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Democratic Political Institutions in The New Federal Iraq

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Abstract

After the fall of Saddam regime, Iraq has been trying to renew its political system in line of democratic norms and principles already present in the western democracies. Many things have been changed in Iraq with aiming to establish a new democratic country. In this thesis, I investigate whether democratic political institutions exist in Iraq or not. I investigate if they properly function. By taking the reports published by several Human Rights NGOs, the UN and the American government into account, this thesis is closely looking at Iraq's democratic political institutions and Iraq's federalism in keeping with Robert A. Dahl's definitions regarding democratic institutions, and the consociational democracy theory of Arend Lijphart.

Key words: Iraq, Iraq's new constitution, Democratic political institutions, Effective participation, Federalism

1. Introduction

1.1 Research Question and Purpose

After the fall of Saddam regime, Iraqis have almost completely changed the political system of the country. New political institutions and new bureaucratic bodies have been established through a new constitution which took into force in 2005. Even though I agree with those who may claim that it is too early to talk about how Iraq's political system, today, is functioning according to democratic principles and democratic ideals, we all know that Iraq have, by today, established successfully its new main political bodies. For those who worry about democracy and human rights in Iraq, it is perhaps the right time to question if the country really possesses main democratic political institutions which are essential requirements for a democracy.

The research question of my thesis is to investigate whether democratic political institutions, whose existence is considered as the most important criteria for a democratic country, are present in new Iraq today. By focusing on the strength and weaknesses of each of these institutions in Iraq and the specific background conditions of the country, I will try to analyze the extent to which these institutions satisfy the democratic criteria developed by Robert A. Dahl (1998). Shortly saying, my research question is: As a newly established federal parliamentary republic, do democratic political institutions exist in Iraq? The terms and concepts regarding the *democratic political institutions* and the specific background conditions favoring democratization of a country (that is in transition to democracy), I discuss in my thesis, are developed by Robert A. Dahl. I designed the theoretical part of my study according to Dahl's perspective not only for the sake of consistency and relevance between arguments and concepts. But it is also because Robert A. Dahl is regarded one of the best scholars of democratic theory and practice today. Dahl (1998) argues that if six of these institutions exist in a country and if these institutions satisfy main democratic criteria, and thus that country can be called a democracy. However because Iraq's population is made of different ethnic and religious groups, I need to analyze Iraq's federalism and its affects on its new democratic institutions through Arend Lijphart's consociational democracy theory.

My objective here is not to prove whether a truly well-established democracy exist in new Iraq or not. It is relatively too early to talk about such claims because the country is still rebuilding itself both politically and economically. However, this does not mean that Iraq's new political system have not been shaped yet. Such an argument is obviously mistaken because Iraq has already established its new main political institutions since the approval of its new constitution in 2005. From this point of view, the purpose of this thesis is to look closely at the new constitution of Iraq and its federal system and then

examine whether the democratic political institutions have been properly established there or not. In other words, the purpose of my thesis is to investigate to what extent Iraq's democratic political institutions exist and function in relation to its new federal system. Because I think, this study will allow us to see the level of democratic institutionalization in new Iraq but it will also help us to observe the pace and the current level of democratization in the country in general. As Dahl (1998) says that "for a country that has only recently made the transition to democracy, that knowledge can help inform us about the crucial institutions that need to be strengthened, deepened, and consolidated. Because these institutions are all necessary for modern representative democracy, we can also view them as establishing a minimum level for democratization." On the other hand, anyone who is interested in studying democracy in Iraq should necessarily take its multiethnic and multireligious society and its new federal system into account. For this reason, I thought some assumptions of Lijphart's consociational democracy theory is going to help me to explain Iraq's federal system which is a vital part of Iraq's new democracy and its democratic political institutions.

1.2 Method and Material

My thesis can be regarded a case study because democratic transition in Iraq is really unique in many respects. In one sense, the case studied here is narrow because it is specifically focusing on a country's democratic institutions and it is just covering a limited period of time, namely from the fall of Saddam regime till today. It can be said that, in this case study, the dependent variable (the outcome) is the well-established, democratic political institutions that supposed to be functioning properly in terms of democratic criteria in new Iraq. The independent variables, I will examine in my paper, are the new Iraqi constitution (the relevant provisions) and also the practices of Iraqi government and of other bureaucratic mechanisms since the creation of the first interim Iraqi government until nowadays.

Democracy is a very relative normative political situation. Democracy itself does not refer to a clear-cut defined institution or system. It is an ideal that democratic countries try to improve. The level of democracy varies from country to country. Because of this reason, it is not an easy work to measure the level of democracy in a single country. In such cases, one may need to make comparative studies to measure the strength of a new democracy. Here I am not making a comparative study. By underlining the relevant articles of Iraq's new constitution which referring to democratic institutions and democratic rights of citizens and by paying a particular attention to its new federal system, I am going to discuss the presence and quality of country's democratic political institutions. I examine the case through two theoretical perspectives.

In Robert A. Dahl's perspective, a country can be regarded as democratic if its political system possesses certain political institutions and if those institutions function in accordance with five democratic criteria (Dahl 1998). He also points out that certain background conditions favoring the existence and proper operation of those institutions

should also be taken into consideration (ibid). I am directly going to apply Dahl's theoretical criteria to Iraq's new political system which is considered democratic according to its new constitution. Each of these institutions will be investigated according to the democratic criteria that Dahl (1998) mentions.

In the first section of theoretical part, I define each of these criteria, institutions and the background conditions. In the second section, I present the consociational democracy to explain Iraq's multiethnic population and its federal political system. The consociational democracy theory of Arend Lijphart (2002) helps me to define how the country's federal system is preventing ethnic conflicts among groups with different ethnic backgrounds to occur, and thus promoting further democratization. I have chosen consociational democracy theory of Arend Lijphart in order to define adequately Iraq's federalism and ethnic autonomy and then examine Iraq's new democratic institutions.

I have chosen Dahl's perspective because of two reasons: (1) When I decided to examine Iraq's democracy on institutional basis, I have found his book *On Democracy* (published in 1998), very helpful in terms of describing democratic political institutions necessary for a democratic country and explaining how the democratic criteria are satisfied through these institutions; (2) in his perspective he also considers the conditions favoring establishment of democratic institutions.

