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Rebuilding Iraq: an Assessment of the U.S.-led Statebuilding In Iraq (2003-2011)

Master Thesis MSc Crisis and Security Management

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List of Abbreviations

CPA – Coalition Provisional Authority

ORHA - Organization for Reconstruction and Humanitarian Affairs

HNDC - Higher National de-Ba'athification Commission

OECD - Organization for Economic Cooperation and Development

UN - United Nations Organization

CFM - Counterinsurgency Field Manual

IGC – Iraqi Governing Council

OIF – Operation Iraqi Freedom

NIA – New Iraqi Army

ISG – Iraq Study Group

TNA – Transitional National Assembly

TAL – Transitional Administrative Law

AJC – Accountability and Justice Commission

AJL – Accountability and Justice Law

UIA – United Iraqi Alliance

IHEC - Iraqi Independent Higher Electoral Committee

IAF – Iraqi Accord Front

DPAK – Democratic Patriotic Alliance of Kurdistan

COIN – Counterinsurgency

Introduction

Up until 2002, Iraq was "still a sovereign state, with government institutions able to deliver standard public goods to its people"[1], with a strong security apparatus, relatively low corruption and practically nonexistent terrorist activity. Overall, "while the national sphere lacked political and civil society activities, security and stability were maintained"[2] . This image contrasts severely with what we have come to associate with Iraq over the last fifteen years. As of 2018, Iraq is considered to be one of the most unstable, insecure and fragile states in the world.[3] The country suffers from widespread insecurity, mounting sectarianism, and insufficient provision of public goods. Furthermore, Iraq, at the time of writing this thesis, faces the threat of ISIS, who challenges the sovereignty of the already weak and unstable state.

In this context, it seems relevant to recall that for eight years (2003-2011) Iraq was the object of post-invasion state-building intervention by the United States. These statebuilding measures were carried out with the broader mission of transforming Iraqi institutions and state apparatus, in order to create a stable, democratic and liberal state.[4] It seems therefore paradoxical to witness the current and deteriorated state of the Iraqi State. Given this development, it is of great importance to inquire upon the factors that have led to the current state given the context of exogenous state-building intervention. For this reason, this thesis will attempt to analyze the effects of two of the earliest measures issued by the Coalition Provisional Authority as early as May 2003, in order to assess their impact on the three crucial pillars of statebuilding: scope, strength, and democratic regime.[5]

In March 2003, the administration of the first term of George W. Bush, announced an impending invasion of Iraq on the suspicion of Saddam's continued storage of weapons of mass destruction, in the scope of the wider 'War on Terror'. Its stated an underlying objective: to promote regime change in Iraq, reshape the state, and create a beacon of liberal democracy that would foster liberal values in the region.[6]

The Coalition of Provisional Authority (CPA), the *de facto* U.S. transitional government, made some decisions very early on in the invasion that dramatically altered the conditions on the

[1] Al Kli (2015) p. 134
[2] Al Kli,(2015), p.134
[3] Iraq ranks as the 10th most fragile state in the world according to Fund for Peace's Fragile States Index of 2017.
[4] Dobbins et al (2009), Mohamadian (2012), Trip (2004)
[5] Explained in theoretical framework.
[6] MacMillan (2005) p.11, and Dumbrell (2005) p.36

ground, and which greatly affected the course of the post-invasion program, forcing them to expand the intended scope and length of their involvement. Although scholars have exhaustively reported on the numerous contradictions of the US' State-building project in Iraq[7], few seem to have the far-reaching consequences of the decisions taken in May 2003 of the de-Ba'athification of Society, and the Dissolution of Entities (which disbanded the Iraqi security apparatus), called CPA Order's 1 and 2 respectively. The implementation of these orders continues to have repercussions today, however their most immediate effects are best summed up as:

> "The precipitate dissolution of the Iraqi armed forces, as well as the dismissal of tens of thousands of middle and senior level civil servants because of their membership of the Ba'th party, both reinforced the impression of a determination of the US to establish an intimate occupation of Iraq, and undermined the security capacity and administrative capability of the very state the US was claiming to reconstruct"[8].

The developments in Iraq in the last fifteen years are at least partially rooted on the measures implemented in the early stages of US-Statebuilding involvement in the country since 2003, in which "foreign intervention, justified in the name of state- building, has failed to deliver on the promise of creating stable, sustainable and democratic governing institutions."[9]

This thesis research will thus attempt to answer the central question of:

What were the effects of the issuance and implementation of the Coalition Provisional Authority (CPA) orders of "De-Ba'athification of Iraqi Society" and "Dissolution of Entities" (order 1 and 2 respectively) on the United States-led post-invasion state-building intervention in Iraq from 2003 to 20011?

In order to answer this central question, this research will employ Neo-Weberian Institutionalist theory, as it is the prevailing theory in the field of Statebuilding studies, and it is the paradigm that has established the main tasks that conform its practice. As such it is imperative to assess the statebuilding intervention according to the dimensions and objectives which stem from the theory that guided it. Therefore, this research will explore how the CPA orders 1 and 2 affected three hallmarks of statebuilding according to neo-Weberian Institutionalist theory: the monopoly on the use of violence, the provision of essential services, and democratization.

[7] Pfiffner (2010)
[8] Tripp (2004), p.549
[9] Dodge (2006), p.187

Societal Relevance

Many researchers and international organizations such as the UN, the World Bank and the OECD have highlighted the potential threat that fragile states, such as Iraq, may pose to international security. [10] In an ever more complex and interconnected world, fragile states are particularly conducive to asymmetric threats that are difficult to counter, such as insurgency, organized crime and terrorism. Given this potential danger, State-building has appeared as an international modern and recent experiment "premised on the recognition that achieving security and development in societies emerging from conflict depends on the existence of capable, autonomous and legitimate institutions."[11] In order to guide successful missions and avoid blunders, which may render their efforts counterproductive or null at best, the international community has a vetted interest in identifying the best practices, dilemmas, and particularities statebuilding entails. This is especially useful given that they are very time and resource consuming.

As illustrated by the Iraqi case, the consequences of misguided statebuilding policies can have a durable impact on these societies and can spill-over to destabilize entire regions and affect far-reaching countries. For example, several researchers and news organizations have indeed managed to establish a link between the CPA orders 1 and 2 and the development of ISIS, and the rise of jihadi terrorism[12], in which the officials and military agents dismissed by the implementation of the order of disbanding the security apparatus (CPA order 2) joined the ranks of Islamist organizations[13].

This research may thus provide further insights on Statebuilding in the Iraqi case, and may serve as a guide by signaling costly errors for policymakers to take into account when it comes to formulating the measures to follow in this period of renewed engagement in Iraq, as well as in other future statebuilding engagements.

Academic Relevance

Peacebuilding Studies have evolved significantly since their inception into International Relations and Conflict Resolution in the 1980's. As mentioned before, Statebuilding is one of the most recent approaches in the field. Nonetheless, the contradictions of Statebuilding, such

[10] Piazza, (2008); Hehir (2007); Takeyh and Gvosdev (2002)
[11] Paris and Sisk (2009), p. 1,2
[12] Bergen and Cruickshank(2007) ;Al Kli (2015),
[13] For example. Thompson. Mark (May 29th, 2015) "How disbanding the Iraqi Army fueled ISIS" *Time Magazine*

as; the use of outside intervention to foster self-government; the conflicting nature of reconciling short term imperatives and longer-term objectives; and the need to simultaneously bridge a clear break with the past but reaffirm the state's history; are rarely addressed in the field.[14]

The analysis of the case of Iraq between 2003-2011 is of particular interest to academic study because it represents a break from the majority of states where statebuilding has been deployed; most operations were deployed at the aftermath of civil conflict (not foreign invasion), and at the request of locals (not imposed by the occupying country). The invasions of Afghanistan and Iraq represented a new development in the international arena for military invasions with the aim of reforming states and addressing state fragility and state failure, subsequent missions include Somalia and Libya, and one of the more pressing discussions in the field is on the future of the international community's involvement in the aftermath of the Syrian conflict.

Furthermore, several researchers have indeed assessed this statebuilding intervention; nonetheless, none have framed their assessment by systematically evaluating the intervention according to the three dimensions that the prevailing theory – Neo-Weberian Institutionalism- prescribe, namely: Scope, Strength, and Democratization.

In light of this new development, this research seems especially relevant for academia as it allows exploration of one of the first cases of this recent developing trend, with just enough hindsight to yield a more precise analysis of its consequences which may in turn guide academic analysis of future interventions. As Paris and Sisk adequately describe it: "in the post 9/11 period- and particularly since the 2003 invasion of Iraq. It has become increasingly difficult to separate discussions of state-building in war-torn states from the ill-fated attempt to stabilize post-invasion Iraq"[15].

Reading Guide

This research will employ the Neo-Weberian Institutionalist approach to the State and Statebuilding in order to evaluate the effects that the issuance and implementation of the orders of De-Ba'athification and Disbanding of the Security Apparatus had on the ensuing US-led statebuilding intervention. Given that this theory enjoys a quasi-consensus on the field and has guided the design of statebuilding practices; this theory provides a framework of goals and

[14] Paris and Sisk (2009) p.305-306
[15] Paris and Sisk (2009) p.11

parameters against which statebuilding interventions can be assessed regarding three key dimensions of the state functions: the provision of security, the provision of public goods and services, and the development of democratic institutions and practices.

As such, the first chapter will consist on a review of the different conceptual and theoretical evolutions of Statebuilding in a Neo-Weberian Institutionalist perspective, as well as a brief overview of the methodology employed to conduct this research. The next chapter will contain a brief overview of the context of the invasion of Iraq by the US-led coalition, the authority of the CPA, the content and aims of CPA orders 1 and 2, and a short review of the events that marked the intervention from 2003 to 2011; providing a contextual lens in order to guide the ensuing analysis. Furthermore, adopting the primary tasks of post-conflict interventions (which also correspond to the basic characteristics of the Neo-Weberian conception of the 'ideal' state) as a guiding structure for this analysis, chapters 3- 5 will consist on an analysis of the various effects that these orders had on the monopoly of the use of legitimate violence and provision of security (Chapter 3); the (re-)establishment of a functioning bureaucracy and provision of essential services (Chapter 4); and the creation and evolution of democratic practices and institutions (Chapter 5). Finally, the concluding chapter will attempt to provide a condensed account on how CPA orders 1 and 2 affected the development of the U.S.-led statebuilding strategy and practice leading to the withdrawal of troops in 2011, attempting to illustrate how these orders may have contributed to the current Iraqi socio-political context, and avenues of reflection for further statebuilding interventions. The final chapter will thus consist on an assessment of the ability of this thesis to respond to its central research question by exploring the different effects the implementation of these orders had on the general statebuilding in Iraq (2003-2011), a critical reflection of the different pitfalls and limitations encountered, and final recommendations for practitioners in future statebuilding incursions.

Chapter 1: Theoretical and Methodological Underpinnings

Theoretical Framework

The turn of the new millennium, sparked a broad recognition that in order to ensure lasting peace, it was of crucial importance to ensure that a State's institutions were functional and ensured the rule of law. This new awareness laid the cornerstone for the development of a sub-component of Peacebuilding: Statebuilding. In order to address the essence, dimensions, and practices of Statebuilding it is necessary to first address the theoretical underpinnings shaping the understanding of the State, its functions, and sources of legitimacy, as this allows an understanding on the objectives motivating this type of interventions. Lemay- Hébert best framed the importance of assessing the theoretical conception of the State for assessing statebuilding when he argued that "One's conception of what to rebuild – the state – will necessarily impact the actual process of statebuilding, whether consciously or unconsciously."[16]

Neo-Weberian Institutionalism and the Theory on the State and Statebuilding

The dominant theory underpinning the concepts that constitute Statebuilding -the State, its capacity, legitimacy, and functions- is heavily influenced by the work of Max Weber (1864-1920). His approach towards the state was one that primarily associated its emergence, *raison d'être*, and exercise of functions to its institutions in a social contract framework. Currently, this school of thought ,which has applied Weber's conception of the state, is called 'Neo-Weberian Institutionalism'. This theory has adopted an approach that equates the State to its institutions, as it focuses on the state's capacity to secure its hold on society.[17] Neo-Weberian Institutionalists conceive the state to be an institution, which is in itself an aggregation of

[16] Lemay-Hébert (2010) p .1
[17] Lemay-Hébert (2010) p .1

different institutions and agencies functioning within a bureaucratic order, each associated to one of the State's functions.[18]

Given that "the definition of the state can still be considered the common starting point for most of the literature on contemporary state-building "[19]; it seems important to begin by defining the state from a neo-Weberian Institutionalist perspective, since this conception of the State has attained a level of quasi-orthodoxy in the mainstream literature. For Neo-Weberian Institutionalism, the ability to perform state functions reflects the *capacity* of the state to secure its hold on its citizens, conforming the basis for State *legitimacy*. According to Milliken and Krause, such core functions are: the provision of security, in which the state must provide order and protect its citizens from harm; representation of the symbolic identity of its citizens; and the provision of welfare and development of wealth. [20] Overall, in a Neo-Weberian Institutionalism, the first function of the State is the provision of security. After the achievement of this function, the state must then preoccupy itself with the provision of justice, infrastructure, education, health services, democracy, and more[21], since all other public goods rely on the basis of the State's monopoly on the use of violence.[22]

The concept of Legitimacy is central for this school of thought, with Weber considering it to be a "necessary condition and a means for a government to exercise authority over society", said attributed is expected to follow from the State's adequate exercise of its function. [23] Furthermore, legitimacy is closely associated with another key concept in the institutionalist doctrine: Capacity; understood as the institutional capacity to implement and enforce policies, which allow the State to affirm its authority over society. However, capacity is not a homogenous feature given that it may differ according to the institutions and functions. [24]

In sum, according to Neo-Weberian Institutionalism *Stateness* is contingent upon the performance of the functions of the modern 'ideal' State; institutions are the arms of the state entrusted with the execution of said functions, and their performance of them provides the basis for legitimacy of the authority of the State as a reflection of the social contract. [25]

[18] Migdal (1988) p. 19 as cited by Hameiri (2007) p. 135
[19] Hameiri (2007) ; Lemay-Hébert (2013) as cited by Lottholz and Lemay-Hébert (2016) p.1468

[20] Milliken and Krause (2003) p. 4 as cited by Hameiri (2007) p. 135
[21] Rotberg (2004) p .2-4 as cited by Hameiri (2007) p. 135
[22] Lottholz and Lemay-Hébert (2016) p.1472
[23] Lemay-Hébert (2010) p. 5
[24] Hameiri (2007) p. 137
[25] Hameiri (2007) p. 135, and Fukuyama (2004) p. 30

In contrast to this ideal-type of the State in a neo-Weberian sense, state fragility represents the failure to maintain the essential wellbeing of their population; degradation of basic infrastructure; humanitarian crises; widespread lawlessness; and a transference of some or many citizens' loyalties to non-state actors.[26] It is important to note, however, that state fragility is not a homogenous phenomenon, and States can sometimes exhibit a relative strength in some dimensions of their core functions, and be relatively fragile or inefficient in the exercise of others. This constitutes, in general, the *raison d'être* of statebuilding interventions, as they attempt to remedy state fragility (or failure) by enhancing the State's ability to effectively provide public goods and services, assist in the development of wealth, and ensure the representatitivity of the people through the exercise of democracy. The adequate exercise of these missions by strong institutions will thus ensure the legitimacy of the state in the eyes of society.

Neo-Weberian Institutionalism implications for the Practice of Statebuilding

The main core missions in State-building -which derive directly from neo-Weberian dogma - are the provision of security and rule of law, the provision of basic goods and services, and the existence of democratic institutions and practices.[27] These broad Statebuilding objectives, mentioned above, can generally be attributed to three main dimensions:

Scope refers to the different functions and goals taken on by governments; the extent and range of activities that will fall under direct responsibility of the State. It mainly alludes to the provision of public goods and services.

Strength, on the other hand, relates to the "ability of states to plan and execute policies, and to enforce laws clearly and transparently"[28], it thus entails effectively exercising their authority in order to be apple to apply and enforce the rule of law necessary to carry out States activities while guaranteeing a degree of security to the population. As such it represents the 'capacity' of the State as understood by Neo-Weberian Institutionalism

[26] Rotberg (2012).
[27] Paris and Sisk (2009, p.14-15)
[28] Fukuyama (2004) p. 7

Democratic Control, finally, relates to the practice and existence of reliable and legitimate democratic processes and institutions. It normally entails the organization or application of a democratic Constitution, the organization of political parties and free and fair democratic elections. Democracy helps fulfill the objective of representing the identity of society as described above.[29]

U.S. Statebuilding in Practice

David Lake (2010) has argued that the United States has employed three distinct generations of the practice of exogenous statebuilding interventions. These three models are rooted in a Weberian concept of the state and as such exhibit marked continuities in their aim, design and deployment. Nonetheless, each of these three ideal-type models differ in some theoretical reasonings and priorities.

The Statebuilding 1.0 model was deeply rooted in a Realpolitik vision of foreign policy which sought to enlarge the American sphere of influence and promote its interests abroad. In Latin America and the Caribbean it was an extension of the Monroe Doctrine, which sought to deter European incursion in the region, and during the Cold War it sought to increase its primacy and prevent Soviet encroachment on their interests. However, Statebuilding 1.0 was often at odds with American values given that it favored stability and loyalty over all else, and often supported (if not promoted) repressive and autocratic regimes.

