries, with shared Islamic norms and tribal rules. Second, Iraq's political structure has much in common with its neighbors, who also mostly depend on tribal loyalty to political parties, and ethno-religious attachment to political groups.

Limitations

The conclusions drawn from this study are limited in scope and depth. The findings of this study are limited to the case of Iraq and Kurdistan in particular. While future efforts may be made to generalize the conceptual framework, the theory of NGO success in a tribal post-conflict country is limited to explaining how and why NGOs were successful in the development of some human rights aspect. The purpose of this study was to understand how and why NGOs were playing a crucial role in developing human rights in Iraq, particularly in Kurdistan and the research presented accomplished the intended goals of this study.

The foundations of this explanatory case study of Iraq were the qualitative analysis of current NGO leaders and government officials. Relying on the responses from a sample of the population that has experience at the national level of the country could result in findings and conclusions that are not indicative of the country at large. As noted in the research design chapter, all of my interviewees have some affiliation with NGOs. In the future, research should expand the spatial domain to include individuals knowledgeable about human rights in Iraq and Kurdistan, but no affiliation (current or past) with NGOs. For my study NGO experience was critical to addressing my main variables - aid, adaptability, and remote managing - but for the general question of changes in human rights, it is preferable to expand the sample domain. The research also tried to mitigate this problem by using a qualitative sample representative of different by regions, ethnicities, and religions. Additionally, the findings were triangulated by using data from other sources such as legal documents and international organization reports.

Another potential issue of this study is the reliance on self-reported data from the ethnographic interviews of the NGO elites and government officials. This sort of data raised validity concerns when conducting qualitative data analysis based on responses from the structured interviews. Personal bias happens when comparing the local government and central government due to political, ethnic, and religious experience in Iraq. For example, most Kurdish NGO leaders favored the Kurdish government efforts in the human rights development process more than the Iraqi government efforts. Political standoff between Kurds and Arabs in Iraq over Kurdistan separating or staying with Iraq was mixed with reality and objectivity among NGO leaders. Most Kurdish NGO leaders were suspicious of the Iraq central government's true intentions in human rights developments.

The lack of available and reliable data was another limitation of this research. While the original qualitative dataset was used effectively to test the three hypothesis and developed emergent themes from the responses of NGO leaders and government officials, the ability to conduct legal document analysis was limited based on the data constraints. Although there were many international reports and articles about the human rights situation in Iraq, the researcher did not find an academic data set on human rights development in consistent and reliable resources. Nonacademic studies conducted a comparison between the Kurdish and Iraqi people.

The final limitation of this study is the researcher's own biases. Prior to conducting this research, I was an NGO activist. Researching NGO and humanitarian activities shaped my thinking when formulating assumptions and preconceived notions in the case of NGOs and human rights. My people's long history of persecution over identity and independence has made me more sympathetic to the north of Iraq than to the south or middle of Iraq.

First, the objectivity issue: the ethnic and political problems between Kurds and the Arabs. The Kurdish region has always been referred to as more democratic and open to change. Being native to the north, I tried to maintain an objective position while asking the questions and handling the interviews. I tried to avoid sensitive issues between these two ethnic groups. For example, Arabs never use the term "Kurdistan". Instead, they use "northern Iraq" to refer to Kurdish people.

To reduce the likelihood that my experiences as an NGO activist would influence analysis and the responses of participants, actions and were taken to limit the chance for research bias: first, each participant was asked the same question protocol in the same order in their native language such as Arabic or Kurdish. This was helpful so that the NGO participants would not be influenced by their language preferences about any topic. The participants had been told that the goal of the study was only for academic purposes, and not for any other purpose. Besides that, all participants were told that their identities and names would be kept confidential. Additionally, all the responses from the participants were treated equally without preferring one over the other with strict data analysis measures to reduce any likelihood of personal biases.

Future Research

The findings of this theoretical dissertation are the first step for future research and replications. As stated before, the goal of this project was to understand why and how NGOs influence the process of human rights in Iraq and Kurdistan in particular. Additional research is needed to retest and replicate the main qualitative findings of this dissertation drawn from the analysis of the responses of 25 NGO elites and government officials. Any future attempts should test the response of NGOs to confirm the findings of this study. This

will be a good step towards determining if the results can be replicated both in the case of

Iraq and Kurdistan and other countries in the Middle East who share the same customs and

social political formations like Iraq.

Another way for retesting and replicating this study would be through integrating

other sources of data to test the hypothesis mentioned above, this might include official

data from some international organizations specialized in human rights in Iraq and Middle

East. Instead of relying on NGO leaders, the viewpoints of political leaders and especially

opposition political leaders would be important for testing the three hypotheses as well.

Conclusion

Regardless of the historical and cultural differences between the Kurdistan and the

rest of Iraq, this country is still in the transitional phase. No matter what the result would

be in the north, it will still be impacted economically, socially, and politically by Iraq unless

it separates from it. By another meaning, we are dealing with uncertainty and ambiguous

results for human rights developments, democratization, and social and political

transformations. Although the international community had lots of expectations and hopes

for civil society and human rights, the NGOs sector, and the country's human rights future

and democratization process is still in the developing phase.

For Kurdistan, the expectation is higher due to their hope for further international

support and protection. For Iraq, until today these NGOs and civil society were unable to

guide the country to the correct direction of democratization and promoting human rights.

"Human rights development seemed to be backlashed by two factors in Iraq: first the

neighboring influence over the Iraqi society and government. Second, the strength of

religious leadership and tribal structures in south and middle of Iraq. Based on these observations, Kurds see coordinating and cooperating with international organizations such as UN, NGOs and foreign states is the only strategy that guarantee for more freedom, protection of culture and international sympathy with their case. For the rest of Iraq, the perception and context are different. Government and political parties believe that democratization and human rights agenda is imposed by western countries and cannot be accepted" (NGOL 9, 2020). Human rights and democratizations processes cannot be the same in these two separate contexts inside one country.

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