I use several reports from the world press and Iraqi and American governmental reports. Due to current American presence in Iraq, it is reasonable to look at American media and political commentators. I agree with those who are reluctant to use American sources in such a study. A lot of information the Americans provide regarding the developments in Iraq and Afghanistan are likely to be not neutral. But I think using such information sources selectively can be very helpful. Because I think American and also British sources provide much tangible, fresh and detailed information regarding the developments in Iraq due to their presence and their direct involvement in political developments there since the fall of Saddam regime. I also benefit greatly from relevant reports on Iraq published by several human rights NGOs. My most important material of this study, of course, is Iraq's new constitution because it is the constitution which confers rights and powers upon citizens and defines the country's federal system and its democratic political institutions. Constitutions are of great importance when comes to operation of democratic institutions too, because they pave the ways for introduction of new laws and regulations for proper operation of democratic political institutions. In this connection, Dahl rightly says that "a constitution might help to provide stability for the basic democratic political institutions" (Dahl 1998:124). Therefore the relevant articles of Iraq's new constitution became the most important source of references for my study because it is the only way to know whether the democratic political institutions are properly defined within the new institutional design of Iraq, or not.

2. Definitions

2.1 Democracy and Democratic country

Democracy is usually defined not by only institutional forms or processes, but by basic principles and values (International IDEA 2002:3-4 in Large and Sisk 2006:4). Two core principles essential to democracy are ‘popular control over decision making and decision makers; and equality between citizens in the exercise of that control’ (ibid). In so far as these principles are embodied in governing arrangements we call them “democratic”, democracy is thus not an all-or-nothing affair, but a matter of degree (ibid). In another word, “democracy is a matter of democratic practice” (Large and Sisk 2006:4). Practicing democracy in a country does require presence of certain political institutions and their proper functioning in terms of some basic democratic principles.

In Dahl’s view, democracy in all types of associations including countries consequently require five democratic features (criteria). These criteria are: (1) voting equality; (2) control of the agenda; (3) effective participation; (4) enlightened understanding; and (5) inclusion of all adults (Dahl 1998:38). Dahl says “in large unites as a country, these political institutions of democracy are necessary in order to satisfy the [the abovementioned] criteria of democracy:

1. Elected officials
2. Free, fair and frequent elections
3. Freedom of expression
4. Alternative sources of information
5. Associational autonomy
6. Inclusive citizenship” (Dahl 1998:92).

Dahl says these “political institutions strictly required for democratic government depend, then, on the size of units. The six institutions listed above developed because they are necessary for governing *countries*, not smaller units” (Dahl 1998:92).

Dahl’s definitions are quite suitable for studying democratic institutions in a country like Iraq (at today) because Iraq has just entered into a process of transition to democracy both institutionally and politically. In this connection, Dahl says that “for a country that has recently made a transition to democracy, knowledge of the basic political institutions can help inform us about the crucial institutions need to be strengthened, deepened, and consolidated. Because they are all necessary for modern representative democracy, we can also view them as establishing a *minimum level* for democratization” (Dahl 1998:99).

3. Theory

3.1 Robert A. Dahl and Democratic Political Institutions

Dahl (1998:2006) argues that if a country is to be governed democratically, it would possess certain political institutions. He says that “at a minimum, [a democratic country] would need to possess certain political arrangements, practices, or institutions that would go a long way, toward meeting ideal democratic criteria” (1998:83). According to Dahl, a democratic country requires these six basic political institutions:

“(1) *Elected officials*. Control over government decisions about policy is constitutionally vested in officials elected by citizens. Thus modern, large-scale democratic governments are *representative*.

(2) *Free, fair and frequent elections*. Elected representatives are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.

(3) *Freedom of expression*. Citizens have a right to express themselves without danger of severe punishment on political matters broadly defined, including criticism of state officials, the government, the regime, the socioeconomic order, and the prevailing ideology.

(4) *Access to alternative sources of information*. Citizens have a right to seek out alternative and independent sources of information from other citizens, experts, newspapers, magazines, books, telecommunications, and the like. These all information sources are free from governmental controls or any other single political party aiming to influence public political opinion. These alternative sources are protected by law effectively.

(5) *Associational autonomy*. To carry out successfully their various rights, including those required for the effective operation of democratic political institutions, citizens also have a right to form relatively independent associations or organizations, including political parties and interests groups.

(6) *Inclusive citizenship*. No adult permanently residing in the country and subject to its law can be denied the rights that are available to others and are necessary to have the five political institutions just listed above. They have the following rights; to vote in free and fair elections; to run for elective office; to form and participate in independent political organizations; to express themselves freely; to have access to alternative and independent information sources; and also the rights to other

liberties and opportunities that may be necessary to the effective operation of the political institutions of a democratic country” (Dahl 1998:85-86).

Dahl says that “these are minimal requirements for a democratic country [and] these six political institutions constitute not only a new type of political system but a new kind of popular government, a type of “democracy”” (Dahl 1998:85). In a democratic country, these political institutions are necessary to satisfy the following democratic criteria: voting equality; control of agenda; effective participation; enlightened understanding; and (full) inclusion of all adults (Dahl 1998:85-90). For a democratic country, these institutions are necessary but this does not imply that they are sufficient for democracy. Yet, a political system with these institutions will meet democratic criteria just abovementioned more or less satisfactorily (ibid).

In addition, Dahl suggests that “certain underlying or background conditions in a country are favorable to the stability of democracy and where these conditions are weakly present or entirely absent democracy is unlikely to exist, or if it does, its existence is likely to be precarious. The experiences of democratic transition, consolidation and breakdown provided by the 20th century in several countries indicate that five conditions (and there are probably more) significantly affect the chances for democracy in a country” (Dahl 1998:147). These five conditions that favor democratic institutions are:

- “1) Control of military and police by elected officials
- 2) Democratic beliefs and political culture
- 3) No strong foreign control hostile to democracy
- 4) A modern market economy and society
- 5) Weak sub-cultural pluralism” (Dahl 1998:147)

Firstly, I am going to investigate if these democratic political institutions exist in Iraq. However, the existence of all or some of these institutions alone does not provide proper explanations about the state of democracy. For this reason, when examining Iraq’s democratic institutions, I am going to take abovementioned five conditions favoring democratic institutions into account carefully in addition to Dahl’s five democratic criteria. I think, in this way, I will be able to analyze the current level of democratic institutionalization in Iraq.

3.2 Arend Lijphart and his Consociational Democracy

Consociational theory is developed by Arend Lijphart, and it is founded on the conviction that a stable democracy can be established even in societies with identity-based fragmentations. Instead of using all theoretical arguments of his theory, I am using two main characteristics of consociational democracy that Lijphart regards very important. For Lijphart, these “two key ingredients for successful democracy in divided societies are the (1) *sharing of executive power* and (2) *group autonomy*” (Lijphart 2002:38). Power-sharing means the participation of the representatives of all significant groups in political

decision-making, especially at the executive level; group autonomy means that these groups have authority to run their own internal affairs, especially in the areas of education and culture (Lijphart 2002:38-39).

