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Shopping for Identity: An Economic Explanation for the Post-2003 Violence in Iraq

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Shopping for Identity:

An Economic Explanation for the Post-2003

Violence in Iraq

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To Parvuna and Raveen, my kids,

With the hope that they will find a place in their hearts and minds for caring about Iraq,

its people and the better tomorrow that my generation failed to deliver.

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<u>Chapter One</u>

Introduction: How Wrong Simple Story Lines Can Be?

The US Administration's conceptualization of the violence, social disintegration and chaos in post-invasion Iraq has been witnessing rapid change. It has evolved from condemning the perpetrators of such acts as common criminals released from jails, to excusing them as jubilant citizens celebrating freedom, then to identifying them as former regime dead-enders along with foreign fighters in their last throws, and finally to admitting that all major mobilized political groups, including those who support and benefit from the occupation, share predatory characteristics and are contributors to worsening the situation in Iraq because of their active participation in ethno-sectarian violence within and in the shadow of "state" institutions.

In this journey of approaching reality, the administration, along with main-stream media and academia, has re-affirmed a discourse that defines politically mobilized structures in Iraq as if they were synonymous for ethnic, sectarian, and tribal identities of the populations, and, by doing so, they characterize politics in Iraq as a field where these millennia-old mythical structures of ethnicities, sects, and tribes collide with one another in an eternal battle to assert their shares in the never ending power grab.

Such ahistorical claims about identities, their formation, function, and evolution in studying Iraq, or in the broader context of studying human history and sociology are not unusual in academia or in politics, but they can be very destructive when war and peace decisions are based on them.

The sole attractiveness of this discourse is due to the way it allows the occupying forces to view themselves, and to attempt to convince the violent elements to view them, as arbiters between those struggling mythical creatures. But as this discourse gets adopted and translated into strategies, policies, and everyday tactics on the ground, it also provides opportunity structures for continuing the political and ideological dominance of the same sectarianist, ethnic, and tribal elements that perpetrate the violence, the chaos, and the social disintegration in Iraq, and severely marginalizes dissenting alternative mobilization structures for generations to come.

But if the (common criminals) theorem, the (freedom is messy) theorem, the (foreign fighters and regime dead-enders) theorem, and the (millennia-old re-fought battles) theorem, are not credible, then what can explain the eruption of violence that followed the occupation of Iraq since 2003?

Much of the intellectual and popular opposition to the occupation predicted some levels of the violence and chaos. They based their prediction on the idea that foreign occupation by its nature brings about sharp divisions within the occupied population that questions the legitimacy and the motive behind toppling a regime from outside, along with a divide over the nature, function, footprint, and the expected outcome of such an occupation. Meanwhile on the tactical level, the opposition to the occupation questioned the wisdom of toppling an oppressive regime without the feasibility of the emergence of a functioning alternative.

Being an Iraqi from the opposition to the occupation camp, it feels cleansing to blame the occupation for the brutal disintegration of communities and the heart wrenching levels of violence that followed the occupation on a single, easy to identify and more importantly, **foreign** element. Yet the modern history of Iraq, especially the most recent history does not allow for such comfort.

Kurdistan: The Other Iraq!

In an effort to market the relatively calm and secure Kurdistan region after 2003, the authorities in the Kurdistan Region of Iraq launched an ad campaign to attract investors in the US. They borrowed their slogan from an iconic ad campaign to market pork, by the National Pork Board, suggesting that pork was the other white meat! Ironically, this claim was rejected health and agriculture authorities in the US. The same uneasy relationship with truth is relatively applicable to Kurdistan, the other Iraq!

The Kurdistan region has just come out of a devastating civil war that started in 1994. Close to 10,000 people were killed, tens of thousands were displaced from their homes and the whole region split into two territories controlled by a single party in each one of them. Although by the end of the 1990s the fighting withered away and both sides were under pressure to end the war and unify their, so called, governing institutions, yet both parties, as of March 2012, continue to control their territories and have police, armed

forces and much of their territory's economy under the control of a single party, each in its territory.

The Kurdistan region of Iraq is a part of Iraq, and shares the major characteristics of Iraq's socio-economic structure and its violent history, Therefore, the study of the (1994-?) Civil war in Kurdistan region, allows for a unique examination of all the explanatory factors that dominant discourse used to explain the violence in post-2003 Iraq.

So, how do the supposed explanatory factors of post-2003 Iraq's internal violence score in explaining the Kurdish civil war that started a decade earlier?

First:

Kurdistan region is the part of Iraq where most of the populations are Kurd and Sunni, and therefore its civil war presents a challenge to any ethno-sectarian explanation.