Statebuilding 2.0 reflected a desire of the United States to rebuild a new world order after the end of the Cold War; which inaugurated a period marked by a belief in the superiority of liberal democracy as a state model,[30] driven by the "absence of a peer competitor or global ideological struggle."[31] Statebuilding 2.0 consisted in the export of the liberal state model and values, supported by free-market economic reform. It meant a shift from the objective of creating loyal states, to the ambition of building states that enjoyed broad popular support, and legitimacy in the eyes of their citizens. Legitimacy was hence supposed to follow from democratic political institutions. It is under this generation of statebuilding that the Iraqi Intervention of 2003 was conceived.

[29] Fukuyama (2004).
[30] The concept of 'the End of History' Fukuyama (1992)
[31] Lake (2010) p. 265

Statebuilding 3.0 is of particular interest for this thesis, given that "Statebuilding 3.0 arose from the wreck of statebuilding 2.0 in the deserts of Iraq."[32] Statebuilding 2.0 was abandoned in 2007 after it's 'utter failure' was demonstrated by the pervasive sectarian violence that engulfed the country. This approach still aimed to build states that enjoyed legitimacy in the eyes of society, however, legitimacy in this model (in line with social contract theory) was expected to follow from the efficient and adequate provision of security and public goods and services by the state's institutions, more than from democracy. As such, it is the model that most closely spouses the views of Neo-Weberian Institutionalism.

The goals of democratization and economic reform are still present, however they descended substantially in the list of priorities, and all other goals are subordinated to the provision of security. The primacy of security is explained in the CFM[33] by claiming:

> "A government that cannot protect its people forfeits the right to rule. Legitimacy is accorded to the element that can provide security, as citizens seek to ally with groups that can guarantee their safety."[34]

Main Critiques and Prescriptions for Statebuilding

The record of Statebuilding and peacebuilding missions has been mixed since 1989; a study carried in 2003 concluded that "nearly 50 percent of all countries receiving assistance slide back into conflict within five years, and 72 percent of peacebuilding operations leave in place authoritarian regimes."[35]Several explanations have been put forward to account for the poor performance of deployed missions. Each critique is accompanied by a proposed solution, which can be broadly grouped into three categories: those who argue for the retreat of Statebuilding as a practice, those who expect re-investment in the practice and those who plead for its reorganization.

Some scholars[36] have expressed their concerns that statebuilding is an overambitious and over-interventionist project, and that it would be more beneficial to "let states fail"[37], and allow conflicts to take their natural course in order to yield longer-lasting peace. These scholars

[32] Lake (2010) p. 258
[33] The Counterinsurgency Field Manual (CFM) is the policy drafted by the Pentagon which enshrines the principles of Statebuilding 3.0
[34] CFM (2007) p. 16 as cited by Lake (2010) p. 276
[35] Collier et al. (2003), as cited by Barnett et al. (2007), p.35
[36] See Herbst (2003) and Weinstein (2005)
[37] Herbst (2003) as cited by Paris and Sisk (2009), p.13

believe that if no outside intervention is deployed, the conflicts will be concluded by military victory (which studies have argued produces longer-lasting peace[38]), and this will allow for new centers of authority to emerge autonomously through conflict and cooperation.

Others locate the source of the problem not on the concept itself, but on the under- commitment of the international community to this project. In their eyes, successful statebuilding missions require longer mandates, more personnel, more resources and more planning, as academics have noticed that gap between the resources allocated and commitment promised by international interveners have resulted in increasing odds of conflict relapse[39]. Otherwise put, the solution is to reinvest, or re-commit.

A third group of scholars identify the lack of coordination among the different international state-builders, and the lack of a unified logic of action. From this perspective, Statebuilding interventions are very complex missions, with more wide-ranging aims and scope of action, which can sometimes prove to be challenging for coordinating measures and plans. State-building interveners need to harmonize different policy goals of actors, as well as making them converge with domestic and local elites, and civil society. These diverging policy objectives and priorities generate deep disagreements and uncertainties that are translated into disorganization and incoherence.[40] To them, Statebuilding needs re-organization in order to provide strategic coherence to the mission.

Location of this Research within the Body of Knowledge

Paris and Sisk claim that despite the recent developments in the field, the "underlying sources of statebuilding's problems are rarely explored – or even directly acknowledged."[41] There is a relative consensus on academic circles that the Iraqi US-led Statebuilding intervention (2003-2011) failed to deliver on its objectives, as

> "The collapse of the Iraqi state and the failure to resurrect it are a direct result of the US invasion of 2003 and a series of profound policy mistakes made by both the US government and the CPA in its aftermath."[42]

[38] See Luttwak (1999) and Toft (2003) – as cited by Paris and Sisk (2009) p. 12
[39] See Fearon and Laitin (2004) p.20 and Chesterman (2005) p. 161-164
[40] Paris (2009) p. 55- 63; see also Jones (2001 and 2003), Bellamy and Williams (2005), and Miall (2007) p. 35
[41] Paris and Sisk (2009) p.3
[42] Dodge (2006) p.169

As such, researchers have argued that the U.S.-led intervention provoked an externally 'forced state failure', in which the intervention undermined the Iraqi's state ability to perform all three functions. [43]

The demise of Statebuilding 2.0 model (Lake 2010) and advent of the Statebuilding 3.0 model has been attributed to the poor coordination and strategizing leading up the invasion, as well as the shortsightedness of the initial involvement in the country. This is stated in a more explicit manner by Charles Tripp :

> "It is possibly the incoherence of the US vision for Iraq which will be most remembered – and may be felt in various ways for some time to come by Iraqis as the legacy of this curious foray into state-building."[44]

Furthermore, as this thesis adopts the aforementioned critique of the lack of coherence (which advocates for reorganization), this research will focus on the poor strategic planning, which ultimately led to the diverging and unforeseen consequences of CPA orders 1 and 2, which "severely undermined the capacity of the occupying forces to maintain security and continue the ordinary functioning of the Iraq government".

Metaphorically, if State-building needs two legs to stand and start walking, then those legs are first and foremost, the monopoly of the use of violence, and a functioning bureaucracy to provide public services. In this context, symbolically, the orders of de-Ba'athification and disbanding of the Iraqi Security apparatus could be represented as shooting oneself in both legs. For Statebuilding, it would be hard to start walking, let alone stand again.

Methodology

In order to answer the central research question, this qualitative research will follow a Single Case study design. This appears to be the most adequate research design to address this topic as it allows for "taking into consideration how a phenomenon is influenced by the context within which it is situated"[45], and the development and assessment of the evolution of the US-led Statebuilding intervention in Iraq cannot be explored outside its very specific and singular

[43] Lake (2010) and Flibbert (2013)
[44] Tripp (2004) p.557)
[45] Baxter and Jack (2008) , p.556

context which differentiate it from previous statebuilding ventures. As such, case studies are very well suited for forming descriptive inferences, with an emphasis on specific contexts.[46]

The subject of this research is relatively narrow, and thus only explores a set of relations which are very context-specific, highly salient, and with intricate and multiple interactions between the dependent (US-led Statebuilding strategies) and independent variables (issuance and implementation of CPA orders 1 and 2). Given these features, a single case study is the only design that would permit to gain deeper understanding of the topic, richly describing the phenomenon. [47]

In sum, a single case study meets the requirements to answer the exploratory questions proposed by this subject and adequately describe the complex interactions between variables, given its processing of a "nuanced, empirically-rich, holistic account of specific phenomena"[48]

Data Gathering

As this research will consist on the qualitative and deductive research of a single case study, the data will be gathered mainly by conducting a thorough literature review and document analysis, by scrutinizing previous research in the field, and other relevant documents issued by academia, governmental institutions, and think thanks.

Academic Literature

The Academic Literature will attempt to provide information on different aspects of this research. The literature on Neo-Weberian Institutionalism will provide a more in-depth understanding on the core tenets of the state that the intervention in Iraq attempted to recreate, the end goals, priorities and benchmarks in the deployment of the mission. Furthermore, academic papers can prove to be very insightful on the blunders, theoretical underpinnings and contextualization of the CPA orders 1 and 2, and the history of the United States involvement in Iraq since 2003, as well as the various societal, economic, historic and political factors that affected its implementation and shaped the outcome of their involvement.

Institutional Documents and Reports

This research will rely on several documents originated in Institutional reports, such as the Coalition Provisional Authority documents (including the documents issuing Orders 1 and 2).[49]

[46] Gerring (2004)
[47] Gustafsson (2017)
[48] Willis (2004) p .1
[49] Included in the Annex 1 and 2

The documents pertaining the decisions issued by the Coalition Provisional Authority can explicit the intended effects, reasoning, and target of these orders in detail.

The Baker-Hamilton Report; a final report issued by the Iraq Study Group (ISG) on 2007 on behalf of the US Congress and which assessed the situation in Iraq, the US-led war, and subsequent statebuilding efforts; among several others. The Baker-Hamilton Report can be especially useful for this research as it reflects the views of the American government at the aftermath of the implementation of CPA orders 1 and 2, and the ensuing sectarian violence that followed. It may represent a self-reflection of sorts, which issues an account of the failure of the statebuilding intervention, and the factors that led to its demise, and can point to the factors to which they attributed such failures and thus the new avenues of change of strategy.

Subsequently, the U.S. Army/ Marine Corps Counterinsurgency Field Manual written in 2007 can point more explicitly to the strategy that was deployed in Iraq from 2007 until the withdrawal of troops of December 2011, and thus provide the lens through which the actions implemented on the ground can be analyzed, the goals and priorities pursued.

Other Sources

Institutional reports issued by think thanks, international institutions and non-governmental organizations will also be explored. Additionally, when possible, in order to provide empirical evidence which may confer more validity to the arguments proffered, statistics and results from public opinion polls will be cited. Such statistics will be gathered from reputable institutions, such as the Fund for Peace's Fragility States Index, the Iraq Body Count Project, and the Pew Research Center.

Data Exploitation

The research design employed in this research will consist of a within-case analysis of the information gathered, which is "the in-depth exploration of a single case as a stand-alone entity"[50]. As such, it requires an 'intimate familiarity' with the case in question, and involves a very rich description of the data gathered in order to effectively illustrate the particularities of the case and explore how its patterns and/or processes fit according to the theory; in this case: Neo-Weberian Institutionalism. As such, the overall unit of analysis will consist on the overall U.S.-led statebuilding deployed in Iraq from 2003 to 2011, and the different units of observation consist on the three pillars of statebuilding: Scope, Strength, and Democratic Regime.

[50] Paterson (2012) p.971

Given that the aim of within-case analysis is the "in-depth understanding and description of the phenomenon under study"[51], the analysis of each unit of observation will require a descriptive section, as the different dimensions of the unit of analysis can not be separated from their context and evolution. In practice, an analysis of how the CPA orders 1 and 2 affected the development of the three distinct dimensions of statebuilding can not be understood without describing the evolution of their application, and the context in which they took place.

As such, the quality of this analysis will rely on a delicate balance; this balance is best summed by Barbara Paterson:

> "As much as possible, the descriptive portrayal of the case should reveal the contextual nature of the case and the richness of the case data." Nonetheless, "if the case is too dense, with too many mutually exclusive concepts, the contribution of within-case analysis to understanding the phenomenon under study may be obfuscated."[52]

[51] Paterson (2012) p.972
[52] Paterson (2012) p. 975- 976

Chapter 2: Context

In order to understand in depth the the Coalition Provisional Authority' Orders of de-Ba'athification of Iraqi Society (Order1) and Dissolution of Entities (Order 2) had on the three pillars of the US-led statebuilding involvement (Scope, Strength, Democratic Regime) it seems imperative to adequately describe the context which favored their adoption and shaped the development of their application. CPA Orders 1 and 2, as controversial as they have been since 2003, are a reflection of the initial objectives of the Iraq War, the pre-war planning, and should be understood in the wider context of the evolution of American foreign policy and statebuilding objectives (such as the strengthening of state institution's capacity to perform state functions within a functioning democracy), especially after 9/11 and the ensuing War on Terror.

The War on Terror and the Bush Doctrine

In September 11, 2001, the coordinated hijacking by 19 Islamist terrorist operatives of Al-Qaeda of four commercial flights, which were subsequently crashed into the Pentagon, the twin towers of New York City and Pennsylvania, constituted in the biggest terrorist attacks in US History, resulting in the loss of 2,996 human lives, and more than 6,000 injured. The events that transpired that day prompted the beginning of the War on Terror, by boosting a sudden awareness of the fact that US national security could be threatened by distant, and regional or national conflicts where, seemingly, US interests (in the strictest term) were not precisely at stake.[53]

These events had a radical impact on the American perception of its security, and thus influenced a marked shift in foreign policy. Two of the most distinct effects of the new 'War on Terror' on American foreign policy were the bolstering of the neo-conservative agenda, which relied heavily in the projection of US values and military power, and the emergence of the Bush Doctrine. [54] The Bush doctrine steered away from the politics of containment and deterrence, and instead constituted a commitment to the maintenance of US military superiority

[53] Dumbrell (2005)
[54] Dumbrell (2005) p. 35

and hegemony, espoused a realist paradigm, and the combat of 'emerging threats' with 'anticipatory action'; thus heavily relying in power projection and pre-emption. [55] [56]

Iraq- the next step in the War on Terror.

In the aftermath of 9/11, prominent neoconservatives in the Bush administration - among them Secretary of Defense Rumsfeld and his deputy Wolfowitz - began advocating for intervention in Iraq, as the next stop in the War on Terror - after the invasion of Afghanistan. The rationale was the alleged possession by the Iraqi regime- a rogue state- of chemical weapons and weapons of mass destruction. The administration argued that Saddam could transfer such weapons to Al-Qaeda on the basis of "the enemy of my enemy is my friend", despite Saddam's secular regime being decisively opposed by Al-Qaeda.[57]

On March 6th 2003, President Bush gave a prime-time media conference in which he made explicit how the Iraq War fit in the broader War on Terror; such a link is evident in some of the remarks expressed then, such as:

> "Saddam Hussein has a long history of reckless aggression and terrible crimes. He possesses weapons of terror. He provides funding and training and safe haven to terrorists, terrorists who would willingly use weapons of mass destruction against America and other peace-loving countries."
>
> We will not wait to see what terrorists or terrorist states could do with weapons of mass destruction." [58]

However, other arguments were put forward as a rationale for the invasion; in which the differences between humanitarian and security goals, and ideology and interests were blurred.[59] The intervention would also provide a major opportunity to 'liberate' the Iraqis and establish a viable democracy, which would help reshape the Middle East, enhance oil production in secure conditions as well as creating a more propitious environment for American businesses.[60] The neoconservative argument was that in the light of the impending threat of terrorism, the

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[55] Bush, G.W (2002) Address to the West Point Academy [transcripts] retrived from : https://www.nytimes.com/2002/06/01/international/text-of-bushs-speech-at-west-point.html
[56] Dumbrell (2005) p.37-38
[57] Dumbrell (2005) p.34
[58] Bush (2003) Media Conference on Iraq [transcripts] retrived from : http://edition.cnn.com/2003/US/03/06/bush.speech.transcript/
[59] Thornberry (2005), p. 120; MacMillan (2005) p. 6
[60] MacMillan (2005) p. 11; Dumbrell (205) p.36

spread of democracy in the region, even if by military means, was imperative in order to prevent the spawning of a new generation of terrorists.[61]

Going to War

Only two months after the beginning of the American military involvement in Afghanistan, the Pentagon started preparing for an eventual invasion of Iraq.[62] The decision on the deployment of the invasion suffered from much domestic debate and controversy. [63] However, the national context presented several favorable conditions that allowed the Administration to enjoy enough support from Congress and the American people to greenlight the plans of invasion. In particular, two mutually reinforcing characteristics proved propitious for the authorization of war. First, the influence of the neoconservative movement was at its peak in the Bush administration, supporting a very nationalistic, and militarist agenda. Second, the terrorist attacks of 9/11 generated a very strong "rally 'round the flag effect", in which the nationalistic discourse of the neoconservatives found a fertile ground, and which encouraged a strong will to act. Furthermore, regardless of partisan splits on the issue, the democrats could not afford to be perceived as unpatriotic.

The Bush Administration despite its usual unilateralist tendency, sought support from the United Nations. Nonetheless, the renewed inspections under UN Security Council Resolution 1441 in search for chemical and biological weapons found none of such. The United States government continued to search for allies that would join the intervention in Iraq, and assembled a small coalition of countries to commit to such a venture: the United States (148,000 troops), the United Kingdom (45,000), Australia (2,000), and Poland (194).[64]

On March 20th 2003, the Coalition troops began the invasion of Iraq under Operation Iraqi Freedom. The invasion was thus conceived to be a demonstration of American military superiority, in which Saddam's regime would be quickly deposed, and a rapid and conclusive end, sovereignty and authority would be quickly returned to the Iraqis. [65] Operation Iraqi Freedom saw the put into practice of the 'shock and awe' campaign[66], in which, by April 9th, the coalition troops had already seized Baghdad, and celebrated by the very symbolic image of

[61]MacMillan (2005) p.11
[62] Dobbins et al (2009) p .3
[63] Dumbrell (2005) p. 41
[64] Isakhan (2015) p. 5
[65] Bensahel et al (2008) p. 1 2
[66] Ullman and Wade (1996) as cited by Isakhan (2015) p.5

toppling down with the help of civilians a giant bronze statue if Saddam in Firdos Square. It took coalition troops a mere 6 weeks to end the 35-year rule of the Baathist regime in Iraq.