In defining his consociational democracy theory, Lijphart says that “federalism offers an excellent opportunity for group autonomy if the groups are geographically concentrated” (Lijphart 2002:51). Of course this “entails that the federal boundaries coincide as much as possible with the ethnic or other group boundaries as in India, Switzerland and Belgium” (ibid). Lijphart refutes the argument that federalism might underpin ethnic conflict and even lead to civil war by pointing to empirical facts. Lijphart says that ‘autonomy has not led to civil war nor collapsed states, and there is no inbuilt connection between the two’ (ibid). These two primary assumptions of consociational theory will help me to define the Iraq’s federal political system in terms of democracy. Analyzing democracy in Iraq requires more than investigating and observing how democratic political institutions exist there because Iraq is a multiethnic and federal country. Therefore this paper will also look at how these different ethnic groups have participated democratic institutions in new federal Iraq.

4. Analysis

The referendum held for the approval of Iraq's new constitution have been the most important step defining and thus institutionalizing the country's democracy. For this reason, I begin with that. Iraqi people approved their new constitution via a referendum on 15th of October 2005. All together, "78% of voters backed the charter and 21% opposed it in the vote on 15 October" (BBC News, 25 October 2005). At that time, one of senior United Nations officials in Iraq, Carina Perelli, had said that "the election had been conducted to the highest standard" (ibid). However, most of Arab "Sunnis rejected a constitution they saw as enshrining their own loss of power and threatening the territorial unity of the country" (ibid). This is to say, a considerable number of Sunni Arabs did not join the electoral processes. And their boycott has not only turned into one of most important obstacles to the establishment of democratic institutions in Iraq, it has also begun to generate sectarian violence among Sunni and Shiite groups. The clashes between them have almost destroyed security and daily life in the country.

4.1 Federalism and Ethnic Autonomy in Iraq

In this section I explain that the new political system have been designed according to the country's multiethnic and multireligious composition. Iraq is a true multicultural, multireligious and multiethnic country. Although 97 per cent of Iraq population is Muslim, remaining 3 per cent is composed of Christians and other religions. Iraq's Muslim population is not homogeneous but divided plainly between two rival sects: Sunni and Shiite Islam (source: CIA World Fact Book). While 60-65 per cent of its Muslim population is Shiite Arabs, Sunnis constitutes 32-37 per cent (ibid). However the Kurds who constitute about 15-20 per cent of Iraq population are also Sunni Muslim (around 80 per cent of the Kurds in Iraq are Muslim) (ibid). Ethnically Arabs constitutes 75-80 per cent of Iraq's total population, the Kurds constitutes 15-20 per cent of it (ibid). And the remaining 5 per cent are composed of Assyrian, Armenian, Turkmen or other (ibid). While the Kurdish population is concentrated in the Northern Iraq, the Shiite Arabs mostly live in the southern Iraq. In the middle, Sunni Arabs are majority but in some cities such as Baghdad there is a considerable number Shiite Arab too. The other minorities are non-muslim ethnic groups such as Assyrians, Armenians, and Mandaeans, Shabaks, Yazidi Kurds. These groups are marginal, mainly dispersed and therefore they have no important social and political important power at national level. In sum, most majority of the population are Muslim. For this reason, in the new Iraqi constitution it is clearly noted that Islam as a religion is recognized as a fundamental source of legislation. Article 2 of the new Iraqi constitution says that "Islam is the official religion of the State and it is a fundamental source of legislation: A. No law that contradicts the established provisions of Islam, the principles of democracy and the rights and basic freedoms stipulated in this constitution may be established" (Iraq's new Constitution, 16 October

2005). In another saying, Islam is not recognized as the sole source of legislation, because new laws and rules shall also be compatible with the principles of democracy and basic political, social right and freedoms. The second paragraph of article 2 of the new Iraqi constitution say that “this Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice such as Christians, Yazedis, and Mandi Sabeans” (ibid). In this part of the article, it seems as if a critical balance exist between the role of Islam, and the role of democracy and fundamental freedoms and rights. However, the rest of other constitutional provisions and articles clearly show that democratic institutions, principles, freedoms and rights dominate the entire content of constitution.

The first article of new Iraqi constitution states that “the Republic of Iraq is a single, independent federal state with full sovereignty. Its system of government is republican, representative Parliamentary and democratic” (Iraq’s new Constitution, 16 October 2005). The article 3 of the constitution says that “Iraq is a country of many nationalities, religions and sects and is a founding and active member of the Arab League and is committed to its covenant. Iraq is a part of the Islamic world” (ibid). However, on the other hand, article 4 of Iraqi constitution clearly notes that “the Arabic language and Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac and Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, is guaranteed” (ibid). During Saddam regime and before, Arabic was the only official language in Iraq. Article 121 of the new constitution says that “this Constitution shall guarantee the administrative, political, cultural and educational rights for the various nationalities, such as Turkmen, Caldeans, Assyrians and all other components. This will be organized by law” (ibid). Since the Kurds are the second largest ethnic group and they constitute the absolute majority in northern part of Iraq which they call Kurdistan, it has been reasonable for Iraq’s decision-makers to recognize Kurdish as an official language together with Arabic. The constitution clearly recognizes the Iraq’s multiethnic and multireligious identity and the fundamental cultural rights of its minorities.

Article 112 of Iraqi constitution says that “the federal system in the Republic of Iraq is made up of a decentralized capital, regions and governorates, and local administrations” (ibid). Iraq is made of eighteen governorates and one region (Kurdish Autonomous Region) (source: CIA World Fact Book). The article 116 says that “the region shall adopt a constitution that defines the structure of the regional government, its authorities and the mechanisms of exercising these authorities provided that it does not contradict with this Constitution” (Iraq’s new Constitution, 16 October 2005). Because of that, the Kurdistan region enjoys a great political and economic autonomy. This region has its own regional parliament and well-functioning economy which is much better than the rest of Iraq because it has been relatively much safer and stable in terms of security. Recently the central Iraqi government is dominated by the Shiite-Arab and Kurdish alliance. While the government is led by a Shiite prime minister; the head of republic is a Kurdish leader. Some critical important ministries, such as Foreign Affairs Ministry of Iraq, have also given to the Kurds. However, the full democratic inclusion of Sunni Arabs into the government and other decision making mechanisms have not been implemented yet.

There are a few reasons of this. Firstly it is because Sunni Arabs, who were the sole rulers of the country since Iraq's establishment, had not voted mostly the parliamentary elections in 2005 but instead they boycotted elections. Secondly, the Sunni Arabs are minority in terms of population when comparing to Shiite Arabs in Iraq. The talks over the inclusion of Sunni Arabs into political processes still continue today. For example, the UN have recently organized an conference in Sweden Stockholm for that purpose in order to end conflicts among conflicting Iraqi parties but on the eve of the conference the leader of the largest Sunni bloc suspended talks on rejoining the government (BBC News, 29 May 2008).