Admittedly, the above statement suffers from the same generalization we claim to oppose. Historically, and since the 19th century, there was a divide between Sunni Muslim Kurds. Although they mainly followed the Shafi'i sub-group of Sunni Islam, Kurds became divided, within the same sub-group, between two powerful Sufi orders; the Naqshbandi, and the Qadri. Therefore it is more than an accident that the modern-history leadership of the Kurdish liberation movement in Iraq is bitterly divided between Masud Barzani and his late father, Mustafa Barzani who are leaders of the Barzani tribe, and also

from a religious nobility house in the Naqshbandi Sufi order, on one side and Jalal Talabani, from the house of Talabani who are tribal and religious nobility from the Qadri Sufi order on the other side. Yet, this Sufi orders divide became increasingly irrelevant after the early 20th century, and individuals from nobility Sufi houses of both orders have joined the ranks and leadership of both sides of the conflicting political movement since their inception.

Other more observable divides between the two historic branches of the Kurdish liberation movement in Iraqi Kurdistan are the geographical divide, the urban/rural divide, and some measures of political left/right divide.

Historically, the Barzani house dominated the north and north-west region, which is known as Bahdinan region of Iraqi Kurdistan, more permanently. Jalal Talabani and his followers dominated the south and the south-east region, which is known as Soran region of Iraqi Kurdistan, more permanently. Bahdini and Sorani are the two main Kurdish dialects that are competing for dominance as the unified language of Kurds in different forms of media and written literature. Yet, with applying the same test of leadership and ranking member composition to both branches of the Kurdish liberation movement, we can find reasonable representation of both regions in both sides. Admittedly, more so in the Barzani side than the Talabani side, because of the more tight dominance of the Barzanis in their region.

The Talabani side grew out of an internal conflict, in the historic Kurdistan Democratic Party, between the political bureau of the party (the organizational leadership) and the leader of the party, the late Mustafa Barzani, who was more of a patriarch and a traditional personalistic leader of the party. After the collapse of the monarchy regime in Iraq, in 1958, the Talabani wing of the party adopted a populist, Maoist ideology. And again, after the collapse of the major Kurdish rebellious movement against the central government in 1975, the Talabani wing turned into an alliance between different organizations with different ideologies. But the most popular and active part of the alliance was a self-identified Marxist-Leninist group that considered the Iraqi Communist Party a revisionist group. With this evolving background, the Talabani wing, viewed their conflict with the Barzani wing as conflict between the urban/modern/progressive wing and the rural/traditional/conservative wing of the Kurdistan liberation movement. Yet, as a life-long observer of this rhetorical clash, I witnessed the convergence of both sides towards borrowing populist Marxist vocabulary after the collapse of their largest armed campaign in 1975, while Marxism was popular world-wide. Then I saw their gradual abandonment of Marxism for the international social democratic model, and their competition over representing Kurdistan in the international forums of the social democrats. Then in post 2003, they both adopted similar public policy philosophy that is more inline with what is known as the Washington Consensus, or Vulgar Economic Liberalism, as it is known by its opponents.

Then, there was an internal debate within the Talabani wing over the concept of nationalism and the definition of homeland in mid-1980s, between a majority of self-

identified Kurdistanists and a minority of so-called Iraqists. The Kurdistanists accused their opponents of identifying Iraq as a given multi-ethnic homeland, while they considered Kurdistan as the multi-ethnic homeland and adopted a geography-based nationalism vs. the traditional Kurdish-ethnicity based nationalism that was common, for half a century, earlier between both the Barzani and the Talabani wings. As a result, much of the rhetoric of the Talabani wing replaced the word Kurdish with Kurdistani to suggest a representation of all ethnicities in the homeland known as Kurdistan. This new concept became the newest ideological divergence point with the Barzani wing of the Kurdish movement. Yet, again, that rhetorical divergence also died away with the direct involvement of the American government in the reorganization of the Iraqi opposition to Saddam Hussein since the 1991 Gulf War that forced a model of future governance based on a single ethno-sectarian identity. Since then, the Talabani wing returned to representing Kurds, the ethnicity, just like their historic competition, the Barzani wing.

By the time the two sides of the Kurdistan liberation movement went to war against each other in 1994, any former claims of urban/modern/progressive vs. rural/traditional/conservative divide between them was no longer a credible divergence point between the two sides.

 Second:

There were no Baathist dead-enders, or foreign fighters in the Kurdish civil war of 1994.

When all population centers in Kurdistan started uprising one after the other, there were close to half a million registered paramilitary fighters getting their salaries from the rapidly disintegrating Baath regime in Kurdistan. Meanwhile, the Kurdish insurgency groups that fought Saddam's regime were dealt a major blow, and their control was reduced to a narrow sleeve on the boarder with Iran.

The decision by Saddam's Kurdish paramilitary (locally known as the Jackasses) to change sides was the main factor that allowed for the expulsion of Saddam's forces, reconnection of the Kurdish opposition parties with the population centers, and the parties' control of the region.