The origins of the Coalition Provisional Authority (CPA)

In the direct aftermath of the end of major combat operations, the coalition forces set up the Office for Humanitarian and Reconstruction Affairs, an office whose mandate was rather limited in scope:[67] to act as an interim administration until Iraqis elected their own democratic government by focusing on maintaining the provision of public services, and assisting those affected by war. Nonetheless, soon after its inception, ORHA was replaced in May 2003 by a new interim government, which was meant to hold a much broader mandate than its predecessor did: the Coalition Provisional Authority, whose vision statement defined its goal as:

> "A durable peace for a unified and stable, democratic Iraq that provides effective and representative government for the Iraqi people; is underpinned by new and protected freedoms and a growing market economy; is able to defend itself but no longer poses a threat to its neighbors or international security."[68]

In addition, its work could be categorized according to four 'core foundations': reestablishing a safe environment; to foster the conditions favorable to create a transparent, inclusive and democratic government; generating a propitious environment for economic growth; and restoring and providing basic goods and services at an adequate standard.

However, the CPA suffered from many organizational obstacles as its tasks of governing a post-war Iraq and rebuilding its institutions, were titanic tasks by themselves, hence the CPA's mandate to undertake both simultaneously was difficult to reconcile as governing requires a focus on short-term needs, and institution-building implies a long-term vision of the state. [69]

Bush appointed civilian and former ambassador Paul Bremer as the Administrator of the CPA on May 13th 2003, effectively making him the "senior civilian official in charge of all policy efforts in Iraq." [70] Bremer's priorities for Post-War Iraq are imprinted on a letter he sent to President Bush on May 20th -a week after his arrival- in which he stated:

[67] Feldman (2004) p.113 as cited by Dodge (2006) p. 162
[68] Coalition Provisional Authority, Vision for Iraq, July 11, 2003.
[69] Bensahel et al (2008) p.105
[70] Bensahel et al (2008)p.101

> "We have two important goals in this immediate period. We must make it clear to everyone that we mean business: that Saddam and the Ba'athists are finished. And we must show the average Iraqi that his life will be better."[71]

The Issuance of Coalition Provisional Authority Orders 1 and 2

The last quote provides insight into the rationale that motivated two of the most controversial aspects of the US occupation of post-war Iraq, the issuance and implementation by Bremer of CPA orders 1 and 2, which this research will analyze and attempt to explain.

After only 3 days in office, Bremer issued his first order as the head of the CPA that attempted to signal a clear break from the oppressive Saddam's regime, and indicate a new future for Iraq, Order Number 1: the De-Ba'athification of Iraqi Society. The main legislative tool of the CPA in order to enforce decisions and effect policies was the issuance of orders, which had the force of law in Iraq. [73]

The overarching goal of this order is made explicit by the preamble of this order:

> "Recognizing that the Iraqi people have suffered large scale human rights abuses and depravations [sic] over many years at the hands of the Ba'ath Party,
>
> Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Ba'ath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba'ath Party officials,
>
> Concerned by the continuing threat to the security of the Coalition Forces posed by the Iraqi Ba'ath Party…" [74]

The order sought to emulate previous efforts such as the De-Nazification and the *lustration* in the Czech Republic [75], by "eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society."[76] In practice, this order implied the exclusion from public service of any individual having occupied one of the four highest echelons in the Ba'ath party structure.

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[71] Bensahel et al (2008)p.101
[73] Bensahel et al (2008) p.3
[74] CPA/ORD/16 May 2003/01 p.1
[75] Sissons and al-Saiedi (2013)
[76] CPA/ORD/16 May 2003/01 p.1

The second, and equally controversial CPA Order, was promulgated on May 23, and was entitled "Order Number 2: Dissolution of Entities", which aimed to disband most of Iraq's security apparatus as a recognition that "the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption".[77] This order mandated the dissolution of institutions such as The Ministry of Defense, The Ministry of Information, The Iraqi Intelligence Service, The National Security Bureau, and The Ministry of State for Military Affairs.[78]

These orders have had widespread repercussions in the development of the post-war Iraqi context, intended and unintended, and several scholars[79] argue that they are the most controversial legislative acts passed by the CPA in its 14 months-long mandate. Benjamin Isakhan perhaps best sums their significance, when he stated that:

> "These early efforts to de-Ba'athify Iraq- and the fact that they were so central to the beginnings of governance beyond the former regime- left behind one of the most complex and troubling legacies of the Iraq War." [80]

However the fallout from these orders is due not only to its prescriptions but perhaps more so to the evolution of their implementation, which was instrumentalized and politicized by different actors to suit different purposes.

In furtherance of the analysis of the different repercussions these orders had on the US-Statebuilding efforts until the withdrawal of troops in 2011, this thesis will examine their effects on the three crucial dimensions of Statebuilding, given Monten's insistence that

> "In assessing the effectiveness of military intervention as a mechanism of external statebuilding, three aspects of the state-building process are relevant: the scope of state institutions, the strength of state institutions, and a state's regime type."[81]

And in the case of Iraq, "the United States made decisions that substantially undermined the scope and strength of the Iraqi State and struggled to fill the ensuing vacuum of public authority"[82].

[77] CPA/ORD/23 May 2003/02 p.1
[78] CPA/ORD/23 May 2003/02 2 p.4
[79] Dobbins et al (2009), Bensahel (2008), Hatch (2005) Isakhan (2015) Al Kli (2015), among others
[80] Isakhan (2015) p. ¿
[81] Monten (2014) p.176
[82] Monten (2014) p. 175

Chapter 3: Establishing Security and the Strength of the Iraqi State

Building strong institutions is one of the vital tasks of statebuilding, as it represents the ability a state has to "plan and execute policies, and to enforce laws cleanly and transparently".[83] In other words, building state strength is crucial to successful statebuilding as it represents the 'capacity' (in the Neo-Weberian sense) the state has to actually perform state functions, thus legitimizing its existence. As such, this chapter will analyze the different ways in which the CPA's implementation of Orders 1 and 2 affected their attempts to rebuild the strength of the Iraqi State from 2003-2011.

Since examining how these orders may have influenced the Iraqi state's capacity to enforce policies across all policy sectors and all institutions is beyond the scope of this research; this chapter will focus on the control of violence and the provisional of physical security. Some scholars have highlighted the primacy of this aspect for statebuilding by going as far as "defining statebuilding in terms of the construction or reconstruction of governance institutions capable of providing the citizens of the state with physical (…) security".[84] Moreover, it can represent a core metric to evaluate the success of the statebuilding intervention as its "first and most important foundational test would be the ability of the new state's institutions to claim a monopoly over the legitimate use of violence". [85]

Furthermore, providing public security is regarded as the most challenging aspect of democratic reform and statebuilding.[86] Iraq was not the exception to this rule, as "the security environment posed perhaps the single greatest obstacle for (…) the CPA in their efforts to rebuild Iraq's political system".[87]

[83]Fukuyama (2004)p.21-22
[84] Chesterman (2004) and Chandler (2007) as cited by Mulbah (2017) p.187
[85] Dodge (2006) P.191
[86] Dobbins et al (2009) p.195
[87] Bensahel et al (2008) P.187

This chapter will begin by analyzing the security context in Iraq in the direct aftermath of the cessation of major military combat (April 2003) and the CPA's initial outlook on post-war occupation and statebuilding agenda. Second, the CPA's orders 1 and 2 will be reviewed more in depth, by exploring their direct and indirect implications for the establishment of the monopoly of the use of violence. Subsequently, an analysis of the evolution of the security environment throughout the U.S. presence in Iraq (2003-2011) should yield information regarding the long-term impact of the implementations of CPA orders 1 and 2.

Strategic Planning for Post-war Iraq and its clash with reality:

The strategic planning for the Iraqi war began a mere eight weeks after the deployment of American armed forces in Afghanistan. Finally, in January 2003 then President G.W Bush signed a directive handing over responsibility for post-war Iraq to the Pentagon, which then proceeded to forge a mission that saw post-war Iraq as a blank slate in which they could be able to rebuild the state "in the image of its liberators."[89] This mission was conceived by prominent neoconservatives in the organization such as the Secretary of Defense Rumsfeld and his deputy Wolfowitz, who had been advocating for regime change in the Middle Eastern country for years.[90]

The policies pursued in the direct aftermath of military victory was a reflection of the assumptions the Pentagon had on the way the post-war Iraqi context would evolve. After eliminating Ba'athists implicated in atrocities, the major institutions and ministries would remain in place and continue to perform essential functions just as before." [92] The invasion would then only require a relatively small US force to seize the state and occupy the capital, after which they would eliminate only the higher echelons of the regime and promptly hand over the State to a small number of trusted Iraqi exiles. After this rapid handover, only a small armed presence would remain and would quickly begin withdrawing se assumptions proved to be faulty, as they failed to take into account the chaos left after the cessation of major combat operations, and thus failed to prepare the American-led occupation to the sheer scale of post-war statebuilding needed to stabilize Iraq.

[89] Packer (2005) p.125 and Diamond (2005) p.35 as cited by Dodge (2006) P.161
[90] Dobbins et al (2009) p.3
[92] Douglas Feith Undersecretary of Defense for Policy to Senate Foreign Relations Committee, cited by Packer (2005) p.125 as cited by Dodge (2006) p. 162-163

The seizing of Baghdad on April 6 marked the beginning of a period of three weeks of unchecked looting carried out by the Iraqis directed at buildings associated with Saddam's rule, leading to a state of chaos and anarchy. In Baghdad alone, 17 out of the 23 ministry buildings were thoroughly ransacked[96], and 60 out 61 police stations were destroyed and their equipment stolen[97]. The ensuing chaos severely hindered the rebuilding of institutional capacity and state strength, as many important documents and essential infrastructure to run a government were destroyed.

Following coalition orders during the war, the Iraqi Army had effectively demobilized, with many of them changing into civilian clothes and taking home with them equipment and weapons. Additionally, most of the four thousand officers of the police force in Baghdad had also scattered, and those who remained were insufficient, poorly trained and lacked adequate equipment. The coalition forces adhered to the initial plan in which their role did not encompass post-war stabilizations, and hence they did not see policing as their function.

The pre-war plans were thus rendered impracticable, and the relatively small size of the occupying force was unable to contain the looting, imposing law and order and establishing security. Moreover, the occupying coalition had difficulty regaining the trust of the population, after the occupation forces failed to contain the weeks of violence, and equally failed to establish the rule of law and provide security.[98]

This state of affairs in the post-war context prompted CPA administrator Paul Bremer to tell then President Bush that this task "far more than the much-discussed evolution of political structures, is what dominates the life of the average urban resident. (…) People must no longer fear to send their children to school or their wives to work."[100]

Coalition Provisional Authority Order 1- The de-Ba'athification of Iraqi Society

On May 16 2003, only four days after Paul Bremer's arrival in Baghdad, the CPA promulgated its first order, entitled Order 1: de-Ba'athification of Iraqi society, it sought to rid Iraq from the

[96] Dodge (2007) p.87
[97] Bensahel et al(2008) p.121
[98] Bensahel et al (2008) p. 161
[100] Letter from Paul Bremer to President G.W. Bush from May 22nd 2003 as cited by Dobbins et al (2009) p. 51

legacy and influence of the Ba'ath party, which had ruled Iraq for thirty-five years, and ensure that it would not return to power.

CPA order 1 was meant to convey the message of a clear break with Saddam's authoritarian and repressive regime and a new dawn for Iraqi history based on liberal political values such as freedom and democracy[107]. The implications of such an order for the original plans for post-war were based on the assumptions that "eliminating the specific institutional mechanisms of authoritarian rule (…) would suffice to ensure freedom and democratic development. Iraqis themselves, from this point of view, were expected to reconfigure political authority in congenial, democratic forms, aided at most by modest and neutral technical expertise from temporary occupiers". [108]

Overall, it is uncertain how many people were directly touched or dismissed because of reported or suspected ties to the Ba'athist party; ; nonetheless, it is estimated that the implementation of de-Ba'athification, which has been invoked and enforced up until 2014, has affected about 85,000 to 100,000 people.

Coalition Provisional Authority Order 2- Dissolution of Entities

On May 23 2003, the Coalition Provisional Authority issued a second official order entitled "Dissolution of Entities", which envisioned the dissolution of a multitude of organizations, which constituted different branches of Saddam's security machinery, including several ministries, and military organizations.[114] This decision has been widely criticized; as an example, the International Crisis Group argued that "Disbanding the former army was almost certainly the most controversial and arguably the most ill-advised CPA decision."[115]

. The Pentagon originally conceived that the Iraqi Army should step aside from combat, but would then be recalled in order to assist in the reconstruction of the country and ensuring the rule of law[121], given that the US. Troops were insufficient to fulfill these functions and did not conceive them as part of their responsibilities. Afterwards, the Pentagon envisioned a plan in which the Army would be downsized and reformed.

[107] Pfiffner (2010) p.78
[108] Flibbert (2013) p. 84-85
[114] CPA/ORD/23 May 2003/02 Annex 1--- full list of dissolved entities in Annex 2
[115] ICG (2003) p. 102 as cited by Bensahel et al (2008) p.138
[121] Bensahel et al (2008) p.121

However, Bremer's arrival in Baghdad in May 12, 2003, led him to reach the conclusion that the reasons and considerations for retaining the former Iraqi army and security apparatus no longer applied based on three general arguments.[122] First, the military campaign and subsequent looting had severely deteriorated the army infrastructure. Second, after the cessation of major combat operations the Iraqi army was nowhere to be found, prompting coalition forces to believe that it had self-demobilized. Finally, the dissolution of Saddam's security apparatus presented a great opportunity to "reinforce our overall policy messages and reassure Iraqis that we are determined to extirpate Saddamism."[123]

The effects of the Issuance and Implementation of CPA orders 1 and 2 on post-war Iraq's security and rule of law.

This section will discuss the most direct implications the implementation of CPA orders 1 and 2 had on the coalition's attempt to reconstitute the strength of the Iraqi State, and their effects on the country's security environment.

CPA Order 2- Dissolution of Entities

he idea that the Iraqi army self-demobilized was nonetheless a faulty assumption, as the Pentagon urged them to disperse by themselves before the war by threatening that any person seen in military uniform would be considered hostile.[125] It further promised that if they refused to take part in the war, they would be accepted into a post-Saddam army.[126] The announcement of the 'Dissolution of Entities' order was hence "perceived by Iraqi officers as broken promises by the Americans, and had a predictably negative effect on attitudes towards the United States". It created large pools of unemployed men– roughly 435,000[127] - with legitimate grievances, military training and access to guns[128], who claimed they had followed in good faith prewar instructions not to fight.[129] This large group of people became simultaneously resentful towards

[122] Dobbins et al (2009) p. 53-54
[123] Memo from Paul Bremer to Secretary Rumsfeld. Subject: Proclamation of Dissolved Entities (May 10, 2003) as cited in Dobbins (2007) p. 56
[125] The Pentagon's Unit of psychological Operations (PSYOPS) carried this out by dropping leaflets weeks before the start of combat.
[126] Pfiffner (2010) p. 81 ; Bensahel et al (2008) p. 140
[127] Pfiffner (2010) p. 80 and Dodge (2006) p. 166
[128] Pfiffner (2010)p. 82
[129] Bensahel et al (2008) p.140

the US-led occupation and susceptible to becoming co-opted by organizations willing to pay them or provide them with a purpose.

Furthermore, given the relatively 'light footprint' of the American-led intervention and the dissolution of most of the security apparatus, there was no one left to patrol the streets and ensure the rule of law. As stated by Andrew Flibbert:

> "Without a capable mechanism to provide security, rein in the most implacable militants, oust foreign agitators, and assure the rule of law, little could be done to prevent an almost immediate deterioration after the regime's collapse in late April 2003."[131]

This visible deterioration of the rule of law in Iraq contributed to a collective Iraqi disenchantment with the U.S.-led statebuilding project, forcing them to transfer their allegiance to other groups willing to provide them with protection. scratch, forcing the occupying forces to face difficult dilemmas between long-term objectives and short-term imperatives.