When we look at Iraq's new political system from the perspective of consociational democracy theory, we can argue that Iraq's ethnic and religious minorities enjoy group autonomy in certain extents. Especially when comes to the Kurds, one can argue that federalism function quite successfully. As mentioned above, the new Iraqi constitution also guarantees cultural and social rights of other small ethnic and religious minorities such as Assyrians, Turkmen, Armenians, Yazidi Kurds and others. Some Shiites' demands for a federal autonomous region in Southern Iraq have been objected by most of Iraqis because Sunni Arabs and some Shiite political groups have been severely rejecting this idea. The U.S.-led coalition forces have challenged the creation of Shiite autonomous region in the south too, because they fear that Iran's influence over Iraq may increase if a Shiite autonomous region be established. As I mentioned above, the other main ingredient of consociational democracy is *Executive Power Sharing* (Lijphart 2002:38). This principle has also been practiced in new federal Iraq. At national level, the most important political positions or in other words the executive powers has been shared among the leaders of Iraqi ethnic and other groups. For example while president of republic became the Kurdish leader Jalal Talabani, the prime minister was given to the Shiite Arabs who are majority in the parliament. The representative of other ethnic and religious groups has also been given some ministries too in the Iraqi government.

At regional level or in another word in Kurdistan region, the ethnic and religious minorities have also been given similar rights and ministerial positions in the regional government. The current Kurdistan regional government is made of a coalition consisting of several political groups with different ethnic and religious backgrounds. The government is composed of these political groups: Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), Kurdistan Toilers Party, Kurdistan Socialist Democratic Party, Kurdistan Islamic Union, Kurdistan Communist Party, the Islamic Group and the Turkmen Brotherhood Party (KRG 07 May 2006). Among the ministers of the regional government are one Chaldean (Christian), one Assyrian (Christian), one Yazidi (a non-Muslim Kurdish group), one Fayli (Kurdish-Shiite) and one Turkmen (KRG 07 May 2006). The U.S.-led-coalition forces, who have always been praising the success achieved in the Kurdistan region, argue that many business opportunities are present in the region and its economy is growing speedily (Rogers 2007). For example, the U.S. Department of Commerce's Iraq Investment and Reconstruction Task Force has reported in February of 2006 that "various market entry strategies and recommends Kurdistan as the regional gateway for investing in Iraq" (KRG 22 February 2006). The

region, shortly saying, has been hosting the foreign investors looking for doing businesses in Iraq after the war because basically no big security threats exist there. Both politically and economically the region is highly stable and safe, when comparing to the rest of country.

4.2 Dahl's Six Democratic Institutions in Iraq

4.2.1 Elected officials

In representative democracies, citizens do participate properly in making laws by electing representatives through elections. The elected representatives, then, form a government in accordance with laws and procedures that specified in their respective constitutions. In this way, elected officials (government) do set agendas and adopt policies according to wishes of citizens. Therefore, in representative democracies, elected officials who are chosen in popular elections make laws and important governmental decisions directly or indirectly. The two criteria of democracy, (1) effective participation and (2) control of the agenda, are expected to be satisfied through this democratic institution (Dahl 1998:93 and Dahl 2006:14).

After the fall of Saddam regime, as a result of growing internal and external pressures and criticisms, American government made a decision to end the Provisional Coalition Authority (PCA)'s mandate and place an interim Iraqi government in office (El-Khawas 2008:51). On 28 June 2004, PCA in Iraq turned over sovereignty to an appointed interim prime minister and handed him a detailed transition roadmap approved by U.S. officials in Washington. The appointed prime minister was expected to implement the roadmap for holding national elections and developing a new Iraqi constitution. By the way, the PCA's high officials had already specified the terms and dates for elections before they left Iraq's capital city (ibid). Put differently, the coalition forces and especially the U.S. officials have been so much determinant in that process. This means that all of these appointments and the implementation of the roadmap aiming to transfer the authority to Iraqis were designed and carried out according to the American interests generally.

In December of 2005 Iraqis for the first time chose and then sent their elected representatives to their national assembly, the Council of Representatives. The current Iraqi government took office on 16 May 2006 following approval by members of Council of Representatives. The new Iraqi constitution is clearly defining this democratic institution (elected officials) and it states how this process be carried out in details. Article 47 of the constitution says that "the Council of Representatives shall consist of a number of members, at a ratio of one representative per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people in it shall be upheld" (Iraq's new Constitution, 16 October 2005). The article 54 notes that "the electoral term of the Council of Representatives shall be limited to four calendar years, starting with its first session and ending with the conclusion of the fourth year" (ibid). All these provisions show that the constitution is making sure that the elected officials are representing their electorates and the electoral terms is based on democratic standards.

Article 63 of the constitution says that "the Federal Executive Power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers

in accordance with the constitution and the law” (Iraq’s new Constitution, 16 October 2005). And the first section of the article 67 says that “The Council of Representatives shall elect, from among the nominees, the President of the Republic by a two-thirds majority of its members” (ibid). Article 69 of the constitution states that “the President of the Republic’s term in office shall be limited to four years and may be elected for a second time and no more” (ibid). Article 73 of the new constitution says that “first: The President of the Republic shall name the nominee of the Council of Representatives bloc with the largest number to form the Cabinet within fifteen days from the date of the election of the president of the republic. Second: The Prime Minister-designate shall undertake the naming of the members of his Cabinet within a period not to exceed thirty days from the date of his designation” (ibid). The current Cabinet is composed of 37 ministers. I think the constitution is precisely making sure that it is the elected officials who will exercise the executive powers of the state. Additionally it is making sure that the government cabinet, the head of government and the head of republic also need the approval by the vast majority of parliament to come to power. This means that effective participation of people to decision making mechanisms is assured via the abovementioned powers that their representatives have.

Article 58 of the new Iraqi constitution says “the Council of Representatives specializes in the following: First: Enacting federal laws. Second: Monitoring the performance of the executive authority. Third: Elect the President of the Republic” (Iraq’s new Constitution, 16 October 2005). The seventh paragraph of article 58 of the constitution says that “the Council of Representatives member may direct questions to the Prime Minister and the Ministers on any subject within their specialty and they may answer the members’ questions” (ibid). In the same paragraph of the article 58, the constitution states that “a Council of Representatives member with the agreement of twenty-five members may direct a question to the Prime Minister or the Ministers to call them to account on the issues within their authority. The discussion on the question shall begin at least seven days after submitting the question” (ibid). Without doubt, these provisions strengthen the council members’ control over the government’s agenda and make their individual and group participation to the decision-making more effective. These provisions are of critical importance in terms of democratic criteria as well. However such kinds of provisions are making hard for the current government in accelerating the talks and the agreements regarding bringing about a true national reconciliation among different conflicting groups in the country. This is why Amnesty International Iraq report (Amnesty International, Carnage and Despair: Iraq five years on, 17 March 2008) says some government ministers and many members of parliament, who represent political parties opposed to the current government, have hampered bringing about a national reconciliation among Iraq’s diverse ethnic and religious communities. The report rightly argues that the boycotts by small groups of representatives have hampered the attempts of Iraqi government at fostering national reconciliation among all Iraqi groups (ibid).