Soon after, the parties were quickly repopulated with supporters and former jackasses. In fact the overwhelming majority of the Jackasses moved their whole hierarchical structure and merged into the new dominant Kurdish parties. Relatively few dead-enders chose to barricade themselves with the hardcore, mostly Arab, Baath party and security apparatus leaders in garrisons in the cities, during the March 1991 uprisings. Those were overwhelmed by the rebellious public and very few of them escaped to the areas that ware still controlled by Saddam's regime. Therefore there were hardly any Kurdish dead-enders who did not get absorbed by the new power structure. Yet, that is not the whole picture!

The absorbed Jackass leaders who continued to command and control their former militias within the new power structure in Kurdistan played a major role in complicating

relations between the two dominant Kurdish parties. In areas of historic popular support for one side, the most hated jackass leaders, and their gunmen, found their way into the ranks of the other side. Then, they used the host party to shield them from the population they did much wrong to. In other words, they turned the local tensions against them into an exercise of political competition between the two parties for local dominance. As a result, the former jackass leaders and the structures they commanded played a major role in building up tensions between the two dominant political parties, and in the decision to resort to violence in the local conflicts that eventually led to the 1994 civil war.

Despite the significant role of the jackass leaders in instigating violent outbreaks, they were no dead-enders!

As for foreign fighters, they were non-existent in the 1994 outbreak of the Kurds against Kurds violence.

Third:

There was no divide over foreign occupation in the Kurdish civil war of 1994.

After the 1991 Gulf War and the mass exceeds of the population from Kurdistan region to the Iranian and Turkish boarders in April 1991, the allied forces declared the town of Zakho, on the boarder with Turkey a safe-heaven, and later established a No-fly Zone (NFZ) to help the fleeing families return back to their cities and prevent Saddam's forces

from massacring them as they returned. Only in Zakho, allied troops were used to oversee the withdrawal of Saddam's forces from the town, while the NFZ covered only Dohuk and Erbil provinces. Sulaimaniya and areas of Kirkuk and Diyala provinces that Saddam's forces and his administration withdrew from were outside the declared NFZ. This was the actual extent of the involvement of the allied forces in Kurdistan region. Other than this limited engagement, there was no actual foreign occupation of Kurdistan. In face, there were massive demonstrations in major cities of Kurdistan asking for more involvement, via expanding the NFZ to cover all the areas that became out of Saddam's control since end of 1991. Both of the two warring parties of the Kurdish civil war had equal excellent relationships with the US and the rest of the allied forces, therefore there was no divide over that relationship.

Forth:

There was no vacuum after the collapse of Saddam's authority and the withdrawal of his administration from most of Kurdistan region, prior to the 1994 civil war between the two dominant parties in Kurdistan.

After the genocide campaign, known as Anfal, that resulted in the destruction of thousands of Kurdistan villages, the removal of close to 100,000 residents of those villages to concentration camps, in late 1980s, the Kurdish political parties lost much of their fighting forces, their control over territories and their connection to much of the remaining urban areas of Kurdistan. This tragic turning point of years of armed struggle against the central government had one positive outcome; a formal peace and alliance

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agreement between the Democratic Party of Kurdistan (the Barzani group) and the Patriotic Union of Kurdistan (the Talabani group), along with other fractions and parties. The alliance was called the Kurdistan United Front (KUF).

As soon as the preparations for the Gulf War of 1991 started, the alliance contacted the in a united powerful message the leaders of the jackasses and offered them amnesty and full integration in return for abandoning Saddam and providing protection for the planned uprising. And with the uprisings in March 1991, the well-known local leaders of the KUF entered the cities and assumed power with a popular support… but, they were not alone!

The short-lived first popular uprising of March-April of 1991, produced a new form of contending authority that became known as the (Shura), which is the Farsi translation of the Soviets or the People's Assembly, in the neighborhoods, state-owned factories, hospitals and power plants. Organizers of these assemblies distrusted the KUF and traditional political party system all together and assumed power wherever they could. By the end of March 1991 the relation between the KUF and the assemblies reached a stand-off point and was only disrupted by Saddam's counter-offensive to recapture the urban population centers in Kurdistan, and the defeat of both the KUF and the assemblies in that fight.

After the tragic mass exodus of April 1991, Saddam's regime contacted the KUF and asked for peace negotiation. A short period of dual authority of KUF and Baath regime followed in the main urban population of Kurdistan. But, two popular uprisings later,

convinced Saddam that he no longer was able to control the region and made him pull all forces and administration from the area by August 1991. Since then, the KUF was recognized by all sides as the de fact authority in most of Kurdistan region.

Out of the institutions of KUF came out the first elections and the first legislative council and an administration that was shared by both dominant parties, up until the civil war of 1994.

Therefore, and since the dominance of the two political parties was never challenged by any contenders outside of their own bilateral relationship, it is very hard to accept a vacuum of authority as an explanatory factor for the civil war.

The Dead-end of the Dead-enders Approach!