Finally, the coalition forces failed to recognize the symbolic value of the Iraq, which was considered a source of national pride and identity. Indeed, the order to disband an army, which before the Gulf War was the fourth largest in the world, fueled the anger of the Iraqi soldiers, who protested this order whilst carrying banners that read "Dissolving the Iraqi army is a humiliation to the dignity of the nation."[133]

CPA Order 1- De-Ba'athification of Iraqi Society

One of the biggest criticisms formulated against the CPA's policy of de-Ba'athification is that it represented an assumption of collective responsibility. The sanctions and dismissals were not determined in the face of individual responsibility or violations of human rights; there was a broad generalization, in which an individual's affiliation to the Ba'ath party automatically implied a person's guilt. [134]

During the 35 years of Ba'athist regime, the Sunni minority were highly privileged; they constituted the highest ranks of the party and of the government, and thud enjoyed preferential treatment. After the proclamation of CPA order 1, the Sunni feared the reprisals of the Shia and Kurdish population, as well as the loss of the long-enjoyed privileges. Given this context, they "felt they had little choice but to regroup or fight back, easily drawing on a large pool of

[131] Flibbert (2013) p.85
[133] Bensahel et al (2008)p.141
[134] Sissons and Al-Saiedi (2013)

unemployed and resentful ex-soldiers and skilled tacticians"[135]Moreover, the erosion of rule of law mixed with a wider sectarian divide contributed to an 'ethnic/sectarian security dilemma'[136]. This phenomenon is addressed in the 2006 U.S congressional the Baker-Hamilton report, stating that:

> "The perception of unchecked violence emboldens militias, shakes confidence in the government, and leads Iraqis to flee to places where their sect is the majority and where they feel they are in less danger". [137]

Given the rising violence triggered by 'forced state failure' in post-war Iraq, Iraqis needed to find alternative sources of protection in the absence of capable and organized political authority. Unable to turn to national authorities or international presence for security, they thus resorted to self-help strategies, retreating into the ethnic and sectarian aspects of their identity for self-defense. This dynamic of group grievances and 'ethnic security dilemma' gave rise to the emergence of several groups that contested the incipient Iraqi state's claim on the monopoly of the use of violence.

The effects the sectarian conflict had on Iraq's security in the aftermath of the toppling of Saddam's regime is synthetized in the Baker-Hamilton report as:

> "Violence is increasing in scope, complexity, and lethality. There are multiple sources of violence in Iraq: the Sunni Arab insurgency, al Qaeda and affiliated jihadist groups, Shiite militias and death squads, and organized criminality. Sectarian violence—particularly in and around Baghdad—has become the principal challenge to stability."[138]

Sunni Insurgency

As explained above, the Sunni Iraqis enjoyed a privileged position during Ba'athist rule; and thus, the implementation of de-Ba'athification and dissolution of the former regime's security apparatus disproportionately affected Sunni Iraqis by costing them their privileged position in the state, and by leaving them highly vulnerable to reprisals in the security vacuum that ensued the coalition's victory. These events marked the dawn of the Sunni Insurgency, which was made

[135] Dodge (2006) p.167
[136] Flibbert (2013) p. 88
[137] Baker, Hamilton and Iraq Study Group (2006) p.10
[138] Baker, Hamilton and Iraq Study Group (2006) p.10

up of a myriad (around 50-74) autonomous groups built around ties of personal trust whose ranks varied from 20,000 to 50,000 members.[140]

The various groups that comprised the Iraqi insurgency shared a common ideology, which revolved around a strong nationalism and the instrumentalization of religious ideology, Salafism in particular, as this ideology "allows a distinction to be drawn between those involved in the jihad or struggle (the true believers), and those who are not."[141] It enables them to direct the fight against the U.S. led occupying coalition and against Shiites for a) not following Islam's true path, and b) integrating the ranks of the armed groups who oppose them and target them.

The various organizations that conform the Sunni Insurgency in Iraq are mostly comprised of disaffected Sunni Iraqis, but are also integrated by former elements of Saddam's regime who were alienated by both CPA orders 1 and 2. As such, they rely on an intimate knowledge of Iraq's geography and infrastructure and access to local weapons and financing. Their primary targets consist on Shiites, coalition forces and Iraqi coalition employees as well infrastructure.[142]

Shia Militias

As a product of the same ethnic security dilemma, the Shia population also sought protection from armed groups that mobilized along Shia sectarian lines. The Shia militias consist on a variety of factions which effectively represent a serious threat to the legitimacy of the new Iraqi state as they also contest its claim on the monopoly of the use of violence. It was estimated that by the end of 2003, there were around 30 known militias in Iraq, ranging in forces from 30,000 to 60,000 men.[145]

They constitute a highly heterogeneous group; however, they claim to represent the same constituency: urban Iraqi Shiites. Whilst legitimizing their existence as a source of protection for their constituents, they mostly target Sunni civilians and attempt to impede their participation in the political process.[147] Two of the most important Shia militias are the Badr brigade and the Mahdi Army.

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[140] Dodge (2007)p.90
[141] Dodge (2007)p.91
[142] Baker, Hamilton and Iraq Study Group (2006) p.10 and Dobbins et al (2009) p.94
[145] Coalition Provisional Authority, Iraq: Integrated Security Sector Development (Baghdad: Coalition Provisional Authority, Office of Policy Planning and Analysis, December 2003), p. 18 as cited by Dobbins et al (2009) p. 316
[147] Baker, Hamilton and Iraq Study Group (2006) p.11 and Dodge (2007)p.93

The Badr Brigade is closely linked to the Iranian Government, which trained its estimated 15,000 fighters. The Badr Brigade has undermined the legitimacy and strength of the post-Saddam Iraqi government institutions since they have colonized large parts of the Ministry of Interior, namely when it refers to police forces.[149]

Nonetheless, the largest and most influential Shia militia is the Mahdi Army, led by Shia cleric Moqtada al-Sadr and organized around his religious charity offices. It is estimated that its army comprises forces that range from 50,000-60,000 men, and the militia has been able to pay its full-time fighters up to $300 a week. [150]

Organized Crime

Other groups challenging the Iraqi state's claim on the monopoly of violence are groups related to organized crime. It is important to note that state incapacity and its inability to guarantee the rule of law blurs the lines between politically motivated and criminal violence, with some criminal organizations allying themselves with the Sunni insurgency or a certain Shiite militia with the aim of acquiring legitimacy and protection.[151]

Rebuilding the Security Forces

After the dissolution of most organizations conforming the Iraqi security apparatus through the implementation of CPA order 2, it was clear that rebuilding a new democratic and effective coercive apparatus would be an additional responsibility for the Coalition Provisional Authority. To do so in this particular context of lawlessness would generate multiple trade-offs between long-term policy objectives, and short-term imperatives of restoring security; these dilemmas proved difficult to reconcile.

The need to rebuild the State's coercive branch from scratch posited a setback in the coalition's statebuilding agenda; nonetheless, it also represented an opportunity to rebuild them to be "civilian-controlled, transparent, professional, merit-based" [158] , representing in a more balanced way the sectarian, ethnic and geographical make-up of the country. Although it embodied ambitious objectives, the coalition's efforts in this respect proved to be based on some faulty assumptions.

For example, the coalition in general sought to attract and recruit younger people who in the case of having previous military experience would not have occupied ranks above the rank of

[149] Dodge (2007) p.92 and Baker, Hamilton and Iraq Study Group (2006) p.11
[150] Dodge (2007) p.92
[151] Baker, Hamilton and Iraq Study Group (2006) p.11
[158] Bensahel et al (2008) p.138

captain or major, assuming that they would be high-ranking Ba'athists. This policy reflected a faulty underlying assumption of the policy of de-Ba'athification, as in reality, some top-commanders of the army had no affiliation with the party, whilst low-level military personnel held some higher positions within the party.

Once reconstituted, the New Iraqi Army started to experience mass desertion, with approximately 34.5% failing to report for duty within the first two months.[159] These desertions were partly due to the low level of the salaries, which was below the offers of some militias and other armed groups. This translated into several army officers trained by the U.S who were co-opted by organizations willing to pay them a higher wage.

Furthermore, the New Iraqi Army attempted to promote national representation, but did not erase the sectarian tensions present in the wider society, which also had repercussions on the loyalties or allegiances proffered by army officers, with some battalions refusing to work together based on their belonging to different sects.

Nowhere where the dilemmas surrounding the role of the New Iraqi Army during the U-S-led intervention more palpable than in the failed Operation Vigilant Resolve in Fallujah during the Spring of 2004, meant to retaliate against the brutal murder of four Blackwater contractors, it represented the first entry into action for the NIA. This mission demonstrated the shortcomings of the coalition's assumptions, as many officers deserted or refused to act against fellow Iraqis.

Despite its briefness, the offensive conducted in Fallujah triggered a strong anti-coalition sentiment between both the Sunni and Shia populations. Commander of Coalition Ground Forces in Iraq Sanchez claimed: "To say that the Fallujah offensive angered the Sunni Muslims of Iraq would be a gross understatement."[162]

[159] Bensahel et al (2008)
[162] Sanchez (2004) as cited by Lynn (2012) p.51

Evolution of Post-war Iraqi Security Environment

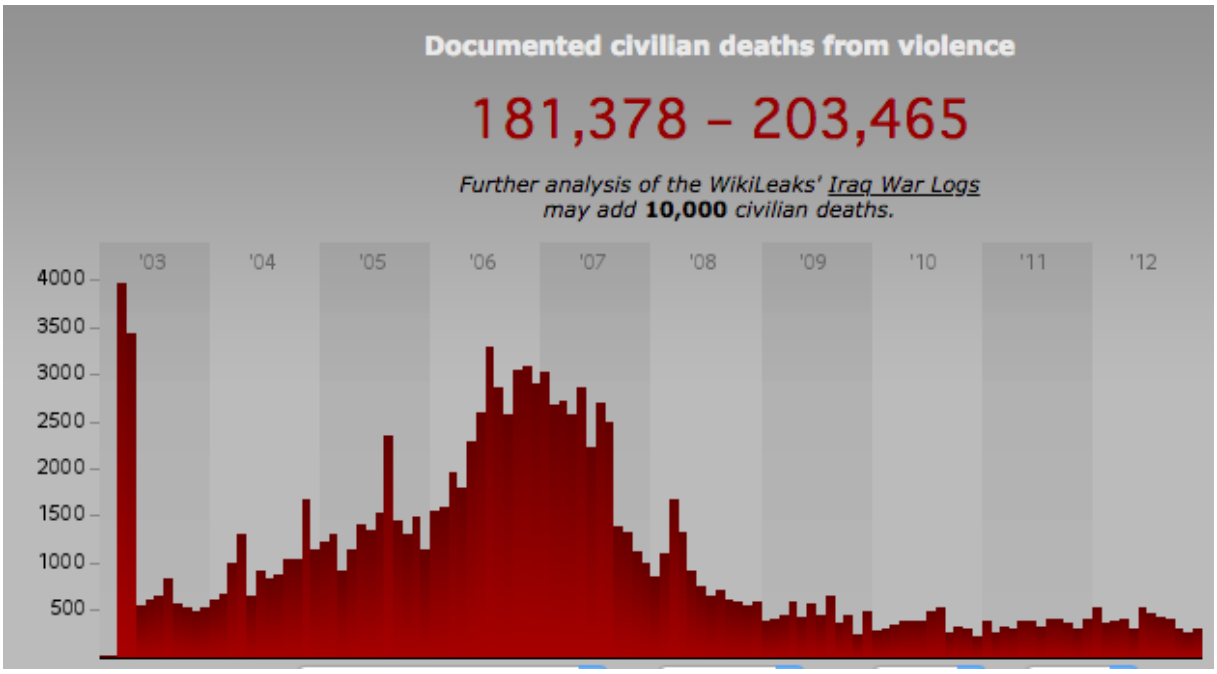

Figure 1- Documented civilian deaths from violence per month (2003-2012) Source: Iraq Body Count Project Database

2003 -2005 –The Immediate Post-war context and deterioration of the Iraqi Security Environment

The beginning of the occupation was marked by a very high toll of Iraqi civilian casualties, given the magnitude and methods associated by the 'Shock and Awe' campaign, which guaranteed the Coalition's speedy military victory. The period of major combat operations, saw a body count of 7,415 Iraqi civilians between March and April 2003[163]. However, violence quickly began declining in April as the U.S. led coalition attempted to restore order.

It soon became apparent that sectarian grievances, rampant criminality and insufficient security forces (either international or national) were driving a steady rise in violence, and mobilization. This period saw the formation and consolidation of the diverse number of Shia Militias, as well as the beginning of the Shia insurgency and the 'sectarian security dilemma'; these different developments had serious repercussions for the Iraqi security environment, which deteriorated steadily during this period.

[163] Iraq Body Count project – (IBC) https://www.iraqbodycount.org/database/

2006- 2007- The Iraqi Civil war

The most violent period after the declaration of military victory by collation forces came in the second half of 2006, as the country descended into a vicious cycle of retributive violence and escalation of tensions; the number of civilian casualties almost doubled from 2005- to 2006 going from 16,583 to 29,517 documented deaths[164].

In February 22nd 2006, there was a bombing attack at the Al-Askariyya Mosque, one of the holiest sites for Shia Muslims. This bombing triggered a cycle of retaliatory violence that eventually led to a full-blown civil war; it is reported that by July 2006 the death toll rose to a hundred civilian deaths per day,[165] and 365,000 Iraqis were displaced from their homes[166]

2007 – 2011 – testing the Statebuilding 3.0 model and Counterinsurgency Strategy

By the end of 2007, violence in Iraq had declined sharply; civilian deaths declined an estimate of 69.8% in the period between July 2006 to December 2007. Several explanations have been put forward in order to account for the dramatic drop in violent deaths; however, most academics agree that the explanation lies in a synergetic cycle in which different phenomena became mutually reinforcing.

The exponential increase in violence in Iraq by 2007 forced the Pentagon and U.S. government to revise their intervention model. As a result, there were three major changes in the American Strategy in Iraq, which contributed to the improvement of the Iraqi security conditions.[167]

First, the 'American Statebuilding model 3.0'[168] , which debuted in Iraq in 2007, espoused a deeper focus on institutional strength and the provision of security as a basis for state legitimacy. This approach centered on winning the 'hearts and minds' of average Iraqis by competing for "the 'uncommitted middle'[169] that exists in between "an active minority supporting the government and an equally small militant faction opposing it."[170]

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[164] Iraq Body Count project – (IBC) https://www.iraqbodycount.org/database/ // The number of civilian deaths in this period is disputed, with the Iraqi government reporting 13,896 deaths, and the United Nations reporting a much higher number of 34,452 as cited by Dodge (2007) p. 90

[165] Semple, Kirk (July 19th 2006) "Iraqi Death Toll Rises Above 100 Per Day, U.N. Says" *New York Times https://www.nytimes.com/2006/07/19/world/middleeast/19iraq.html*

[166] Dodge (2007)p.90

[167] Flibbert (2013)

[168] Lake (2010)

[169] Lake (2010) p.275

[170] Counterinsurgency Field Manual - CFM (2006) p.35

Furthermore, in January 2007, the G.W. Bush administration authorized the deployment of 30,000 additional troops to Iraq meant to reinforce security in key sites such as central and western Iraq; a strategy now commonly referred to as 'the surge'. Their added value was that these troops would follow a pattern of engagement more in line with the counterinsurgency strategy.[171]

A third element of the new American strategy became known as the 'Sunni Awakening'. Whilst espousing COIN[172] ideals, the U.S led occupation formed a network of 'Iraqi Security volunteers', through the co-opting of Sunni tribesmen including former insurgents by providing a payment of $300 per fighter per month.[173] These groups included approximately 80,000 security volunteers by January 2008.[174]

Stephen Biddle, Jeffrey Friedman and Jacob Shapiro argue that this synergy between the 'Sunni Awakening' and 'the Surge' created three central effects that contributed to the improvement of the Iraqi security environment:

> "First, it took most of the Sunni insurgency off the battlefield as an opponent, radically weakening the enemy. Second, it provided crucial information on remaining holdouts, and especially AQI (Al-Qaeda in Iraq), which greatly increased coalition combat effectiveness. And third, these effects among Sunnis reshaped Shiite incentives, leading their primary militias to stand down in turn."[175]

The resulting improvement of the Iraqi security situation, coupled with parallel breakthroughs in the development of democracy and governance, prompted the bush administration to sign the 2008 U.S.–Iraq Status of Forces Agreement with the Iraqi government, establishing the withdrawal of U.S. troops by December 2011. "I can report that, as promised, the rest of our troops in Iraq will come home by the end of the year," Obama said. "After nearly nine years, America's war in Iraq will be over.

[171] Biddle et al (2012) p. 22-23 and Flibbert (2013) p.87
[172] Acronym for Counterinsurgency Strategy followed by the Statebuilding 3.0 model, and codified in the CFM.
[173] Biddle et al (2012) p. 18
[174] Flibbert (2012) p. 87 and Kagan et al (2008) p.2
[175] Biddle et al (2012)p.24

Conclusion

In a neo-Weberian institutionalist perspective, it is imperative for a robust and successful statebuilding intervention to focus on building up the strength of the state institutions. Since states gain legitimacy to rule by being able to enforce the policies they have established and fulfilling state functions, it is of paramount importance to tackle the issue of institutional capacity and strength from the outset. Moreover, the foundational test of a state's strength is their capacity to exert a monopoly of the use of legitimate violence, hence being able to provide its citizens with the basic public good of security.