Apart from the Council of Representatives, there is another federal legislative body called the Council of Federation. It is composed of representatives from the regions and the governorates that are not organized in a region. Currently only one region exist in Iraq. It is the Kurdistan Region which was recognised as a region in the constitution. The Council of Federation’s exact composition and responsibilities are not defined in the

constitution and will be regulated in law by the Council of Representatives. Shortly saying, its executive power is not determinant and important as Council of Representatives. Therefore it is not necessary to discuss this institution here in details.

4.2.2 Free, fair and frequent elections

As I briefly elaborated it on in previous section, the Iraqi constitution refers to democratic electoral processes. However, it is needed to look at the previous election processes to see how and to what extent this democratic institution have been implemented in 2005. On 30 January 2005 when free and open elections were held, allowing Iraqis for the first time in fifty years to decide who should join the National Assembly, nearly 60 percent cast their votes in favor of establishing a constitutional government (El-Khawas 2008:52). According to the report of the UN Secretary General, the overall conduct of the elections to the National Assembly held on 30 January 2005 was in accordance with international standards, although the overall turnout was low, especially among Sunni Arabs (Cogen and Brabandere 2007:684 and United Nations Doc. S/2005/141). Following the adoption of the new constitution in October 2005, which vested legislative authority in a Council of Representatives, the national parliamentary elections were carried out on 15 December 2005. The UN and many independent observers agreed on the point that the overall turnout was much larger than for the January 2005 elections and no ‘major’ incidents were reported on election-day, although there were several reports of violence (ibid). An Independent Electoral Commission, charged with ensuring the fairness of the process, supervised the elections (Cogen and Brabandere 2007). However, despite international supervision, many Iraqi political figures, have severely criticized the elections. For example, Ayad Allawi (2007), Iraq’s prime minister in the period of 2004-2005, claimed that “due to political pressure from the international community the elections went ahead in January 2005 under a misguided “closed party list” system.” Allawi (2007) argued that “rather than choosing a specific candidate, voters across the country chose from among rival lists of candidates backed and organized by political parties.” Even though Allawi’s criticisms reflect his political intentions because his party (the national accord party) could emerge as a winner form the elections, some of his criticisms deserve attention and needs to be evaluated carefully. I think such sorts of criticisms are partly right because the electoral system was generally not appropriate due to the following reasons: (1) the lack of security, (2) ongoing clashes among Shiite, Sunni and insurgent-terrorist armed groups, (3) political influence of Iran over the Shiite majority, (4) demolished bureaucratic establishments.

For citizens, the right to free and fair elections can only function within a context where citizens are free to form associations, especially political parties (Cogen and Brabandere 2007:672). At the same time, as affirmed by United Nations General Assembly Resolution 45/150, determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others (UNGA resolution 40/150). Shortly saying, requirement of elections must be supplemented by other political freedoms (Cogen and Brabandere 2007:672). As I explain below in the next sections in detail, almost all of Iraqi ethnic and religious groups formed their legal

organizations and political parties in a short period of time after the fall of former regime, and then they participated to the elections.

Another main criticism with regard to the electoral process concerned the timetable and the involvement of local actors. Although it was reasonable for the government to put much more emphasis on the prerequisite of having a stable environment before holding of elections, the various interim or transitional institutions put in place in Iraq have caused great distrust among the local population (Cogen and Brabandere 2007). Furthermore, no local or provincial elections were held before the nationwide parliamentary elections, says Diamond (2005) rightly. Adam Allington (2008) of Voice of America (VOA) rightly said that “Iraq's last general election in 2005 was considerably flawed: political parties appropriated religious symbols and many electoral lists were not made public until just before voting. Many Iraqis say the government won't last if the Americans leave.” Nevertheless, the basis of a democratic system, as well as the principle of holding elections on a regular basis, has been laid. One of the main major issues in the new Iraqi remains the security aspect, which have, of course, greatly influenced the capacity of the Iraqi people to participate freely in the electoral processes. Therefore the general perception of the fairness of the conducted elections nevertheless has to be considered with regard to freedom of expression and freedom of association (Cogen and Brabandere 2007:685).

4.2.3 Freedom of expression

Freedom of expression can be regarded the most important democratic institution. In the absence of this institution, no any other democratic institution can function or even exist at all. Individuals and social and political groups can only express themselves and their opinion freely and without facing pressure and preventions from a third party and state officials, if freedom of expression as an institution exists in full and if it is allowed to function through independent information sources. Cogen and Brabandere (2007:673) argues that open and free public debate is also a key element of any democracy as an essential precondition for the holding of free and fair elections. This is why the freedom of expression, can be considered the most important ingredient of democracy. The Article 19 of *Universal Declaration of Human Rights* (UDHR) says that:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (UDHR 1948).

The makers of new Iraqi constitution and its new political design, it seems, have carefully considered the UDHR and other unwritten universally respected freedoms and human rights such as freedom of expression. For example, article 36 of Iraqi constitution says that “the state guarantees in a way that does not violate public order and morality: Freedom of expression, through all means” (Iraq’s new Constitution, 16 October 2005).

However, in practice, there are several laws that prohibit “reporters from publishing stories that defame public officials. Many in the Iraqi media complain that these provisions prevent them from freely practicing their business by creating strong fears of persecution. There is still widespread self-censorship” (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). The U.S. human rights report of

2007 on Iraq says that “media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was actively used against media workers” (ibid). Moreover, the report says that “violence against the media, primarily by militia and insurgency groups, has been commonplace, therefore media workers argued that they refrain from producing stories on insurgency and militia activity for fear of retaliatory attacks” (ibid). The U.S. report additionally argues that Iraqi government has been acting to restrict freedom of expression in some circumstances. For instance, it notes, “the law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba’ath Party” (ibid). I think all of these restrictions through laws and governmental acts are overshadowing the provisions that clearly recognizing and aiming to protect freedom of expression in the new Iraqi constitution. The government should try to strengthen the freedom of expression through new constitutional amendments or by introducing very effective laws defending and promoting that right in real life.