In 1961, a local Kurdish landlord's determination to fight-off the first agrarian reform in Iraq led to the longest lasting Kurdish armed rebellious movement in modern history against successive central governments in Iraq. In 1994, a dispute over ownership of commercial property built on a previously contended agrarian land prior to its inclusion in the city limits of a town from the same area, sparked a civil war in Iraqi Kurdistan region that split control over governance in the region.

More recently, in February 2005, news broke of a horrific eruption of violence in a town near Baghdad, insurgent control of the town, sectarian cleansing, wide scale kidnapping, and forced migration. The US army intervened, and tens of bodies were found floating in the nearby Tigris river. Multiple-source investigation suggested that it all started with a tribal dispute over the possession of government-owned agrarian land nearby. Iraqi officials celebrated the report as evidence that the tragedy was not purely motivated by sectarian fervor.

Such incidents provide an opportunity to examine underlying socio-economic motives for the violence that are usually ignored for the more "attractive" and "easy-to-digest" news about sectarian violence or opposition to the occupation.

Once we move beyond the attractive and the easy-to-digest, a new set of questions open up:

- What makes this sort of dispute over land unsolvable by respective communities in all ways, but all-out violence and disintegration of the communities in the process?

- How did tribal or ethnic or sectarian identities become the mobilizing factor in these disputes?

- How did the mobilizing tribal or kinship structures coordinate with, or were replaced by, ethnic, political party, or sectarian militant organizations when, in case of the 1959 outbreak of violence in Kurdistan, the local landlord was a widely recognized oppressor of the local population of his own ethnicity, the dispute that sparked the 1994 war was between people from the same community, same ethnicity and same

religion, and after many generations of inter-marriages, no tribe can claim sectarian "purity" in the part of the country where the tragic mass killing, kidnapping and forced migration of 2005 occurred?

If we can establish that these incidents were not outliers, but rather the norm of communal violent outbreaks, then more general research questions can be generated:

- What is the historic, cultural, and socio-economic context of access to wealth generating assets in Iraq?
- How is it connected to the socio-political violence in Iraq?

How do Iraqi-significant conditions of this relationship between access to wealth-generating assets and socio-political violence advance generalized theory?

Theoretical Perspectives on the Relationship between Wealth and Societal Violence: A) The Political vs. the Economical

Directly or indirectly, the connection between access to wealth generating assets and societal violence is at the heart of all major debates throughout the history of social sciences. With the inherent risk of oversimplification, we can categorize these major debates into two fundamentally opposing perspectives:

The first perspective is concerned with theoretical constructs and political arrangements that allow for the disassociation between equitable access to wealth generating assets on

one hand, and societal peace, political viability and stability of governance, on the other

hand. A powerful classical example of this perspective is Robert Dahl's **Who Governs?**[1],

where he claims that empirically robust evidence supports the actuality, and therefore the

theoretical possibility, of such disconnection in at least one political system; the

American.

Dahl's main argument is that in a socio-political system such as the dominant one in the

US since the beginning of the 20th century, membership in economic elite society is not

cumulative, and is not indicative of exclusive political power. As a result, political strata

are accessible by the rest of society; politicians are driven by electoral payoffs to be

responsive to "citizen desires", and power is distributed pluralistically.[2]

Although the empirical foundation of these claims is seriously challenged,[3] their

ideological attractiveness made them dominant in the democratization theory literature.

The world view that Dahl and others advanced, in this regard, combined two ideological

frameworks; unregulated concentration of wealth (ideologically presented as free market

economy),[4] with unlimited access to governing structures , outside elections and their

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[1] See: Robert Dahl. Who Governs? Democracy and Power in an American City. Yale: Yale University Press. (1961).

[2] Ibid. pp. 91-93.

[3] See, for example, William Domhoff's (Who Really Rules?) in which he follows Dahl's own methodology to provide evidence that his main claims could not be empirically supported:
- William G. Domhoff. Who really rules? New Haven and community power re-examined. New Brunswick: Transaction Books. (1978)

[4] The classic liberal definition of free markets included freedom from both government intervention and monopolistic tendencies. The assumptions of free market mechanisms included a minuscule size of individual economic units as compared to their industry, to the extent that no individual unit can affect the conditions in which the industry operates within. Once this assumption is violated, the market is no longer free. Yet, the vulgarized version of economic liberalism ignores this assumption and focuses solely on the government intervention as a market distorting force, providing the ideological cover for the acceptance of oligopolistic realities of unregulated concentration of wealth and wealth producing assets as "free" markets.

political mandates (ideologically presented as the norm of plural societies, or "Polyarchy").[5]

The above combination is based on the political-ideological construct being modeled on the economic-ideological construct, therefore deriving its logical integrity from it, and at the same time, each being a necessary condition for the other (ideologically presented as liberal economy being necessary condition for liberal democracy and vice-versa).[6]

The literature that deals with how to get to this interlocked economic/political model is very blunt; drive economic policy out of the realm of politics and public political debate.[7] In other words, you get there by convincing not only the public, but also all dissenters that there is no alternative to the "liberal" economy for any advancement in the democratization process.[8]