In the case of Iraq, the primacy of security in the eyes of citizens is made manifest in a Gallup poll conducted in 2004 , superseding their concerns for democracy or economic development. This poll concluded that "nearly half (47%) of the 3,444 Iraqis interviewed described a desire for stability and security as their prime concern. This percentage is significantly larger than the 20% who hoped that the country would develop to a standard equivalent of that in other advanced countries, or the 16% who wished for a democratic form of government.[177]

If the strength of Iraqi state institutions was already severely weakened by 13 years of economic sanctions and dictatorial rule, the issuance and implementation of the Coalition Provisional Authority's orders 1 and 2 further undermined their institutional capacity. In this chapter, we have analyzed the effect they had on the U.S. efforts to improve the Iraqi security environment.

The implementation of CPA order 2: Dissolution of Entities, which effectively abolished most of the Iraqi security apparatus, had more palpable, direct and immediate consequences on the Iraqi security environment and its capacity to deal with its deterioration. Given the disbanding of the army and the modest number of occupying forces, the coalition was simply unable to control the looting and to re-impose the rule of law. This incapacity contributed to a loss of legitimacy in the eyes of Iraqi civilian and resentment towards the occupation. This impressions were summed up in a Gallup poll from September 2003 that showed how 94% of Iraqis believed that Baghdad was more dangerous city to live in after the U.S.-led occupation, 70% of them reported they were too afraid to go out of their homes during the day.[178] This poll also reflected how the perception of coalition forces had changed, with the respondents being identically

[177] Gallup Poll (June 29, 2004) Gallup Poll of Iraq: Hopes and Fears Hang on Security as retrieved from http://news.gallup.com/poll/12172/gallup-poll-iraq-hopes-fears-hang-security.aspx

[178] "Iraqi Impressions of Coalition Forces and the Security Situation in Iraq: Office of Research Survey Results from 7 Cities in Iraq & Preliminary Results from Gallup Baghdad Survey," September 30, 2003 as cited by Dobbins et al (2009) p.96

divided in their perception of them at the beginning of the war as liberators (43%) and occupiers (43%); a year later 71% of the respondents viewed them as occupiers, whilst less than a fifth of the respondents viewed them as liberators.[179]

The most direct effect of CPA order 1: De-Ba'athification of Iraqi Society was a reflection of the conflation of de-Ba'athification with de-Sunnification in the eyes of Iraqi civilians. This perception fanned the flames of sectarian resentment and antagonism that led to a 'sectarian security dilemma'. These two direct effects converged so that the Iraqis resented the lack of security in their country but were unable to turn to the national or international forces for protection, leading them to seek security guarantees among their communities. Iraqi Sunnis having lost their avenue for political representation, and being fearful of Shia retaliation for decades of privileges, re-organized themselves and resorted to self-help strategies for protection, giving birth to the Sunni Insurgency. The Shia segment of Iraq mirrored the tactic in response, spawning a multitude of different militias. The main consequence of this phenomenon was that neither the coalition forces, nor their newly created security institutions were able to claim a monopoly over the use of violence, nor did they enjoy the same legitimacy that ordinary citizens (be it Shia or Sunni) afforded their informal security organizations.

The deterioration of the Iraqi security environment led to a full-blown civil war in 2006, and severely undermined all other dimensions of the U.S. statebuilding agenda for Iraq as it is difficult enough to build democratic institutions and processes, as well as establishing a functioning bureaucracy by themselves. Doing so in an environment of widespread lawlessness and violence acutely hinders these efforts, both by posing an effective obstacle to their development, as well as by tarnishing the image and legitimacy of the 'statebuilders'.

[179] Gallup (April 28, 2004) Gallup Poll of Iraq: Liberated, Occupied, or in Limbo? As retrieved from http://news.gallup.com/poll/11527/Gallup-Poll-Iraq-Liberated-Occupied-Limbo.aspx?g_source=link_NEWSV9&g_medium=tile_4&g_campaign=item_12172&g_content=Gallup%2520Poll%2520of%2520Iraq%3a%2520Liberated%2c%2520Occupied%2c%2520or%2520in%2520Limbo%3f

Chapter 4: Restoring Essential Services and the Scope dimension of the Iraqi State

One of the main ambitions of the Coalition Provisional in the restoration of the Iraqi State was to enhance its institutional capacity and its provision of essential services to at-least their pre-war levels in order to leave after the intervention a stable, liberal and democratic state capable of providing for its citizens. Nonetheless, throughout its eight year-long involvement in a post-war statebuilding enterprise in Iraq, the U.S.-led coalition encountered numerous difficulties in restoring the institutional capacity and scope of the Iraqi state. The present chapter will provide an analysis on how the policy of de-Ba'athification and dissolution of the Iraqi security apparatus, may have affected the U.S.-led statebuilding efforts to rebuild the new Iraqi state's capacity to provide its citizens with essential goods and services.

An institutionalist conception of the state argues that a state must fulfill three pillars of functions, one of them being the effective monopoly of the use of violence.[180] A second pillar would constitute the representation of the identity citizens through democratic practices and institutions.[181] Thirdly, a strong state should exhibit conditions suitable for the development of the welfare of its citizens through the provision of public goods and services.[182] This section will examine the third pillar of state functions, also referred to as the Scope dimension of the neo-Weberian ideal-type state. Statebuilders have generally sought to enhance the state's capacity to fulfill said functions as it serves the double purpose of ensuring human dignity and consequently legitimizing their intervention and its state object, thus ensuring stability.

In the period following the seize of Baghdad in April 2003, the coalition attempted to perform such reconstruction tasks through the Office of Reconstruction and Humanitarian Affairs (ORHA), and its successor the CPA. The results of these efforts have been the object of much

[180] See Chapter 3
[181] See Chapter 5
[182] Milliken and Krause (2003) p. 4 as cited by Hameiri (2007) p. 135

debate since different researchers and agencies have issued mixed reviews on their relative success or failure. Independently, it is widely agreed upon that the implementation of CPA orders 1 and 2 deeply affected this process of reconstruction and provision of essential services either directly or indirectly, rendering the coalition's task much more challenging than initially foreseen.

The dismissal from civil service of the top three layers of every ministry and government institution, through the implementation of CPA 1, effectively removed all remainders of institutional memory, and personnel with local experience. In this context, it was difficult to resume services immediately. Such temporal gap contributed to the perception of Iraqis of the failure of the coalition to live-up to promises made, thus feeding a sense of resentment and anger. Additionally, the dissolution of the Iraqi security apparatus, created a large pool of disgruntled highly trained unemployed people, who coupled with the dismissed bureaucrats then joined several armed groups that directly targeted bureaucratic institutions and physical infrastructure, rendering the coalition's task much more daunting.

This chapter will begin by analyzing the importance this provision has for effective statebuilding. Subsequently, it will explore how these reconstruction efforts developed, the reality of the immediate post-war Iraqi context, and which measures were taken and why. Finally, an account of the different direct and indirect ways in which the implementation of such orders affected the development of the coalition's agenda will yield information on the effects said orders had on not only the development of the scope dimension of the state, but how this in turn impacted the overall eight year-long statebuilding project.

Efforts of the U.S.-led coalition to enhance Public Services Provision in Iraq (2003-2011)

Before the 2003 U.S.-led invasion, the Iraqi State was far from a failed state; in fact Saddam left behind what could be considered a "a functioning, modern state (…), rich in liquid assets and human resources." [184] The exploitation of Iraqi oil reserves in the 1980's helped the Ba'ath regime finance large infrastructure projects, subsidies in service provision, and a fairly educated population. Moreover, the Iraqi State had significant experience regarding post-conflict reconstruction, as it had had to restore infrastructure, livelihoods and services in the aftermath

[184] Barakat (2005)p.573

of the Iran-Iraq War (1980-1988) and the Gulf War (1990-1991). Nonetheless, crippling sanctions following the latter conflict did take their toll and the level of service provision and infrastructure were rather degraded at the time of the 2003 invasion.

Planning and Assumptions

The chaos that characterized Iraq after the cessation of major combat operations in April 2003 was not so much a result of the lack of planning for the post-war stabilization period, as of the divergent ideas such agencies held of what the priorities and mechanisms should be in the construction of the new Iraqi state.[185] The Pentagon's plans were deeply ideologically driven[186], and showed very limited knowledge of local characteristics. To compound such misguided foundations, there was no backup plan and the existing strategy "was not open to modification in response to the reality encountered on the ground." [187]

The assumption was that "The coalition would cut off the head of the snake but leave the body"[188], by removing the highest levels of the Ba'ath regime but leaving intact the existing bureaucracy to administer the country in line with American leadership and orders. Subsequently, exiled Iraqi technocrats would be appointed to every ministry to provide an Iraqi face of the occupation. Finally, a new Iraqi government would be formed as quickly as possible, and thus there would be a handover of authority and sovereignty to a new democratic Iraqi regime.

One of the costly miscalculations made by the Pentagon in the planning process was the overreliance on Iraqi exiles who had not been in Iraq for a long time, and were unpopular and seen as illegitimate by their co-citizens. This oversight manifested itself in the post-war period, as it appeared that the exiles had misguidedly led the coalition to believe that the Iraqi infrastructure was largely serviceable; leading to a severe underestimation of the amount of reconstruction that would be needed to comply with their promises.[189]

The plan would become untenable almost immediately after the coalition's occupation of Baghdad, as it had failed to foresee the scale of the looting that would ensue and the scattering of the ministries staffs.[190] Furthermore, the absence of flexibility to adjust the plan to the

[185] Diamond(2005)p 28–29 as cited by Coyne (2008)p. 15
[186] See Chapter 2
[187] Dodge (2003)p.163 – 165 as cited by Barakat (2005) p. 578
[188] Ward (2005) p. 3
[189] Bensahel et al (2008) p.213
[190] See Chapter 2 and 3

newfound conditions, and the failure to design a contingency plan compounded the coalition's inability to respond to the chaos in which Iraq was submerged in May 2003.

The reality the coalition faced after the seize of Baghdad was that a significant part of the population did not have access to potable water, and electricity was only available to about 87% of the population but only for a fraction of the day. [191] The electric infrastructure was in many cases only functioning due to precarious repair tactics and in dire need of maintenance and rehabilitation. Indeed the initial idea that the coalition would not need to invest further than the repair of infrastructure damaged in combat had to be abandoned, and U.S. contractors concluded that "multibillion-dollar backlogs of maintenance, and new investment were needed to restore power supplies, increase supplies of potable water, and treat sewage."[192]

By mid-May, when the CPA was officially established, the economy had come to an almost complete standstill and no Iraqi ministry was working at more than 40 percent capacity.[193] Oil production, which financed most state operations, had come to a halt given the closure of the pipelines. Additionally, the electric power generation output was only a third of what it had been the previous year[194]; the shortage of electricity triggered backlogs and obstacles for the provision of other essential services as:

> "Without electricity, pumps needed to operate the water systems failed, resulting in sharp reductions in the avail- ability of potable water. Sewage treatment plants were also unable to operate properly. As a consequence, on a per capita basis the provision of electricity and water had fallen sharply."[195]

The CPA now had to face the challenge of rebuilding the provision of public services and infrastructure in the absence of a plan created to fit the conditions on the ground, in the midst of growing instability, and with a reduced and rapidly rotating staff. Throughout its 14 months-long existence, the CPA was perpetually understaffed and most personnel tours lasted only six months duration. This resulted in a poor institutional capacity and lack of institutional memory, which forced the U.S.-led coalition to rely on contractors to restore the provision of government services.

[191] Bensahel et al (2008) p. 211
[192] Bensahel et al (2008) p. 212
[193] Dobbins (2009) p.111
[194] Bensahel et al (2008) p. 212
[195] Bensahel et al (2008) p. 212

By June 2004[196], the CPA's efforts to restore essential services presented mixed. In terms of the generation of electric power, albeit the sharp rise up until October 2003, the production slowed down and subsequently fell by April 2004.[197] Nonetheless, with regards with the provision of potable water and water treatment, the CPA was widely successful, and managed to exceed the rate of provision experienced in the pre-war era.[198] Arguably, the service whose restoration presented the most lagging was the oil production, as by June 2004, its output was only 44% of its pre-war peak production.[199] There were several reasons why the rehabilitation and restoration of oil and electricity production did not meet its fixed goals. In the first place, the coalition critically underestimated the proportions of the restoration task, as they needed to make up for years of underinvestment due to sanctions, poor maintenance, and the devastating effects of the post-war looting in 2003. Additionally, as all three pillars of statebuilding are interdependent, the high level of violence and sabotage of facilities by different armed groups impeded the contractors to carry out their work and raised the cost of their services, resulting in delays in the restoration works.[200]

After two years of IGC rule, the Baker-Hamilton report disclosed in its evaluation that "the Iraqi government is not effectively providing its people with basic services (…) In many sectors, production is below or hovers around prewar levels."[201] Their reading on the stunted development of Iraqi public services names diverse factors for this delay, namely: the sweeping levels of corruption, the deteriorated security environment in which the insurgency targeted key infrastructure, the lack of bureaucratic capacity because of skilled technicians fleeing violence or being targets of the de-Ba'athification policy, and the provision of essential services on a sectarian basis. [202]

[196] Date of handover of authority to the Iraqi Governing Council- the transitional authority
[197] Bensahel et al (2008) p. 229
[198] Bensahel et al (2008) p. 229
[199] Bensahel et al (2008) p.229
[200] Bensahel et al (2008) p.229 and Alahmad (2017)
[201] Baker-Hamilton (2006) p.20
[202] Baker-Hamilton (2006) p.20-21

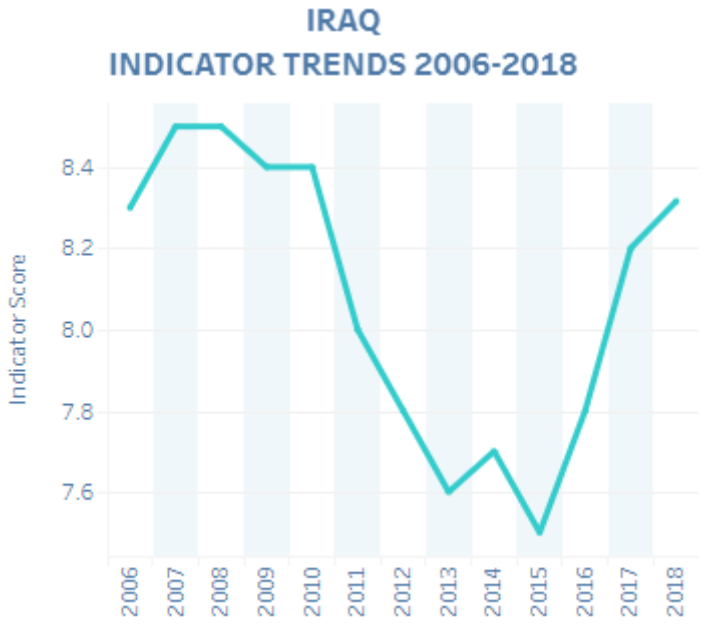

Figure 2 Evolution of Public Services in Iraq (2006-2018) source: Fragile States Index[203](a downwards curve indicates improvement)

Nonetheless, it appears that 2007 marked a turning point in the evolution of the coalition's efforts to enhance the provision of public services; given the shift in statebuilding model. [204] This strategy recognized the inherent value that the provision of public goods and services had for winning over the 'hearts and minds' of the average Iraqi citizen.[205] The statistics provided by the Fund for Peace 'Fragile States Index' appear to prove that the shift in policy was indeed successful with the Public Services indicator improving steadily and continuously from 2007 until after the time of the withdrawal of U.S. and allied troops.

The influence of public expectations on service provision´s effect on state legitimacy

It appears, nonetheless, that the relationship between service provision and legitimacy is not a linear but an iterative one, as legitimacy is more affected by shifts in popular perception and

[203] This indicator "refers to the presence of basic state functions that serve the people. On the one hand, this may include the provision of essential services, such as health, education, water and sanitation, transport infrastructure, electricity and power, and internet and connectivity." Further information on the methodology and dimensions employed is available at http://fundforpeace.org/fsi/indicators/p2/
[204] See Chapter 1 and Chapter 3
[205] Brinkerhoff, Wetterberg and Dunn (2012) p. 281

expectations than by empirical and objective progress in restoration of services. Instead, "the gap between met and unmet expectations, and how perceptions related to that gap influence satisfaction levels across (…) governance functions, are likely to contribute to variations in satisfaction levels with a particular service." [206] This non-linear relationship is latent in the evolution of Iraqi´s allocation of legitimacy throughout the development of reconstruction of the public services sector from 2003 to 2011.

At the outset of the occupation in 2003, public opinion polls reflected the Iraqi people's relatively high expectations regarding the coalition´s responsibility to restore services rapidly, and to maintain and implement law and order (…).[207] Hence, as the occupation struggled to restore the provision of essential services, Iraqis began to manifest their frustration with the CPA's efforts, given the promises made by the coalition, and the contrast against their own experience with rapid reconstruction after the Gulf War and the war against Iran.[208] Frustration grew and threatened the legitimacy of the occupation, with anti-American sentiments on the rise, and a growing perception of the coalition as occupiers instead of liberators.

Satisfaction with services provisions was also affected by different groups' past experience with the government and the provision of said services. For instance, in the case of the restoration of the provision of electricity, legitimacy was influenced by sectarian perceptions of distributional fairness in the service. The Ba'ath regime used service provision as a means of rewards and punishment, with Baghdad and the Sunni triangle being disproportionately favored in the provision of electricity.[209] Due to this past experience, the coalition's efforts to allocate more electricity in previously under-provided regions, such as the Shia South, triggered angry reactions and feelings of displacement in the Sunni populations, who in turn, resorted to sabotaging the electrical infrastructure, further hindering the development of this sector.