There have been many international human rights organizations dealing with defending and promoting freedom of expression and of information in new Iraq. *ARTICLE 19* has been one of these organizations that practically involves in this issue. *ARTICLE 19* is a human rights organization specifically dealing with the defense and promotion of freedom of expression and freedom of information globally. Actually it is one of the most active and reputed NGOs in this field. The organization has been offering some amendments to new Iraqi constitution and it offered that the following paragraphs should be added to Article 36 of Iraq’s constitution: previous censorship must not be allowed other than for the purpose of assessing the suitability for children of material intended for public entertainment. The organization offers that neither the establishment of a media outlet nor the practice of journalism shall be subject to earlier permission, with the exception of the establishment of broadcasting stations (*ARTICLE 19*, January 2006).

The organization *ARTICLE 19* reported that recently progress regarding “free expression points to worrying degrees within the Iraqi government: hostile and punitive treatment of media which seeks to promote democratic goals such as government transparency and accountability; a reluctance to implement the fundamental human rights guarantees contained in the 2005 Constitution; a lack of commitment to providing even basic safety for media workers and their facilities despite legal obligations to do so; and regressive steps in respect of combating corruption and the maintenance of state secrets laws” (*ARTICLE 19*, August 2007). The Kurdistan region faces similar problems though to lesser extent. Although the Kurdistan autonomous region is prosperous economically and growing in several sectors, human rights are not protected and respected there as expected. According to Amnesty International Iraq report (17 March 2008), peaceful political dissent is not tolerated in the Kurdistan region and people are being arbitrarily arrested and detained for political opposition activities. The UN Assistance Mission in Iraq published a comprehensive report which highlights the deterioration of the freedom of expression affecting media and media workers, religious and ethnic minorities and academics who are continuously targeted by religious extremists and armed groups in all areas of Iraq (BBC News, 25 April 2007). Here I think, it can be irrational to relate the deterioration of freedom of expression solely to the presence of the sectarian violence that is still prevalent in some parts of the country. Another main factor impeding free

expression is the authoritarian political culture that for long time have ruled the country during Saddam regime. I also should note that this is the first democratic experience that Iraqis enjoy in their history. In addition, severe traditional and religious norms and beliefs dominate social and political life and choices of people. Therefore the prevalent political culture lacks of democratic values and norms in Iraq.

Freedom of expression is also closely connected to presence of a free and independent media. As *ARTICLE 19* points out clearly, “protecting and promoting the right to freedom of expression is central to a media policy. Freedom of expression is the basis of media freedom and it is also fundamental to fulfilling the public’s right to know and to receive information from a variety of sources” (*ARTICLE 19*, March 2006). In other words, freedom of expression should be analyzed together with media freedom. In the following section the relation between these two is examined with special focus on the current state of alternative information sources in the new Iraq.

4.2.4 Alternative sources of information

As one can conclude from the criticisms of *ARTICLE 19* above, the freedom of expression and the availability of alternative and relatively independent sources of information complement each other. Citizens can not acquire the information they need in order to understand the issues, if a single groups enjoys a monopoly in providing information (Dahl 1998). In other words, citizens can not participate effectively in political life if all the information they acquire is provided by a single source, say the government, or a single party or a faction (ibid).

The Human Rights report on Iraq, which was released by the U.S. Department of State claimed that “print publications and broadcast media were a primary source of news and public discourse in the KRG [Kurdistan Regional Government] provinces; however, almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts” (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). The report additionally says that in 2007 “local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the Kurdistan Regional Government or Kurdish party officials, especially for alleged corruption” (ibid). However, in spite of all these difficulties, the report argues that “2007 has seen progress throughout the country in terms of civil society initiatives and, in Kurdistan Region in particular, some indications of a more progressive official attitude towards the media and an understanding of the need for government accountability” (*ARTICLE 19*, August 2007:3). Recently “there has been significant development in support for press freedom within the Kurdistan Regional Government, which could translate into progressive legislative measures in the near future” (ibid). *Reporters Without Borders* (RSF) officials says that in 2007 they went twice to the capital city of Iraqi Kurdistan, to encourage and promote a draft law proposed by the journalists union. In December, the Kurdish parliament passed a bill curbing various freedoms, but Kurdish President Massoud Barzani, refused to sign it into law and called in January 2008 for it to be amended (RSF, Iraq-Annual report, 2008).

In fact, human rights NGOs such as *ARTICLE 19* has sometimes been very critical of current laws and constitutional acts too. For example, *ARTICLE 19* reported that “the

right of have access to information held by, or under the control of, public bodies, often referred to as “freedom of information”, is not currently expressly recognized in Iraq. For example, even though article 36 of the Constitution, which protects freedom of expression, may be interpreted to provide an indirect guarantee, there is no explicit recognition of the right in the Constitution or in other legislation” (*ARTICLE 19*, August 2007:23). The Journalistic Freedoms Observatory, which is the most prominent domestic advocacy group to emerge for journalists, has also reported (‘Press Violations Report 2006-2007’) that in the twelve months since March 2006, there have been 123 press freedom violations, which means a press freedom violation occurring every three days in Iraq (*ARTICLE 19*, August 2007:8).

According to the 2007 report of the U.S. Department of State on human rights practices in Iraq, there are “no government restrictions on access to the Internet or reports that the government monitors e-mail or Internet chat rooms. Individuals and groups can engage in the peaceful expression of views via the Internet, including by e-mail.” In fact the report rightly notes that “the constitution and law provide a strong framework for the free exercise of human rights, and many citizens contributed to efforts to help build institutions to protect those rights. At the same time, Iraq’s Ministries of Interior and Defense have increased the numbers of trained security forces in recent years. However, during 2007 government institutions were greatly stressed and faced difficulty in successfully responding to the challenges presented by widespread human rights abuses” (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). The human rights organization “ARTICLE 19 and UNDP [United Nations Development Program] have led a series of activities aimed at strengthening freedom of expression and, in particular, freedom of the media in Iraq. One of these activities has been a Media Law Working Group (composed of Iraqi journalists, lawyers, academics, and members of parliament) whose objective is to formulate progressive legislation for the protection and promotion of the right of freedom of expression in Iraq.” (*ARTICLE 19*, 26 June 2007).

The security issue, even though obviously must come first in the government’s agenda, it should not have been used to curb human rights and confining the media’s actions and its continuous progress. Instead as *ARTICLE 19* argues “due recognition should be given to the crucial role which the media performs in the democratisation process and in the facilitation of relations between the government and its citizens. A positive basis for establishing this relationship exists in the 2005 Constitution, and appropriate measures should be taken to give effect to these constitutional guarantees” (*ARTICLE 19*, August 2007:25). Unfortunately, even though alternative sources of information both in print publications and broadcast media exist as independent entities in Iraq, the most of these organizations apparently are restricted to provide information independently. Another obstacle before the operation of this democratic institution is the self-censorship of media because the media workers fear of threats and attacks by illegal armed terrorist groups. Restrictions by the government and national security forces are causing self-censorship in Iraqi media.