The only context, in which the consociational version of this model addresses access to wealth-generating assets, is the idea that socio-economic inequalities can be addressed through political arrangements to minimize the control of the state over economic

[5] See Dahl's theorization of the concepts of Pluralism and Polyarchy, and Theodore Lowi's critique of them:
- Robert Dahl. Polyarchy: Participation and Opposition. Yale: Yale University Press. (1971).
- Theodore Lowi, The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority (Second Edition), New York: W. W. Norton, (1969).
[6] See Lowi's eloquent explanation of the inter-dependency of the ideological structure of both concepts in:
- Ibid. p. 35.
[7] See for example:
- Johan Williamson. Democracy and the "Washington Consensus". World Development Vol. 21, No. 8, Great Britain. (1993). p.p 1330-34.
[8] See for example:
- Juan Linz and Alfred Stepan, Toward Consolidated Democracies, Journal of Democracy 7.2 (1996) . pp. 14- 33.
- Larry Diamond. Developing Democracy: Toward Consolidation. Baltimore, MD: Johns Hopkins University Press. 1999. Chapter1.

resources, mainly through fragmentation of sovereignty over those resources from state level to communities[9]. And when that is coupled with economic liberalism and a race to the bottom competition for investment from ever concentrating investment outlets, the result is rapid transfer of control over resources from local to transnational entities.

As for the class-based inequitable access to wealth-generating assets, this model's answer is two-prong; first, is that in the long-term, the combination of liberal economy and liberal democracy, despite the growing wealth gap it generates, can provide better income and quality of life to the public than any other model in history.[10]Second, is that inequality is the engine of survival, innovation, longevity and progress of mankind, and without it there is nothing but a "dog's life".[11]

Proponents of this version of liberal democracy continue to assign magical qualities to their model through what is know as Democratic Peace Theory (DPT), attributing peace between nations and within nations to a unitary factor; that is liberal democracy.[12] Quite like the Dahlian claim about the disconnection between wealth and power, the DPT is also pseudo-science, and is based on unexplained truncation of data, manipulation of definitions[13], along with wrong choices of statistical models,[14] and intentional disregard

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[9] See: Arend Lijphart. Democracy in Plural Societies: A Comparative Exploration. New Haven: Yale University Press. 1977.

[10] See, for example: Diamond, op. cit.; p.7.

[11] See: Francis Fukuyama. The End of History and the Last Man. London: Hamish Hamilton. 1992. p. 311.

[12] See for example: Charles Lipson. Reliable Partners: How Democracies Have Made Separate Peace. Princeton, NJ: Princeton University Press. 2003. p. 54.

[13] The DPT literature sustains numerous unexplainable of the war and peace data used to support their claim, starting from definition of Democracy to the definition of what constitutes Militarized Interstate Disputes, that leads to the omission of war events as significant as the American civil war, and every militarized threat that did not result in 1000 casualties or more, as a result of the submission of the weaker

of atrocities committed by colonizing "liberal" democracies in the colonized territories, simply because they don't quite fit the description of internal violence or violence against other states since the colonized countries had no states yet.[15] Despite the above, the best statistical model of DPT is able to attribute only (17%) of the outcome of societal and global peace to liberal arrangements of governance.[16]

On the opposing side of this perspective is the assertion that access to wealth-generating assets is directly connected to societal peace, political viability and stability of governance. One major contribution that represents this perspective is Samuel Huntington's work (*Political Order in Changing Societies*). What makes Huntington uniquely positioned is that he does not oppose the liberal version of the democratization theory from an anti-capitalist point of view. He is concerned about the viability of the type of political order that is more suitable for the survival of global capitalism and suggests that any opening of political participation without structural changes in access to

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party. For more details, see: Henry S. Farber, Joanna Gowa. Common Interests, or Common Polities? Reinterpreting the Democratic Peace. The Journal of Politics, Vol. 59, No. 2 (May 1997). Pp. 393-417.

[14] Gary King's main critique of the statistical models using time series approach is that the variation in war vs. no war years is too small to be captured using any logistic model. He also challenges the idea of building a uniform model that can predict the effect of marginal changes in democracy on propensity for war regardless of the history of relations between the pair of countries. As an example, he suggests that a Swaziland and St. Lucia have essentially no chance of going to war with each other if they become slightly less democratic, but if any of Iraq or Iran become slightly more democratic then the chance of them going to war against each other would dramatically be less. See: Nathaniel Beck; Gary King; Langehe Zeng. Improving Quantitative Studies of International Conflict: A Conjecture. The American Political Science Review, Vol. 94, No.1 (March 2000), 21-35.

[15] An example of what type data the DPT is ignoring is the 2 million Algerian casualties in the liberation war against the French colonizers.