By 2009 and 2010, the improving security environment, enhanced governance structures and enhancement of essential services provision translated into increased legitimacy of the State in the eyes of Iraqi citizens. Nonetheless, frustration regarding the slow pace of improvements in services prevailed, with fifty-percent of the population reporting a perception of worsening

[206] Brinkerhoff, Wetterberg and Dunn (2012) p. 288
[207] International Crisis Group (2004) p. 7-10 as cited by Barakat (2005) p. 576
[208] Barakat (2005)
[209] Brinkerhoff Wtterberng and Dunn (2012) p. 290-292

services in the last year, and 60% of respondents deeming basic services to be ¨the single biggest problem facing the country¨.[210]

At the time of U.S. withdrawal of troops, concerns loomed in the occupation over the impact of Iraqi satisfaction with essential services on long-term stability in the country, with the Special Inspector General for Iraq Reconstruction claiming "the perceived inadequacy of basic services ... is the greatest source of potential instability in Iraq.¨ [211]

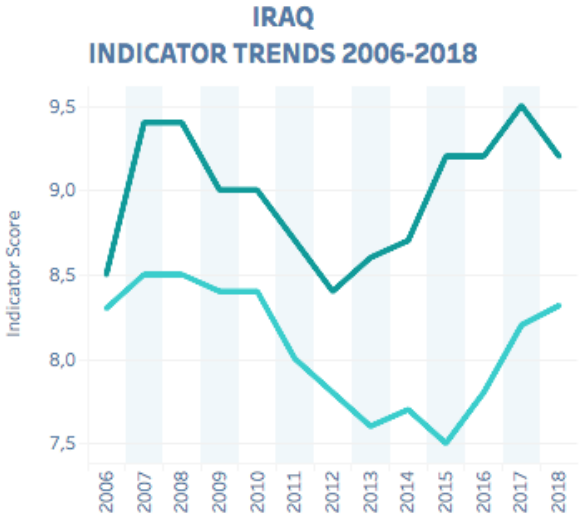

Ilustración 1 Evolution of Public Services (light green) and State Legitimacy (dark green) (2006-2018) Source: Fund for Peace - Fragile States Index[212]

The impact of CPA Order 1 on the Restoration of Public Services

Whilst an adequate level of investment is indeed an important factor for successful post-conflict reconstruction; it is the preservation of preexisting skills and knowledge that are the most crucial determinants of productivity for reconstructed institutions and services.[213] The entry into force of the de-Ba´athification policy promulgated by Bremer in May 2003, and later applied by subsequent Iraqi governments, severely hindered these authorities' capacity to

[210] International Republican Institute- Iraq Survey (2010) as cited by Brinkerhoff, Wtterberg and Dunn (2012) p. 282
[211] Special Inspector General for Iraq Reconstruction (2011) P. 59 as cited by Brinkerhoff, Wetterberg and Dunn (2012) p. 283
[212] Relating the data measuring prublic services see footnote 203. The indicator relating to State Legitimacy "The Indicator looks at the population's level of confidence in state institutions and processes, and assesses the effects where that confidence is absent, manifested through mass public demonstrations, sustained civil disobedience, or the rise of armed insurgencies." Further information on the methodology and dimensions employed is available at http://fundforpeace.org/fsi/indicators/p1/
[213] Coyne (2008) p. 20

restore the provision of essential services to its pre-war levels given the dismissal of most senior bureaucrats.

Although enjoying wide popular support at the time of its declaration, in which 94.6 percent of surveyed citizens agreed that either all or some members of the Ba'ath party should be removed from public service[214], most researchers agree that CPA order 1 had a deep negative impact on the state´s ability to deliver public services and restore institutional capacity.[215]

The mass dismissal of civil servants coupled with the gutting of most governmental agencies left a void in the institutional capacity of the Iraqi State by weeding out all expertise and local knowledge, creating a shortage of qualified and experienced Iraqis to restart the production of public goods and services in the country's ministries. The looting and lack of experienced personnel thus imposed on the CPA the imperative of reconstructing the institutional capacity and scope dimension of the Iraqi state from scratch, whilst simultaneously being responsible for deciding what to do with the ousted officials. This impacted negatively their ambitious timeline, setting them back significantly with respects to their statebuilding agenda.

Furthermore, this measure contrasts sharply with some of the best practices identified in two of the perceived successful statebuilding interventions (of which there are few) after World War II: Japan and West Germany.[216] In both cases the occupying forces used preexisting institutional frameworks and structures, relying on indigenous personnel.[217] Consequently, this approach allowed for a continuation of services, whilst allowing statebuilders to continue reforming these institutions into a more liberal and democratic model, leaving behind more indigenous capacity to translate into a stable and strong state after their withdrawal.

It soon became apparent that de-Ba'athification policy was not being applied homogenously throughout the different ministries or territorial divisions of Iraq. Some senior figures in the Ba'ath party who had been targeted by CPA order 1 were re-emerging in positions of power in NGO's and the private sector; as a result, the policy led to the dismantling of what remained of institutional capacity for service provision after the looting without actually leading to accountability for past complicity with the regime's abuses.

[214] Iraq Center for Research and Strategic Studies, "Results of the First Public Opinion Poll in Iraq," August 6, 2003. As cited by Dobbins et al (2009) p.115
[215] Dodge (2010), Bensahel et al (2008), Alahmad (2017), Ward (2005), among others
[216] Monten (2014)
[217] Coyne (2008) p. 19-20 and Monten (2014)

Instead of promoting an era of national reconciliation, the implementation of de-Ba'athification fanned the flames of sectarian tensions. Additionally, in the case of service provision, the 'Sunni triangle' had always enjoyed more privileges throughout Saddam's rule, which had shaped their expectations of the rate of delivery and overall quality of the public services provided. This decision contributed to their feeling of alienation from the postwar reconstruction process, contributed to the mounting perception that statebuilders constituted indeed an occupation instead of the promised liberating force.[218] De-Ba'athification policy contributed to the exacerbation of the sectarian divide, fueling an insurgency whose violence and sabotage of infrastructure and facilities further retarded the development and enhancement of regular service provision. This delay sparked a vicious cycle; the lag in the efforts of reconstructing institutional capacity translated into citizen's frustration, and perception of unkempt promises that led to greater anti-Americanism, and enhanced the appeal of the insurgency and its resort to violence, decreasing the legitimacy and capacity of the coalition´s statebuilding agenda.

The impact of CPA Order 2 on the Restoration of Public Services

The effective dissolution of most institutions and agencies constituting Iraq´s security apparatus impacted the development and restoration of essential services in various ways. Due to the misguided assumptions that guided the U.S. led intervention, the number of troops was too small to guarantee security and to stabilize the country in the post-combat phase of the occupation, which they also failed to understand as part of their responsibility. Given the absence of police forces in the streets, the dismissal from service of thousands of army officials deprived the occupation of the sole remaining institution that could have contributed to a stable transition after the war as "the personnel and structures of policing, surveillance, and deterrence that had been organized and maintained before the occupation and that successfully prevented the emergence of widespread disorder were dismissed."[219] This resulted in unchecked looting which led to the destruction of most of the infrastructure, records, documents and equipment of Iraq's ministries that could ensure a continuation of the provision of services. Furthermore, the rapidly deteriorating security environment, in the absence of armed forces who could rein in the violence, resulted in many U.S. contractors delaying the projects that would ensure a restoration of services, this in turn, fueled resentment and frustration at the slow pace of these

[218] Alahmad (2017)
[219] Alahmad (2017)p. 346

efforts, fueling the violence and insurgency. It is difficult enough to re-build infrastructure and rehabilitate governance systems in post-war situations; to do so in absence of a baseline level of security, and rule of law was significantly more challenging.

As discussed in the previous chapter, the dismantling of the coercive branch of the former regime contributed to a security environment, which deteriorated quickly, fragmenting the country along sectarian lines, given that "when governments cannot provide basic services, citizens turn to other sources that can displace or compete with the State."[220] The members of the former Iraqi military felt betrayed and humiliated, as this institution was widely regarded by the country´s citizens as a source of great national pride and identification[221]. The dismissed members of the military thus mobilized along sectarian lines, and organized themselves in different irregular armed bodies, militias and insurgencies.

> "This was not planned ahead of time and reflected neither a desire to restore the past nor ideological attachment to Ba'athism; rather, these cells developed gradually, initially drawing individuals angered by dim prospects, resentful of the occupation and its indignities, and building on pre- existing party, professional, tribal, familial or geographic—including neighborhood— networks."[222]

These characteristics made "certain sabotage calculations and actions possible" and these groups comprised of ex-military members began targeting key infrastructure sites and facilities and disrupting services as acts of anti-occupation resistance.[223] The sector which was most frequently targeted by the insurgency was the oil industry; with serious implications for the overall statebuilding project as it constituted the major source of state revenue, it also resulted in electricity provision, which in turn was needed for the functioning of other public services. As of mid-March 2004, there had already been 39 attacks on Iraqi oil pipelines, personnel and installations.[224]

[220] Vaux and Visman (2005); and OECD (2010) as cited by Brinkerhoff Wetterberg And Dunn (2012)p.276
[221] Barakat (2005) p. 579
[222] International Crisis Group (2006) p.5 as cited by Alahmad (2017) p.346
[223] Alahmad (2017) p.346
[224] Brookings Institute (2004) p.9

Conclusion

The main impact the de-Ba'athification of Society and Dissolution of Entities orders had on the coalition's ability to restore the Iraqi State's ability to deliver essential public goods and services to its citizens was that it effectively removed the little remainder personnel who had any expertise and which held the institutional memory of the Iraqi bureaucracy. The looting in the aftermath of military victory, which ran uncontrolled due to the insufficient international troops and lack of local forces, had already severely hindered the infrastructural and bureaucratic capacity of the state; the implementation of these measures compounded the problem, and represented a severe setback to the coalition's ambitious agenda.

Popular expectations regarding the coalition's ability to deliver on its promises went unmet, which further contributed to popular resentment and disenchantment with the coalition's statebuilding project. This, in turn, became an argument which was mobilize by different groups which challenged the nascent Iraqi State's claim on the monopoly of violence – such as the Sunni insurgency and the Shia militias- who routinely sabotaged public facilities and infrastructure critical for the provision of essential services; further incapacitating the development of the scope dimension the coalition was attempting to restore.

Chapter 5: The Democratization of Iraq

The core value of democracy in a neo-Weberian statebuilding agenda consists on the premise that the symbolic representation of the citizens' identity will result in an enhancement of the legitimacy of state institutions. Nonetheless, there is an inherent paradox at the heart of post-conflict democratization efforts since

> "Their goal is, in large measure, democracy—popular, representative, and accountable government in which 'the people' are sovereign. Yet their means are undemocratic."[225]

The efforts by coalition officers to reform the political system in Iraq along democratic lines is not the exception to this paradox. What is more, some measures whilst attempting to consolidate liberal values produced unanticipated events that undermined their initial objectives. One such case is the implementation of de-Ba'athification policy through CPA order 1. This order was issued in an attempt to symbolically and factually mark an end to the oppression and repression that characterized the three decades of Ba'ath rule. However, it effectively institutionalized and reproduced sectarianism in Iraq's new political system, increasing the polarization of Iraqi society. Throughout the evolution of the Iraqi Democratization, de-Ba'athification has been consistently been politicized in its implementation, serving political discourses, and being used to weed out political rivals.

The issuance of CPA orders 1 and 2, although conceived in laudable spirit, produced unforeseen effects which partly shaped the outcome of the coalition's democratization efforts; simultaneously producing repercussions in the state's scope and strength.

The path towards a functional democracy requires three fundamental developments: the drafting of a Constitution reflecting the values of all members in society, the organization of a multi-party political system, and the establishment of an impartial and free electoral process.[226]. As a result, this chapter will first evaluate the importance of democratic practices and institutions for the development of a State in a neo-Weberian institutionalist perspective. Next,

[225] Diamond (2005) p. 16
[226] Rangwala (2005) p .157

this chapter will continue by analyzing how CPA orders influenced three processes in Iraq's transition towards democracy: the drafting of a post-Saddam Constitution, the first multi-party elections in 2005, and the national elections of 2010, held a year before the withdrawal of U.S. troops. Given the sheer magnitude of these processes and their temporal distribution, their analysis is likely to be highly illustrative of Iraq's political transition, which was one of the main ambitions of the U.S.-led statebuilding venture.

Democracy in Liberal Peacebuilding and the Ambitions for Iraq

In line with the neo-Weberian emphasis on the imperative of building state legitimacy, democracy is thought to be a necessary condition for domestic political stability, which may increase the citizens' perception of rightfulness of the state's exercise of authority. According to this interpretation, legitimacy is expected to flow from democratic political institutions by promoting deliberation by citizens in a public sphere[227], by inciting governments to respond to the peoples articulated demands and needs, and because it is procedurally fair.[228] [229]

The case of the U.S-led statebuilding efforts in Iraq has been widely as an argument in favor of the sequencing of statebuilding tasks. Academic which espouse this belief argue that "the development of democracy in the absence of strong state institutions can result in chronic institutional dysfunction and weakness"[230] and may lead to a rise in violence and instability. In a Neo-Weberian paradigm, the primary task in order to remedy state fragility is the achievement of a monopoly over the use of violence. Once this has been achieved, the state needs to develop other state institutions that can provide dignity of life to their citizens by the provision of public services. In sum, their argument is that the exercise of democratic practices, such as elections, needs to be put off until the state has consolidated the rule of law and has enhanced its institutional capacity.

The argument runs:

[227] see Cohen (1989) and Dryzek (2001) as cited by Lake (2010) p. 269
[228] Tyler (1990). as cited by Lake (2010) p. 269
[229] Lake (2010) p. 269
[230] Monten (2014) p. 177

> "Where a state has completely collapsed or failed under the lash of civil conflict or other accumulated or acute calamities, moving rapidly toward open political competition and elections makes no sense."[231]

Transition towards Democracy- Drafting a new Constitution and the Elections of 2005 and 2010

By July 13 2003, the CPA decided to form The IGC[232] in order to give the post-war statebuilding efforts an Iraqi face, which could confer their democratization efforts more legitimacy. This group was designed to reflect Iraq's sectarian and ethnic diversity. It comprised twenty-five members, of which thirteen were Shia[233], five were Sunni, five others were Kurds and also included an Assyrian and a Turkmen. This interim government was tasked with a plan commonly referred to as the November Agreement, in which they would be entrusted with drafting a provisional Constitution[234] by the end of February 2004. Subsequently, caucuses would be held in Iraq's 18 provinces to select representatives to the Transitional National Assembly (TNA), "which would appoint a prime minister, cabinet, and three-member presidency council"[235] by the end of May 2004; marking the definite transition to Iraqi sovereignty.

Furthermore, Bremer decided it was time to handover responsibility for the implementation of the controversial de-Ba'athification policy to Iraqi hands through the IGC, which then created the Higher National de-Ba'athification Commission to oversee its application and evolution. At its head was Ahmed Chalabi, one of the Shia exiles who was a vocal proponent of a hardline interpretation of this policy. Under his leadership the appeals process became scarcer, the exceptions voided and the scope of its application expanded.[236] As events unfolded, the CPA became increasingly concerned by the politicization of de-Ba'athification by the HNDC; throughout its mandate it routinely deployed de-Ba'athification as a means of fighting political

[231] Carothers (2007) p. 21
[232] The Iraqi governing Council- the first transitional authority in Iraq
[233] among them several exiles who guided the pre-war planning with the Pentagon
[234] This interim Constitution would receive the name of Transitional Administrative Law
[235] Diamond (2005)p.11
[236] Under Chalabi's leadership the HNDC adopted a more hardline approach to de-Ba'athification, banning all former Ba'athists from running for public office, or holding positions in politics and media institutions, as cited by Hatch (2005) Isakhan (2015) and Sissons and al-Saiedi (2013)

opponents with only tenuous or alleged ties to the Ba'ath party. As a result, in the eyes of many Sunnis de-Ba'athification became an euphemism for de-Sunnification. [237]

Nonetheless, the November Agreement collapsed as, In June 2003, Grand Ayatollah Ali Sistani, Iraq's most revered Shia cleric, issued a fatwa (religious ruling) condemning this plan, stating:

> "The (occupation) authorities are not entitled to name the members of the assembly charged with drafting the constitution. (…) There is no guarantee that such a convention will draft a constitution upholding the Iraqi people's interests and expressing their national identity, founded on Islam and lofty social values."[238]

He also called for the speedy celebration of elections, and for the Constitution to be drafted by a group of democratically elected Iraqis. Ali Sistani's declarations constituted a severe blow to the CPA's plans, as the CPA recognized that going against the fatwa would build major opposition for their plans. Furthermore, there were slim prospects of a Constitution drafted by appointees being regarded as legitimate by the Iraqi population given the CPA's discourse on the benefits of democracy, which had raised popular expectations.[239] As a result a compromise was stricken[240], in which "an appointed interim government would take office for a brief period on June 30, and then elections for a transitional government would be held at the earliest possible date thereafter—but no later than 31 January 2005."[241] Al Sistani agreed, and accepted this new time frame.