4.2.5 Associational autonomy

In a democratic country, citizens need to form independents associations such as political parties, interest groups and lobbying organizations to participate effectively in governing.

Independent associations are also a source of *civic education* and *enlightenment* because they provide citizens not only with information but also with opportunities for discussion, deliberation, and the acquisition of political skills (Dahl 1998:98). Article 37 of Iraq's new constitution notes that "the freedom of forming and of joining associations and political parties is guaranteed. This will be organized by law" (Iraq's new Constitution, 16 October 2005). The same article additionally says that "it is prohibited to force any person to join any party, society or political entity or force him to continue his membership in it" (ibid). Iraq's new "constitution provides the right to form and join unions and professional associations, subject to regulating law" (Iraq country report 2007 on human rights practices, the U.S. Department of State). In the country several newly formed political groups and parties are struggling for power, as Iraq proceeded from thirty years of single party dominance to a representative democracy. After just weeks since the former regime fell down, around forty political groups and parties had been established in the country (Global Security, 30 May 2008). The U.S. Human Rights report 2007 on Iraq notes that in Iraq "political parties, as a general rule, tended to be organized along either religious and/or ethnic lines. Shi'a Islamist parties, such as the ISCI [the Islamic Supreme Council of Iraq] and the al-Da'wa al-Islamiyya Party, as well as Kurdish nationalist parties such as the KDP [Kurdistan Democratic Party] and PUK [Patriotic Union of Kurdistan], were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement" (Iraq country report 2007 on Human Rights practices, the U.S. Department of State).

The right to form and join associations is mainly respected in practice. The only exception is that there is legal prohibition on expressing support for the Ba'athist Party or other insurgent terrorist groups. By today almost all ethnic and religious minorities are organized through their respective political parties and other sorts of civil organizations legally. There are some other exceptions, too, concerning the exercise of this right. However these only are present of old laws that are to change according to the new constitution. The new Iraqi constitution allows for the right to establish and become members of unions and professional organizations, nevertheless, for example, "the 1987 Labor Law 150, passed by Saddam Hussein's government, is still in force and effectively bans unions from the public sector. The exercise of this right remains limited, largely due to chaotic situation-violence, maladapted labor organizational structures and laws" (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). Due to lack of democratic traditions and experience, many important associations are still not independent from governmental authorities in Kurdistan region. In Kurdish region, "some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk" (ibid). However, it is widely acknowledged that civil society organizations are flourishing in the Kurdistan region.

Bringing about a true peace and reconciliation among conflicting Iraqi groups is critical for the political and other social associations be established and run autonomously by citizens (their members) freely. It Current American administration argues that tribes and other groups in the provinces who fought terror are now turning to rebuilding local political structures and taking charge of their own affairs (Bush 2008). In practice, almost all social groups have their associations formed under the legal protection of the constitutions and laws, however, these associations do not enjoy a true autonomy. The

issue of organizational autonomy can be understood better when one looks at that issue from the perspective of citizens or members of these organizations because leaders have still strong influence over their groups. The current chaotic situation and the prevalent authoritarian political culture allow the government and the group leaders to put visible restrictions and control over organizational activities. Restrictions by the government and excessive control by group leadership is here obviously preventing these organizations from functioning autonomously.

4.2.6 Inclusive citizenship

Dahl (1998), in defining this institution, argues that ‘the citizen body in a democratically governed state must include all persons subject to the law of that state.’ All adults regardless of their ethnic, religious and racial backgrounds should have the rights necessary to the five democratic political institutions just listed above. In modern democratic countries individuals achieve such rights if they possess the citizenship of their respective country. Article 18 of the Iraqi constitution says that “Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship” (Iraq’s new Constitution, 16 October 2005). As I briefly mentioned above, all ethnic, religious and racial groups that present in Iraq is recognized and therefore their social, political and cultural rights is granted in the constitution.

However without women’s social and political participation to all these institutions, building democracy is impossible in a representative parliamentary country. Article 20 of Iraqi constitution says that “the citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, to elect and to nominate” (Iraq’s new Constitution, 16 October 2005). In the current 37-member cabinet of Iraqi government, there are four women ministers. According to the constitution, a minimum of 25 percent of the seats in the Council of Representatives are reserved for women. On the other hand “in the 2005 election, female voter turnout was reportedly as high if not higher than male turnout” (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). There are 66 women in the Council of Representatives today.

Some serious security problems can occur in case of under representation of certain sections of population. Obviously “past Sunni election boycotts caused the under-representation of Sunnis in provincial councils. For example, in Baghdad Province, which in 2005 was approximately 40 percent Sunni, only one Sunni was elected to the 51-member Baghdad provisional council” (Iraq country report 2007 on Human Rights practices, the U.S. Department of State). As an institution ‘inclusive citizenship’ may appear meaningless if it remains with granting citizenship. Instead, all citizens should be given equal opportunity to participate to, benefit from, the democratic institutions. By 2007 there were some reports about Kurdistan region saying that “membership in some political parties conferred special privileges and advantages in employment and education. There were some reports that the KDP and PUK prevented the employment of nonparty citizens, and that KRG courts favored party members” (ibid). As the report rightly mentions, “the constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability or social status. [But] the

government did not effectively enforce these provisions” (ibid). Unfortunately the government has not introduced several necessary (recommended by Human Rights NGOs) laws and rules yet in order to assure that every Iraqi is equally participating not only in political life but also in working life and in other areas of life as well. However one also should acknowledge the fact that more time may be needed for the authorities to develop new laws and change old laws of the former regime.

4.3 Federalism’s role in the Democratic Institutionalization

Considering the ongoing sectarian violence among Shiite militias and Sunni extremists, and the clashes between those two sorts of groups and the Iraq’s security forces indicate that if Iraq would not have established a federal system which basically guarantees the fundamental rights of Iraqi ethnic and religious groups, Iraq would become much less safer and the violence would dominate all social sections and parts of Iraq. For example, the north of Iraq which is the safest part of the country would probably one of the most insecure regions of Iraq, if the Kurds would not be granted political autonomy there. It is because, as I mentioned above, a considerable number of those ethnic and religious minorities live in the north of Iraq (Kurdistan region), even though the region is predominantly Kurdish. As I indicated above, the Kurdish region enjoy a great political and economic autonomy, however it is the constitutional obligation of the Kurdistan Regional Government and of the region’s institutions to implement the same rights and provisions contained in the Iraq’s new constitution in their autonomous region. Combined with relative state of security and economic prosperity, the autonomous region until today has succeeded to avoid from internal ethnic and religious conflicts. As I wrote above, international and local NGOs and other civil and human rights organizations are becoming more active and are in cooperation with the authorities in the region.