[16] King. op. cit.; p.22

wealth-generating assets, especially land, would lead to erosion of political order and will

provide fertile ground for anti-capitalist revolt.[17]

Another serious blow to the liberal logic was Karl Polanyi's (*The Great Transformation*),

where he compared the role and the status of markets in pre 18th century societies with

those resulted from the nationalization and globalization of markets leading to state

enforced commodification of labor, land and money. He concluded that the

transformation was a planned state enterprise intended to dis-embed *market from society*

and re-embed *society in market*. Then, he went on to challenge the assumed positive

linear relationship between "liberalized markets" on one hand, and democracy, social and

global peace, on the other by linking the horrific violent events of the world wars and the

widespread social unrest to the societal reactions to the consequences of the attempt to

dis-embed markets from societies and re-embed societies in Markets.[18]

Another distinguished voice within this perspective is Ted Gurr's lifelong research into

the causes of collective violent rebellious actions that he presented with the publication of

(*Why Men Rebel*).[19]   At the heart of Gurr's theory is the concept of Relative Deprivation,

as his central explanatory factor for collective violence. Although this concept is

designed to address mental motivations, and therefore can be accused of subjectivity for

not rendering itself to empirical verification, yet there is the objectively verifiable aspect

of the concept that deals with the gap between local collective claims of possession of, or

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[17] See: Samuel Huntington. Political order in Changing Societies. New Haven: Yale University Press. 1968. p. 375.
[18] See: Karl Polanyi. The Great Transformation: The Political and Economic Origins of Our Time. Boston, MA: Beacon Press. 2001(First Edition 1944).
[19] See: Ted Gurr. Why Men Rebel. Princeton, NJ: Princeton University Press. 1970.

right to, economic assets and the status of those assets as defined by local or central power structures.

Critiques of Gurr's (RD) theory point out that levels of income measure is a better explanatory factor for collective violence than RD.[20] But Michael Sherraden's work on causes of long-term income poverty in the US provided support for the idea that generational income disparity is a symptom of a much wider disparity in access to wealth generating assets.[21] If we accept the universal application of Sherraden's theory of the relationship between income and asset poverty, then downward trends in income levels should be viewed as symptoms of widening disparity in wealth generating asset distribution, where the fertile ground for objectively observable RD is.

Nevertheless, the most direct and comprehensive theoretical linkage between access to wealth-generating assets and violence could be found in the literature that is heavily influenced by Marxism. According to the Marxist world-view[22], control over wealth generating assets is crucial to the control of economic surplus. The configuration of processes of this control is what defines mode of production in any given society at any given moment of history. Another component of this world-view is the idea that the

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[20] See for example: Robert MacCulloch. The Impact of Income on the Taste for Revolt. American Journal of Political Science. Vol. 48, No. 4, Oct. 2004. pp.830-48.

[21] See: Michael Sherraden. Assets and the Poor: A New American Welfare Policy. New York: M.E. Sharpe. (1991), pp. 95-145.

[22] In the attempt to introduce a "Marxist world-view", I am using Theda Skocpol's method of stating (without qualification) the "lowest common denominator of theoretical assumptions made by virtually all writers who would consider themselves, or be considered by reasonable others, to be in the Marxist-scholarly tradition." See: Theda Skocpol. Social Revolutions in the Modern World. New York, NY: Cambridge University Press. 1994. p. 49 (Notes).

social relations of production are the base for social class structure, and class struggle is the engine of history. This struggle has the chance to be most productive of change when social relations of production are prohibitive of progress in production forces and alternative modes of productions are historically possible.

In the Marxist world-view, violence, in the context of revolutionary change in mode of production, is a reaction to violent resistance of such change that the state puts up in its effort to insure the continuity of the struggling mode of production. Social classes align in this struggle in historically determined fashions according to their interest in protecting or demolishing a mode of production and the superstructure that is essential to its reproduction. But because it is easy to fall into mechanical assumptions about the role of social classes, class consciousness, and social coalitions in varying circumstances, strong voices within the Marxist-influenced literature came out to present much more analytical and nuanced versions of reading the processes by which class consciousness and class coalitions come to exist and develop.

Among the most recognized in this group is Barrington Moore's (Social Origins of Dictatorship and Democracy), in which he analyses the history of the industrial transformation of agrarian states to conclude that there is no one determined path of such transformation. Moore identifies initial class structure, the relative power of each of its segments vs. the others, available paths for class coalitions, orientation of agrarian production prior to the industrial transformation, and level of communal ties among peasantry as the main variables that decisively determined the entry into modern history

via 3 paths: Bourgeois Revolution leading to Bourgeois Democracy, Peasant Revolution leading to Communist Dictatorship, and Revolution from the Above leading to Fascist Dictatorship.[23]

The surge in revolutionary movements in predominantly agrarian societies in the 20th century led the Marxist-influenced literature to investigate, in a comparative manner, the socio-political conditions that produce revolutionary movements within the peasant population around the world. Instead of broad and ahistorical assumptions about the "nature of peasants" or for that matter, the nature of individuals, they emphasized the mobilization capacities and revolutionary tendencies of different segments of the peasantry according to their relative wealth and access to agrarian land. Leading in this quest are the writings of Eric Wolf, and Jeffery Paige.