The January 2005 Elections and the Transitional National Assembly

January 30, 2005 saw the holding of the first free elections in post-Saddam Iraq; their objective: to elect a Transitional National Assembly (TNA), who would then be tasked with drafting a new and permanent Constitution for Iraq, then to be ratified by a popular referendum. The effects of the implementation of the de-Ba'athification policy were highly tangible in the process, as it became increasingly polarized along sectarian lines, and the HNDC, under Chalabi's leadership, employed the policy as a political tool to weed out prominent Sunni candidates.

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[237] Younis (2006) as cited by Damluji (2010) p.73; Zeren (2017) p. 66; Terrill (2012) p. 58
[238] BBC News (July 01 2003) "Iraq Cleric condemns US plans" retrieved from: http://news.bbc.co.uk/2/hi/middle_east/3032988.stm
[239] Rangwala (2005)p. 163
[240] The new agreement was secured with the help of UN Envoy Lakhdar Brahimi.
[241] Diamond (2005) p, 12

The elections were held despite the coalition being aware of the growing violence surrounding the country and the mounting Sunni alienation in the months that preceded the election, with declarations being made by Al-Zarqawi, the head of Al-Qaeda in Iraq stating "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology"[242]. Nonetheless, the coalition maintained the stipulated date and pushed through with the electoral process.

The electoral results awarded the United Iraqi Alliance (UIA)- a Shia Islamist party- which tacitly enjoyed grand Ayatollah Al-Sistani's endorsement, 48% of the total vote count. The results favored, in second stance, the Democratic Patriotic Alliance of Kurdistan with 26% of the votes. Thirdly, the Iraqi List, a Shia majority party but which endorsed a secular agenda came third, amassing 13.8% of the votes cast.

A particularly salient development in this election was the underrepresentation of Iraqi Sunnis. The largest Sunni political party which participated in this electoral process – the Iraqis- only managed to obtain a meagre 1.78% of the total vote toll, albeit Sunni Iraqis constituting around a fifth of Iraq's population. This phenomenon was the product of three interrelated developments. First, de-Ba'athification had been employed by HNDC to contest the validity of many Sunni candidacies. In response to the perceived persecution and biased use of the policy, the elections boycotted the election in masse.[243] Second, as explored in Chapter 3, the Iraqi security environment was increasingly spiraling into the full-blown insurgency and widespread violence, which was due to a large extent to the implementation of CPA orders 1 and 2. As a result, several areas in the Sunni Triangle were so violent that the security environment discouraged the population from going to the polls. For example, the Southern Anbar province, one of the most violent at the time, showed a voter turnout of only 2%.[244] Third, the dissolution of the Ba'ath party effectively dismantled the Sunni population's traditional and main avenue for political representation, without which there were no organized structures to articulate their demands and interests. [245]The January 2005 election yielded a Kurdish-Shia alliance that dominated the TNA.

[242] As cited by Cockburn, Patrick (January 24 2005) "Zarqawi's declaration of war fuels fear of violence in run-up to poll" *The Independent*, retrieved from https://www.independent.co.uk/news/world/middle-east/zarqawis-declaration-of-war-fuels-fear-of-violence-in-run-up-to-poll-5344900.html
[243] Barnes (2011) p. 96 and 104; Damluji (2010)p. 73-74: and Terrill (2012) p. 74
[244] Mozaffar (2006) p.7 and Terrill (2012)
[245] Sissons and al-Saiedi (2013)

Drafting a New Iraqi Constitution

The drafting process of a new permanent Constitution for Iraq was widely regarded by Sunnis as a Kurdish-Shia venture, given their mass boycott of the January elections which they regarded as prejudiced against them, resulting in their gross underrepresentation at the TNA. The CPA grew concerned of the abuses in the deployment of de-Ba'athification, and wary of the palpable sectarian tension and the indices of a developing insurgency. As a result, they advocated for the appointment of fifteen Sunni Iraqis to participate in the drafting process by joining the other fifty-five members of the constitutional committee.[246]

Furthermore, the drafting process was widely criticized for the lack of transparency.[247] As the Sunni representatives joined the commission late in the process, many controversial principles had already been integrated into Iraq's new Constitution[248]; furthermore, the new Constitution "enshrined the principles of de-Ba'athification with reference to key political positions"[249], and its Article 7 explicitly outlawed any manifestation of the party. In consequence, the fifteen Sunni representatives voiced their concerns over the inclusion of these controversial laws, which would go on to constitute the highest law in Iraq and preserved as the founding principles of the State. In the end, Sunni representatives warily expressed their approval of the final draft of the Constitution secured only by a promise that sensitive areas could be renegotiated and amended."[250] Nonetheless, such a revision never took place, and as a result subsequent efforts to reform the parliamentary de-Ba'athification committee were denied under the argument that they were 'unconstitutional'. In conclusion, the 2005 Constitution "when adopted, further codified the sectarian political system established during the first years of the occupation".[251]

December 2005 elections

After the entry into force of the new Iraqi Constitution in Iraq on October 2005, new elections were organized for December of the same year, with the purpose of selecting a permanent Iraqi Council of Representatives. The electoral system was supplanted for a new List system of

[246] Terrill (2012) p. 74
[247] Diamond (2005)p. 21; and Sissons and al-Saiedi (2013) p. 15
[248] for example, the Constitution introduced controversial notions such as federalism, and minority vetoes
[249] Isakhan (2015) p. 26
[250] Sissons and al-Saiedi (2013) p. 15
[251] Damluji (2010) p. 74

proportional representation, which was intended to increase Sunni candidates' opportunity to be elected and make up for the boycott and underrepresentation in the previous election. [252]

The HNDC's first foray into electoral affairs was a prominent feature of this electoral process, as in the period leading to the casting of the votes the commission submitted several lists denouncing approximately 170 candidates to be banned from the contest under suspected ties to the defunct Ba'ath party. Although, it was notable that the Iraqi Independent Higher Electoral Committee (IHEC), widely commended on its integrity and impartiality, managed to stand up to the HNDC's efforts to politicize the de-Ba'athification policy.[253] This sparked the anger of the HNDC; nonetheless, it was left powerless to push its ambitions forward. Little room was available for doubt about the political motivations behind the HNDC's incursion into the election, as analysts recognized that the submitted lists disproportionately affected Sunni candidates.[254] Furthermore, there was a blatant conflict of interests in the HNDC's actions as its head – Faisal al-Lami- and former head- Ahmed Chalabi- were both candidates in the election.

The impartiality demonstrated by the IHEC, constituted among other factors a beacon of hope and demonstration of the Iraqis' overall enthusiasm over the ideals of democracy. Other developments that contribute to this observation are the high electoral turnout of up to 70% of the registered voters; additionally, the coalition was pleased to see the relatively low incidence of violence surrounding the elections with insurgent groups declaring a moratorium on attacks and citizens reporting insurgents were encouraging them to vote."[255]

The electoral results put the United Iraqi Alliance- a Shia Islamist party- as the clear victor, amassing 41.2%, followed by the DPAK party with 21.7% of the vote. Nonetheless, the marked dissonance with the electoral results of that year's January polling was the non-secular Shia political coalition named the Iraqi Accord Front (IAF) placing itself as the country's third political force, winning 15.1% of the votes cast.

Overall, Coalition forces as well as the U.S. administration were heralding the general environment surrounding the 2005 election as a proof of the success of Iraqi

[252] Dodge (2010)
[253] It effectively barred 40 names of the list, and reported an additional 45 members because of mistaken identity. It also voiced its reprobation of the HNDC's submission of lists containing contradiction information, some submitted mere days before the election- as explained by Sissons and al-Saiedi (2013) p. 15
[254] Sissons and al-Saiedi (2013) p. 15
[255] As cited by Steele, Jonathan (December 16 2005) " Iraqis flock to polls as insurgents urge Sunnis to vote" *The Guardian*, retrieved from : https://www.theguardian.com/world/2005/dec/16/iraq.jonathansteele

Democratization[256], the reversal of Sunni alienation in the previous election. Nonetheless, an analysis of these electoral results may reveal an additional trend. The IAF's political platform included three important proposals: the repeal of de-Ba'athification policies, the revision of the recently ratified Constitution, the restoration of the Iraqi Army and the end of the U.S. occupation.[257] As such, the electoral triumph of this party can be interpreted as a Sunni attempt to integrate the democratic transition in order to repeal policies that had resulted in their marginalization, and it also demonstrates a rejection of CPA orders 1 and 2, and anti-occupation sentiments.

The National Elections of 2010.

These elections presented very interesting developments regarding the mobilization of sectarian political discourse and the application of de-Ba'athification. As of 2008, the HNDC was rebranded as the Accountability and Justice Commission (AJC), which passed legislation[258] that sought to confer a more liberal application to the de-Ba'athification principles.[259] However, merely two months before the polling, the AJC submitted a list of 511 candidates to be disqualified because of unspecified ties to the Ba'ath party; the list reflected the AJC's wish to revert to the hardline guidelines that shaped the implementation of de-Ba'athification until 2005 and presented several violations of the new AJL.[260] For example, the list included many low-level former Ba'athists, which were now exempt from the application of the law. These actions were action qualified by several analysts as instigating a sectarian contest within the framework of the elections with an implicit anti-Sunni agenda.[261] Nonetheless, a closer observation of the different names included in the list, and of the electoral options, which enjoyed more popular support, allows for a different conclusion.

In stark contrast with the previous elections in 2005, and despite the mobilization of sectarian discourse by different political factions, the most popular coalition's in the electoral contest

[256] The U.S. Secretary of Defense Rumsfeld even claimed these elections represented "A defeat for the enemies of the Iraqi people, the enemies of the legitimate Iraqi government ... a defeat to the people who have been doing the beheadings and conducting the suicide raids." As cited by Steele, Jonathan (December 16 2005) " Iraqis flock to polls as insurgents urge Sunnis to vote" The Guardian, retrieved from : https://www.theguardian.com/world/2005/dec/16/iraq.jonathansteele

[257] Terrill (2012)

[258] Its fundamental law is called the Accountability and Justice Law (2008)

[259]In this spirit, it included provisions allowing for the return of low-level ex-Ba'athist members to civil service (except in key intelligence positions), and it allowed former military personnel to reintegrate the new Iraqi Security Forces (ISF). Isakhan (2015) p. 27

[260] Isakahn (2015) p. 27

[261] Isakhan (2105)

were campaigning on a nationalist platform and deviating from sectarian loyalties. As described by Daniel Barnes (2011) :

> "A new political trend was underway that several analysts have deemed the "emergence of nationalist politics. In short, this consists of political parties putting national concerns such as basic services and security over ethno-religious motivations."[262]

For example, Muqtada al-Sadr, previously the leader of the Shia militia the Mahdi Army, distanced himself from the sectarian discourse and violent rhetoric to integrate the State of Law Coalition; said coalition claimed to be national, multi-ethnic and non-sectarian and advocated for the improvement of Iraq's security environment. This coalition managed to position itself as Iraq's second political force in the elections, winning 24. 2% of the votes; nonetheless the difference in percentage with the leading coalition was of only 0.5%.

The biggest victor in the March 2010 elections was the Iraqiyya Movement, conformed mainly by Secular Shia (Iraqi national Accord), Secular Sunni (Iraqi Front for National Dialogue) and Sunni (Renewal List) parties. This coalition, despite being under Shia leadership "managed to obtain votes across sectarian lines by focusing more on policy than ethnicity and addressing pressing security and development issues rather than seeking ethnic and sectarian appeal."[263]

The results of the electoral polling can thus be interpreted as a popular effort to move away from a sectarian and divisional political landscape, and move towards unity, national reconciliation, in the hopes that this new government would respond to their more pressing demands: improved security and enhanced quality and provision of public services.

A more thorough analysis of the 511 names included in the AJC's list reveals that despite including more Sunni members, in many cases, candidates included in the lists were popular Shia or Kurdish contenders running in key Sunni majority constituencies.

Nonetheless, when the Iraqi Court of Appeals decided to acquiesce to the international community's pressure to revert the ban on former Ba'athists, several Shia factions demonstrated their discontent, with al-Sadr denouncing the decision as a "betrayal of the people and the blood which poured in Saddam's era and after the occupation."[264] The decision was finally reversed, and the IHEC effectively barred the participation of 458 candidates.

[262] Barnes (2011) p. 100
[263] Barnes (2011) p. 100
[264] Isakhan (2015) p. 28

The near parity between the Iraqiyya List, and the State of Law Coalition meant that there was no party that had amassed the required 163 seats to begin forming a government. What ensued the political stalemate were nine months of negotiations. This period ignited a different political dynamic; whilst most coalitions campaigned on the promise of improvement of public services such as water and electricity; these matters were put on the backburner, as infighting, growing polarization and political maneuvering soon marked negotiations[265], sparking civil unrest over "government incompetency in providing basic needs." [266]

In November 2011, an agreement was finally reached between the President of Kurdistan, Massoud Barzan; Prime Minister al-Maliki and head of the Iraqiyya coalition, Iyad Allawi. The alliance, albeit fragile, managed to secure a modicum of stability that allowed the different political factions to appoint Ministerial positions within the Iraqi Council of Representatives. Said agreement included all major ethnicities and confessional groups, as well as represent all major political parties.

Conclusion

The dissolution of the Ba'ath party and removal of its long-dated influence from the Iraqi political system was meant in practice to reduce the chances of the remainders of the regime coming back and reproducing their despotic regime; additionally, it was meant to fulfill the symbolic purpose of signaling the end of Saddam's oppressive tyranny, and inaugurate a period of a new democratic Iraq. Despite these commendable intentions, this policy of de-Ba'athification produced a series of unforeseen consequences that shaped the coalition's efforts of democratization; the third pillar of Statebuilding.

The pursuit of de-Ba'athification combined with their policy of ensuring representativity of the Iraqi population, by the establishment of sectarian quotas in the the cornerstones of Iraq's new political system- namely the first Transitional National Assembly and the drafting of a new Constitution- produced a system marked by sectarian politics.

In consequence, the implementation of the CPA policy of de-Ba'athification and representation of sectarian identity in the nascent Iraqi democracy, translated into the codification, reproduction and institutionalization of a political system based on sectarian difference.

[265] Barnes (2011) p.95
[266] Barnes (2011) p.103

Furthermore, despite attempting to build a democracy based on liberal values, by introducing sectarian rhetoric, Iraqi politics also became strongly associated with religious undertones, in which an Islamist tendency prevailed.

Moreover, the dissolution of the Ba'ath party and the exclusion of former members from participating in the new Iraqi democracy produced the ulterior effect of increasing Sunni disaffection – especially in the 2003- 2005 period- as it dismantled their main venue for political representation. The policy became increasingly viewed by Sunnis as means of revenge and collective punishment, in which de-Ba'athification was interpreted to be synonymous with de-Sunnification. Their alienation from the political process – either real or perceived- had important consequences for the country's security environment and had negative repercussions on the U.S.-led statebuilding agenda.

The negative effects of de-Ba'athification on Iraqi democratization were exacerbated as American oversight over its implementation subsided and the responsibility over the process was handed over to Iraqis. Furthermore, although sectarianism's influence as a structuring axe of political competition dwindled in the eyes of the electorate in comparison to the importance allocated to the improvement of security and public services; the Iraqi institutions continued to politicize de-Ba'athification, deploying it to bar rival candidates and influence the each electoral process.

The influence of the CPA order 2, which dismantled the Iraqi coercive apparatus- over the coalition's efforts to democratize Iraq is more nuanced and appears to operate in a more iterative manner. It produced a compounding effect with the Sunni's feeling of political alienation, in which Sunnis, feeling deprived of affecting change or having their demands represented in a democratic system, turned to the armed insurgency. This effect is best described by …. As follows:

> "In the aftermath of CPA Orders 1 and 2, Ba'ath officials became natural allies to the angry and financially troubled ex-soldiers of the Iraqi Army after the Army was disbanded. The ability of senior Ba'ath leaders to obtain and provide funding to the insurgency was particularly important in helping to organize it into an effective force able to include unemployed and desperate Iraqis willing to strike at U.S. forces for money."[267]

[267] Terrill (2012) p. 38

Overall, as explored in chapters 3 and 4, the implementation of de-Ba'athification and dissolution of the Iraqi security apparatus created many unintended consequences which repercuted negatively across all-pillars of the coalition's statebuilding project in Iraq. Subsequently, the externalities these orders produced on one of the pillars, hindered the coalition's ambitions in the others, as illustrated by the example above.

Chapter 6: Conclusion

Through the conduction of a single case study design, this research attempted to analyze the effects of the Coalition Provisional Authority's implementation of the orders of de-Ba'athification of Iraqi Society and Dissolution of Entities, on the development of the U.S.-led Statebuilding intervention in Iraq by assessing the evolution of three essential dimensions of the State: the effective monopoly on the use of violence, provision of essential services, and democratic practices and institutions. The Iraqi case has been widely debated in the academia and constitutes a very particular case in the field; as such, this research, attempts to identify lessons that can be learned from the Iraqi case, and that may further the analysis in the field of statebuilding, the neo-Weberian conception of the State, and the overall field of Crisis and Security Management.