However, there are also some other factors behind the relative success in Kurdistan because the Kurds have already been enjoying a kind of autonomy since the first Gulf War of 1991. After the first Gulf war, concerns for Safety of Kurdish refugees was reflected in the United Nations Security Council Resolution 688 which gave birth to a *safe haven*, in which U.S. and British air power protected Kurdistan region as of Iraq (Fawcett 2001). In June 1992 they held their first regional election that produced an assembly divided almost equally between the two main Kurdish parties, KDP and PUK. Therefore the region have begun to create their own democratic institutions relatively much earlier when comparing to the rest of country. Moreover, it should also be noted that the region’s economy is speedly developing and thousands of foreign investors from Europe and oil-rich Arab countries, today, are investing especially in oil and construction sectors. In that point, I think the recent economic progress the Kurdistan region experiencing should be regarded as an improvement on the development of democratic institutions there.

The most important aspect of Iraq’s federalism is that the country is divided into mainly eighteen administrative units (governorates). The Kurdish region is composed of three of these eighteen governorates (Sulaimaniyah, Duhok and Erbil). The new constitution allows that at least two (or more) governorates may decide to merge for establishing a new region through local elections. But we still are not able measure to what extent the governorates and other local administrations are contributing to, or

maybe hindering, the development of democratic political institutions. It is mainly because these smaller units are not comparable to the Kurdistan region in terms of the autonomy they enjoy. The governorates which are not part of the Kurdish region only enjoy a certain degree of financial and administrative power (see article 118 of Iraq's new constitution) within their borders, while they are politically dominated by the central (federal) government. This means that federalism's contribution to Iraq's democracy is best manifested through the creation of Kurdistan region and the current executive power-sharing among the representatives of the Iraqi groups present in the Iraqi parliament.

5. Conclusions

This case shows that democratic political institutions can not be established solely by changing the political system of the country. At least the rights that automatically emerge from the operation of these institutions can not be realized by the citizens of that country in short term. Democracy, as stated in the introduction part, is also a matter of process. Transition to democracy is not an easy work. Iraqi experiment suggests that not only social and cultural norms but also undemocratic regulations and practices inherited from the former authoritarian regime do not disappear in a short period of time. It may take a long time to remove all these undemocratic habits and beliefs from the minds of newly elected officials and ordinary people in Iraq. The new democratic government may also need more time to replace the legal and political remains of former regime with democratic laws and regulations.

Iraq's federalism has been quite helpful for the country's transition to democracy obviously. However, at local levels, the positive impacts of federalism on democratic institutions have remained relatively limited. In another word, the federalism alone could not have guaranteed popular control over the decision-making and the decision makers. For instance, in Kurdistan region the citizens still are not able to exercise such rights equally due to the dominant roles of the major political parties in political and economic life. Despite its other great contributions to Iraq's developing democracy, federalism in Iraq should be viewed as a grand solution that prevented the country from dissolving. Without federalism, Iraq could not preserve its unity and integrity.

The constitution and new institutional design of Iraq's political system obviously suggest that six democratic political institutions exist in new Iraq. However these institutions have not been functioning properly since their creation due to reasons that shortly can be explained through the five underlying conditions that, Dahl (1998) argues, favor democratic institutions.

- 1) *Control of military and police by elected officials.* Even though the government and the president of republic and other elected officials have absolute control over military and other security forces, the current chaotic situation and sectarian-violence do not allow the democratic institutions to function properly. Sometimes the government needs to restrict the exercise of these institutions in order to enhance security and to limit insurgent activities in the country.
- 2) *Democratic beliefs and political culture.* As a conservative Islamic Middle Eastern country with strong Islamic background, most of Iraqis do not possess democratic beliefs and democratic political culture. The long term Saddam regime and its oppressive practices instead have developed an authoritarian culture in spheres of life in Iraq.
- 3) *No strong foreign control hostile to democracy.* Foreign intervention carried out by U.S.-led coalition forces was not anti-democratic in character. Instead Provisional Coalition Authority helped the country to remove a dictatorship and build a

democratic political system. However the foreign intervention has caused a kind of internal war among extremist religious groups and the new government. As a result of the intervention, the chaos and sectarian-violence has been a big obstacle to the development of democratic political institutions.

- 4) *A modern market economy and society.* The Iraqi market has always been modern due to its strong oil-led economy but the society is a traditional middle-eastern one in which Islamic traditions are dominating important aspects of life. Extreme local traditions and extreme Shiite and Sunni interpretation of Islam still do not allow women to participate in political life decision-making bodies.
- 5) *Weak sub-cultural pluralism.* Even though Iraq's federalism have been a good example of solving problems derived from its multiethnic and multireligious population, question between Shiite Arabs and Sunni Arabs are not overcome yet. It is mostly because the Sunnis have boycotted the parliamentary elections. Therefore they are still under-represented. Nevertheless, progress in some areas has become successful steps toward establishing democratic institutions in new Iraq. Because without these successes, all other ethnic and religious groups in the north and in other safe areas of the country would be part of the violent clashes which is still going on in many corners of the country including in capital Baghdad. These successes were: creation of the Kurdish autonomous region, granting cultural and political rights to other minorities, and sharing the executive power among the leaders of ethnic and religious groups present in the parliament.

The security issues and problems stemmed from political instability have been real sources of obstacles impeding the proper operation and development of the democratic political institutions. Officially the democratic political institutions exist. The roles of institutions and the ways through which they operate are clearly defined in the new constitution and the laws in Iraq. But we are still far away from claiming that those institutions are functioning well and properly in practice. As El Khawas argues, Iraq's democracy is still in its infancy (El-Khawas 2008:62). Ayad Allawi (2007) rightly says that "building democracy in Iraq will be a long-term process, established through the rule of law, a stable security environment, functioning state institutions and an emerging civil society." In that point, stability is a key to establish democratic institutions in the country and only a balance of power among the Shiites, the Sunnis, and the Kurds will keep the country stable (El-Khawas 2008:62). Therefore the democratic institutions will never fully function as long as important critical problems in Iraq remain unsolved, such as bringing an end to countrywide sectarian and ethnic violence, providing internal security, leading a true national reconciliation among all Iraqi groups.

The Kurdistan region can be regarded as one of the best products of Iraq's federalism and its emerging democratic institutional design despite all of the deficiencies. Given the progress in the north of the country, the development of Iraq's democratic-political institutions is likely to get flourished in its other governorates in future. Bringing an end to ongoing sectarian violence and implementing the constitutional acts that referring to democratic rights (including fundamental individual and minority rights) of all citizens are the keys to success. The success of Kurdish region can be a model for other parts of the country.

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