In his book *Peasant Wars of the Twentieth Century*, Wolf argues that seasonal agrarian workers lack the capacity to independently initiate violent rebellious collective actions, not because of cultural reasons, but because they are too poor and, more importantly, too dependent in their daily livelihood on landlords. On the other hand peasants who possess small land who live in villages outside the reach of the state, even if they were very poor, would have much more structural capacity for rebellious action. [24]

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[23] See: Barrington Moore, Jr., <u>Social Origins of Dictatorship and Democracy</u>. Boston, MA: Beacon Press. 1966. pp. 413-508.

[24] See: Eric Wolf. <u>Peasant Wars of the Twentieth Century</u>. Norman, OK: University of Oklahoma Press. 1999 (First edition 1969). pp. 276-302.

Paige, on the other hand, approaches the question from a perspective that suggests violent mobilization is a result of the structural capacities and available options to both sides of a conflict. Therefore, he suggests, when the non-cultivators derive their control of economic surplus not from capital investment, but from political arrangements that give them control over vast land, they would be structurally inclined to resist incremental reform. And when this is coupled with cultivators who drive their livelihood from wages and have no rights to land, then the conditions are conducive of revolutionary movements regardless of whether they were initiated by the peasant communities or not.[25]

While the two approaches seem to be contradicting each other,[26] they can be synchronized to suggest that when it comes to self-initiated rebellious mobilization to preserve pre-capitalist communal relationships, there is a positive relationship between access to possession of land and capacity to rebel. But when the studied phenomenon is "revolutionary" movements that target outdated modes of production, then the relationship between access to land and rebellious propensity is a negative one.

It is critical to note that class-based analyses can provide the framework for analyzing class-based mobilization, but it could encounter serious challenges in studying violent mobilization in communities where, and in times when, class-based organization, for historic and practical reasons, is incapacitated and communities are atomized through the

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[25] See: Jeffery Paige. Agrarian Revolution: Social Movements and Export Agriculture in the Underdeveloped World. New York, NY. 1975. pp. 40-66.

[26] Theda Skocpol suggests this contradiction despite her acknowledgment that the authors are looking at different aspects of peasantry movement; mainly self-initiated revolt vs. revolution, within in the Marxist terminology. See: Skocpol. op. cit.; pp.217-8.

practices of the state and dominant classes. This challenge is due to the fact that classical Marxist-influenced world-view assumes class-based consciousness and, as a consequence, class-based mobilization as the starting point for conceptualizing the process of change in historical terms. Here is where Antonio Gramsci made a valuable contribution; he coined the concept of *Class Hegemony* as a hybrid between the Weberian concept of *Legitimacy* and the more common Marxist concept of *Class Domination*.[27]

Gramsci rejects the simplistic dichotomy of state/civil society and presents a collaborative relationship between the state and elements of civil society which allows for not only the control, but also the active consent of dominated classes. He revises the Marxist concept of the base determining the form of consciousness to suggest the base determines what forms of consciousness are possible.[28]

A comprehensive elaboration on this Gramscian concept is made by Mahdi Amil, who suggests a social structure has a lifecycle that ends with undergoing a structural cut resulting in the dominance of a new mode of production. Meanwhile, the main contradiction takes on different appearances (Ideological, economic…etc) according to where a social structure is in its lifecycle, during which two opposing forces are in play; one that gravitates towards the center, being the political appearance of the main contradiction, where political dominance of a certain social class is in question, and another that repels from the center towards the dominance of the other forms of

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[27] See: Antonio Gramsci. Selections from Prison Notebooks (Translated from Italian). London, UK: Lawrence & Wishart. 1971. p.263.
[28] Ibid. p. 244.

appearances, where class dominance is not under immediate question. At any given moment of history, Mahdi Amil suggests, the status of hegemony and counter-hegemony depend on the outcome of the clash of these two forces.[29] In other words; Mahdi Amil's contribution is in theorizing the structural constrains that make the dominance of possible forms of consciousness improbable.

The post-American-occupation Iraq, presents a rich empirical context (if captured) for such conditions where essentially class-based conflicts over access to wealth-generating assets, especially land, are taking place under the conditions of improbable class-based forms of consciousness and organizations.

Theoretical Perspectives on the Relationship between Wealth and Societal Violence: B) State vs. Society

Different schools of thought that address state formation and its interaction with society, agree that violence is a core component of theorizing the state. Max Weber defines the state as "a compulsory political organization with continuous operations… [Whereby an] administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force… [in] a given territorial area."[30] Yet, it's the function and the societal

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[29] See: Mahdi Amil. Theoretical Introductions to the Effect of Socialist Thoughts on National Liberation Movements. (In Arabic). Beirut, Lebanon: Al-Farabi Publishing House.1972. Part One: On Contradiction.
[30] Max Weber, Economy and Society, volume 1, (edited by: Guenther Roth and Clause Wittich). Berkeley, CA: University of California Press, 1978, p. 54.

value of these continuous operations to uphold monopoly over use of violence that divides socio-political thought.