This chapter will attempt to bind the findings of this research by first reviewing the most salient and trans-dimensional effects of the implementation of CPA orders 1 and 2 on the general efforts to rebuild the Iraqi State, since the aftermath of combat operations – April 2003- until the withdrawal of coalition troops on December 2011. Next, a brief recount on how these orders affected the development of each of the three pillars of Statebuilding will be conducted, whilst taking into consideration that there is an inter-linkage of the effects across the different dimensions of the statebuilding agenda. Moreover, this chapter will include a critical assessment of the different limitations and pitfalls encountered throughout the conduction of this thesis, due to the subject in question and to the research design chosen. Finally, several lessons identified from the case of the attempt of the U.S-led reconstruction of the Iraqi State will serve as the basis for recommendations that may be generalizable to future statebuilding ventures.

The effects of CPA orders 1 and 2 on the U.S.-led Statebuilding intervention in Iraq (2003-2011)

Overall, the broadest consequences of the implementation of CPA orders 1 and 2 for the coalition's statebuilding agenda were that early on their efforts to reconstruct the Iraqi State, they implemented far-reaching orders, which corresponded to pre-war assumptions that no

longer fit the conditions on the ground, and as a consequence, they effectively decapitated what was left of the Iraqi institutional capacity and dissolved the only institution that could guarantee the modicum of rule of law necessary to stabilize the country and begin rebuilding it from the ground up : the army. Simultaneously, the implementation of such orders alienated a significant proportion of the population- the Sunnis - which had enjoyed a privileged standing with the previous regime, thus enflaming sectarian tensions, which in the absence of security forces capable to control them, led to unchecked violence and conflict, seriously delaying and complicating all other statebuilding tasks. This delay had in turn serious implications for the position of coalition forces in Iraq, as it created antagonism, resentment and subsequently, a loss of legitimacy in the eyes of average Iraqis, which is crucial to development of strong and stable states according to Neo-Weberian Institutionalist thought. It is of crucial relevance to establish that the effects of these orders on one pillar tended to spill-over and affect the development of other dimensions of the statebuilding agenda, as noted by Brinkerhoff, Wetterberg and Dunn:

> "These dynamics are self-reinforcing: weak legitimacy leads to decreased acceptance and the emergence of opposition; repression and the use of force increase to assert control; service delivery capacity declines; and conflict intensifies, leading to further weakening of legitimacy."[268]

The implementation of the de-Ba'athification policy and dissolution of the bulk of the Iraqi security apparatus, seriously undermined the coalition's efforts to restore the strength of the Iraqi State, in particular by impeding the realization of the fundamental test for determining the success of statebuilding interventions, namely: the monopoly on the use of violence. The implementation of CPA orders 1 and 2, led to- respectively- an increasing perception of Sunni Alienation and the creation of a security vacuum in which violence was rampant and the forces – indigenous and international- proved to be insufficient to control. This effectively led to an 'ethnic-sectarian security dilemma', in which, citizens fearing violence, not being able to rely on the provision of security from national or coalition authorities, turned to self-help strategies to ensure their protection. These self-help strategies consisted in organizing themselves around new groups formed along sectarian allegiance who posed a direct challenge to the coalition's attempt to claim a monopoly on the use of violence. The cycles of retaliatory violence and the 'ethnic-sectarian security dilemma' escalated and evolved into full-blown civil war by 2007,

[268] Brinkerhof, Wetterberg and Dunn (2012) p. 275

substantially delaying and compromising the development of their efforts across all other dimensions of the coalition's statebuilding agenda.

With respects to the coalition's ability to deliver on its promise of restoring the provision of essential services to at least their pre-war levels, the dismissal of the top-four layers of the Ba'ath party, and three higher echelons of the Iraqi bureaucracy, effectively wiped out what little native institutional capacity and memory remained after the combat, and the looting that followed it. Furthermore, the delays in the restoration of service provision led to a popular resentment against the coalition, decreased legitimacy, and increased perception of them as occupiers. Additionally, Sunni's privileged experience in this domain under Saddam's regime had shaped their expectations in service provision; expectations who went unmet by the coalition, thus feeding feelings of Sunni disaffection and the strength of the insurgency- which was integrated by many of the dismissed officials from the Iraqi army. Moreover, as the insurgency routinely sabotaged critical infrastructure and service facilities, the delays in the attainment of service provision objectives were further pushed, increasing general societal resentment and frustration.

Finally, whilst the motives guiding the adoption of CPA orders 1 and 2- to symbolize the end of Saddam's tyrannical regime and the dawn of a new Iraq- were commendable, they inadvertently alienated the Sunni population of the country, for whom the implementation of such orders was equivalent to de-Sunnification. In the coalition's attempts to build an inclusive and representative democratic regime, the order of de-Ba'athification implied the dissolution of the Iraqi Sunnis' main avenue for political representation, which mainly marginalized them from the initial steps towards democratization. Their absence from the founding moments of Democratic Iraq implied an entrenchment and enshrining of the principles of de-Ba'athification in the Constitution and the electoral process. Whilst, the political deployment of sectarianism subsided in the elections of 2010, the legacy of de-Ba'athification persisted, with the HNDC (and later the AJC) politicizing its implementation in order to bar certain candidates from participating. This dynamic hindered the legitimacy, freedom, and impartiality of the democratic process, compromising this pillar of statebuilding.

Toby Dodge, perhaps best summarizes the essence of the answer to this thesis' research question, by pinpointing the origin of the Iraqi Civil War as follows:

> "The origins of the Iraqi civil war lie in the complete collapse of both the administrative and coercive capacity of the state. The Iraqi state, its ministries, their civil servants, police force and

army ceased to exist in a meaningful way in the aftermath of regime change. It is the United States' inability to reconstruct them that lies at the heart of the Iraq problem." [269]

Limitations and Pitfalls

The particularities and requirements of single case study designs have often yielded substantial criticism in Academia regarding the lack of academic rigor. As Zeev Maoz suggested "the use of case study absolves the author from any kind of methodological considerations. Case studies have become in many cases a synonym for freeform research where anything goes."[270]

This research encountered such limitations in its development. Moreover, it was difficult to ensure the absence of author subjectivity as in a phenomenon so broad and context-rich it is of great difficulty to ensure the reliability and replicability of the research. In order to attempt to avoid as much as possible the effect of this limitation, this research employed the Neo-Weberian Institutionalist approach in order to assess the statebuilding not according to personal standards and frameworks, but instead assess them according to the main paradigm in the field and against the framework in which the intervention was conceived.

Furthermore, as case studies consist on the in-depth exploration of a phenomenon relying on a rich contextual description of the particularities of the research's object, they have often been criticized by academic circles for its results not fulfilling the condition of generalizability to a broader spectrum of cases. Whilst, the particularity of the Iraqi case is addressed since the early pages of this thesis, this research attempted to inscribe this analysis within a broader academic group of critique to statebuilding [271], and has attempted to proffer recommendations for Statebuilders derived from lessons learned from the U.S.-led venture in Iraq (2003-2011).

Moreover, as Barbara L. Paterson appropriately explains, single case study research relies on a delicate balance, as it requires a very extensive description and account of the context and evolution of the phenomenon under study[272]; nonetheless, an overly-dense description of the case may obfuscate the analysis of the researcher. This research attempted to clearly structure the sections in the chapters in order to separate the descriptive account of the case from the

[269] Dodge (2007) p. 87
[270] Maoz (2002) p.164-165 as cited by Willis (2014)
[271] See Section – "Location of this research within the body of knowledge" in Chapter 1: Theoretical and Methodological Underpinnings p. 14
[272] Paterson (2012) p. 975- 976

analysis of the effects of CPA orders 1 and 2 on each pillar. However, the boundaries between description and analysis can sometimes appear to be somewhat blurred.

Additionally, the literature review method employed as a basis of data gathering for this research yielded substantial analytical content that enabled the detail-rich description of the case, nonetheless it presents the weakness of imposing an overreliance on secondary sources to form the evidentiary basis of the conclusions it presented, depriving it of empirical data which is deemed to be more neutral, and unbiased, and is thus suspected of yielding more valid results.

Recommendations for Statebuilding Practitioners

The study on the evolution of U.S.-led Statebuilding in the case of Iraq has allowed for the identification of lessons to be applied in subsequent interventions. Whilst single case studies are characterized for identifying the particularities of the case in question, this analysis permits the issuance of recommendations that hold validity in other contexts of statebuilding.

First, the case of Iraq reveals that interventions conceived to consist on a quick transition, with a 'light footprint', and expeditious handover of authority are unlikely to create the stable and robust State that they aspire to leave behind. Post-conflict statebuilding – especially involving regime change- are bound to create 'growing pains' and societal fractures. States or institutions willing to venture in statebuilding should be ready to invest substantial human and financial resources, troops to maintain the rule of law, and be prepared to commit to a time-consuming process.

Second, as intrinsic as ideals are for Statebuilding – regarding human rights, liberal values and democracy-; these interventions also need to be pragmatic and strike a balance between both approaches, by attempting to preserve indigenous institutional capacity where possible as it enhances ownership of the statebuilding process and is likely to yield a more stable state that can withstand the withdrawal of external stakeholders.

Closely related to the point made above, lustration processes and policies are important when attempting to weed out an authoritarian and repressive regime. Nonetheless, it is of crucial relevance that such policies are conceived on the basis of a thorough investigation of personal responsibility and not on a collective assumption of guilt of all members of the previous regime in order to convey true accountability. Furthermore, in order to effectively yield transitional

justice, such lustration policies should also be accompanied by national reconciliation programs to avoid disruptive social cleavages.

Furthermore, Statebuilding should always follow an extensive process of intervention planning, which includes the output of different agencies, and different local stakeholders in order to be truly prepared. However, conditions on the ground rarely correspond to the pre-intervention ideas, and this failure of foresight – such as the unanticipated looting in Iraq- can drastically change the intervention's context. As such, the Iraqi case highlights the need for Statebuilders to create contingency plans, and for their intervention planning to be flexible enough to adapt to the reality on the ground.

Finally, one of the most relevant lessons to be learned from the statebuilding intervention in Iraq is that attempting to (re-)build a state's institutional capacity, democratic institutions and practices, and stability is a difficult enough task; but attempting to do so in the absence of the rule of law, and widespread violence and chaos seriously complicates the development of each of the statebuilding tasks. As such, it is imperative to adopt a 'sequencing' of the statebuilding agenda by from the outset prioritizing the provision of public security. Failure to do so, will create local resentment, anger, and will lead to citizen's allying themselves with other social agents or groups willing to provide them with protection. This will seriously compromise the prospects for effectiveness and legitimacy of the statebuilding mission.

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Annexes

Annex 1- CPA order 1- de-Ba'athification of Iraqi Society

COALITON PROVISIONAL AUTHORITY ORDER NUMBER 1

DE-BA`ATHIFICATION OF IRAQI SOCIETY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, and the laws and usages of war,

Recognizing that the Iraqi people have suffered large scale human rights abuses and depravations over many years at the hands of the Ba`ath Party,

Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Ba`ath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba`ath Party officials,

Concerned by the continuing threat to the security of the Coalition Forces posed by the Iraqi Ba`ath Party,

I hereby promulgate the following:

Section 1
Disestablishment of the Ba`ath Party

1) On April 16, 2003 the Coalition Provisional Authority disestablished the Ba`ath Party of Iraq. This order implements the declaration by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Ba`athist elements returning to power ant that those in positions of authority in the future are acceptable to the people of Iraq.

2) Full members of the Ba`ath Party holding the ranks of 'Udw Qutriyya (Regional Command Member), 'Udw Far' (Branch Member). 'Udw Shu`bah (Section Member), and 'Udw Firqah (Group Member) (together, "Senior Party Members") are herby removed from their positions and banned from future employment in the public sector. These Senior Party Members shall be evaluated for criminal conduct or threat to the security of the Coalition. Those suspected of criminal conduct shall be investigated and, if deemed a threat to security or a flight risk, detained or placed under house arrest.

3) Individuals holding positions in the top three layers of management in every national government ministry, affiliated corporations and other government institutions (e.g., universities and hospitals) shall be interviewed for possible affiliation with the Ba`ath Party, and subject to investigation for criminal conduct and risk to security. Any such persons detained to be full members of the Ba`ath Party shall be removed from their employment. This includes those

and risk to security. Any such persons determined to be full members of the Baath Party shall be removed from their employment. This includes those holding the more junior ranks of 'Udw (Member) and 'Udw 'Amil (Active Member), as well as those determined to be Senior Party Members.

4) Displays in government buildings or public spaces of the image or likeness of Saddam Hussein or other readily identifiable members of the former regime or of symbols of the Baath Party or the former regime are hereby prohibited.

5) Rewards shall be made available for information leading to the capture of senior members of the Baath party and individuals complicit in the crimes of the former regime.

6) The Administrator of the Coalition Provisional Authority or his designees may grant exceptions to the above guidance on a case-by-case basis.

Section 2
Entry into Force

This Order shall enter into force on the date of signature.

5/16/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

Annex 2- CPA order 2- Dissolution of Entities

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2

DISSOLUTION OF ENTITIES

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming all of the provisions of General Franks' Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption,

Reaffirming the Instructions to the Citizens of Iraq regarding Ministry of Youth and Sport of May 8, 2003,

I hereby promulgate the following:

Section 1
Dissolved Entities

The entities (the "Dissolved Entities") listed in the attached Annex are hereby dissolved. Additional entities may be added to this list in the future.

Section 2
Assets and Financial Obligations

1) All assets, including records and data, in whatever form maintained and wherever located, of the Dissolved Entities shall be held by the Administrator of the CPA ("the Administrator") on behalf of and for the benefit of the Iraqi people and shall be used to assist the Iraqi people and to support the recovery of Iraq.

2) All financial obligations of the Dissolved Entities are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.

3) Persons in possession of assets of the Dissolved Entities shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.

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Section 3
Employees and Service Members

1) Any military or other rank, title, or status granted to a former employee or functionary of a Dissolved Entity by the former Regime is hereby cancelled.

2) All conscripts are released from their service obligations. Conscription is suspended indefinitely, subject to decisions by future Iraq governments concerning whether a free Iraq should have conscription.

3) Any person employed by a Dissolved Entity in any form or capacity, is dismissed effective as of April 16, 2003. Any person employed by a Dissolved Entity, in any form or capacity, remains accountable for acts committed during such employment.

4) A termination payment in an amount to be determined by the Administrator will be paid to employees so dismissed, except those who are Senior Party Members as defined in the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/2003/01 ("Senior Party Members") (See Section 3.6).

5) Pensions being paid by, or on account of service to, a Dissolved Entity before April 16, 2003 will continue to be paid, including to war widows and disabled veterans, provided that no pension payments will be made to any person who is a Senior Party Member (see Section 3.6) and that the power is reserved to the Administrator and to future Iraqi governments to revoke or reduce pensions as a penalty for past or future illegal conduct or to modify pension arrangements to eliminate improper privileges granted by the Baathist regime or for similar reasons.

6) Notwithstanding any provision of this Order, or any other Order, law, or regulation, and consistent with the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/2003/01, no payment, including a termination or pension payment, will be made to any person who is or was a Senior Party Member. Any person holding the rank under the former regime of Colonel or above, or its equivalent, will be deemed a Senior Party Member, provided that such persons may seek, under procedures to be prescribed, to establish to the satisfaction of the Administrator, that they were not a Senior Party Member.

Section 4
Information

The Administrator shall prescribe procedures for offering rewards to person who provide information leading to the recovery of assets of Dissolved Entities.

Section 5
New Iraqi Corps

The CPA plans to create in the near future a New Iraqi Corps, as the first step in forming a national self-defense capability for a free Iraq. Under civilian control, that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps.

Section 6
Other Matters

1) The Administrator may delegate his powers and responsibilities with respect to this Order as he determines appropriate. References to the Administrator herein include such delegates.

2) The Administrator may grant exceptions any limitations in this Order at his discretion.

Section 7
Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority

ANNEX

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2

DISSOLUTION OF ENTITIES

Institutions dissolved by the Order referenced (the "Dissolved Entities") are:

The Ministry of Defence
The Ministry of Information
The Ministry of State for Military Affairs
The Iraqi Intelligence Service
The National Security Bureau
The Directorate of National Security (Amn al-'Am)
The Special Security Organization

All entities affiliated with or comprising Saddam Hussein's bodyguards to include:
-Murafaqin (Companions)
-Himaya al Khasa (Special Guard)

The following military organizations:
-The Army, Air Force, Navy, the Air Defence Force, and other regular military services
-The Republican Guard
-The Special Republican Guard
-The Directorate of Military Intelligence
-The Al Quds Force
-Emergency Forces (Quwat al Tawari)

The following paramilitaries:
-Saddam Fedayeen
-Ba'ath Party Militia
-Friends of Saddam
-Saddam's Lion Cubs (Ashbal Saddam)

Other Organizations:
-The Presidential Diwan
-The Presidential Secretariat
-The Revolutionary Command Council
-The National Assembly
-The Youth Organization (al-Futuwah)
-National Olympic Committee
-Revolutionary, Special and National Security Courts

All organizations subordinate to the Dissolved Entities are also dissolved.

Additional organizations may be added to this list in the future.