A dominating sociological trend in the state-formation literature is the Weberian trend. Based on Weber's above organizational definition of the state, the Weberian perspective assigns a single driving goal to the continuous operations of the organization of the state; that is to uphold the claim of legitimate use of force in the territorial context. Everything else that results from this single direction is circumstantial, including the historic transition to capitalism as a socio-political system. This claim was central to Otto Hintze[31] and later Charles Tilly's[32] suggestion that the rulers' need for financing evermore expensive wars was central, not only to the process of bureaucratizing and centralizing the state between 12-18th century in Western Europe, but also to the political process of transforming absolutist monarchies to democracies open first to the bourgeoisie, and later the working class in an effort to extract more financial resources for war-making from those newly included in the political process. This line of reasoning is fundamentally different from other scholars, like Theda Skocpol[33] and Peter Evans[34], who are influenced by Weberian concepts and point out the importance of relatively independent state actions, processes and capacities, yet they view them in the context of historical transformations generated by societal conflicts.

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[31] See: Otto Hintze, The Formation of States and Constitutional Development: A Study in History and Politics, in: Felix Gilbert (ed.), The Historical Essays of Otto Hintze. New York, NY: Oxford University Press. 1975.
[32] See: Charles Tilly, Coercion, Capital and European States, AD 990-1990. Oxford: Basil Blackwell. 1990.
[33] See for example: Theda Skocpol, States and Social Revolutions: A Comparative Analysis of France, Russia, and China. Cambridge University Press, 1979.
[34] Peter Evans, Embedded Autonomy: States and Industrial Transformation, Princeton, NJ: Princeton University Press: 1995, pp. 1-73

The major problem with attributing complex historical events of socio-political system formation solely to the unintended consequence of warring rulers' search for resources is that it fails the global history test. Centralized and bureaucratized states and extensive costly wars existed long before Western Europe experienced them,[35] without the same consequences. Of course, one can always claim that the state never existed before modern West European history, but that would be an ill advised presentation of one's lack of knowledge of world history beyond Western Europe.[36]

Rational Choice theorists, on the other hand, present an individualistic and micro-level explanation for the emergence of the organization they call Leviathan (borrowed from mythology to symbolize a structure specialized in deterring undesired action through fear). They point out problems with providing and sustaining common goods through self governance, utilizing models like the tragedy of the commons[37], the prisoners' dilemma[38]. Then, they suggest that in order for collective good to be achieved, the collective actors have to submit to one of two choices; privatizing the common good

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[35] Samir Amin applies his concept of uneven development to pre-capitalist societies and suggests that the norm of the state in the old world was to be centralized and bureaucratized in the center and underdeveloped in the margins. He claims that Europe was at the margin of the world system then. See: Samir Amin, Class and Nation, Historically and in the Current Crisis, New York, NY: Monthly Review Press. 1980.

[36] This claim was actually presented by Jeff Goodwin in the context of the relationship between state and revolution, when he suggested that revolution is a modern phenomenon that came to existence with modern states, suggesting that for the rest of world history the key is: *no states, no revolutions*. See: Jeff Goodwin. No Other Way Out: States and Revolutionary Movements, 1945-1991. New York, NY: Cambridge University Press. 2001.p. 40.

[37] Garret Hardin's article in 1968 that revived Aristotle's idea that the larger a common the least care it gets from the members to suggest the tragedy of the common in all commons that are not small enough for each one of them to monitor everybody else's action in a common. See: Garret Hardin. The Tragedy of the Commons. Science. No.162, (1968). Pp. 1243-1248.

[38] This is a modification of earlier model that is attributed to Merrill Flood and Melvin Dresher and formalized by Albert Tucker. For details on the origins and the development of the Prisoner's Dilemma, see: Elinor Ostrom. Governing the Commons: The Evaluation of Institutions for Collective Action. New York, NY; Cambridge University Press. 1990. p. 271 (Notes).

(preferable but not always possible) or submitting to Leviathan, which is defined as, and is limited to, enforcing contract terms between free individuals engaged in collective actions to provide and sustain the common good.

In this sense, the rational choice strand of socio-political thought provides a theoretical linkage between state monopoly over violence and societal contractual arrangements that regulate providing and sustaining the common good via direct involvement in areas that cannot be privatized, and via protection of private access from the rest of society in areas where privatization is actualized.

The major problem with this form of conceptualizing the state is the assumption that it is a product of a contract between free and equal individuals, and therefore all individuals and groups have equal chances of access to it. Yet no actual historic evidence is available to support such assumptions. [39]

It is also worth noting that the term *State* is alien to Rational Choice theorists' structure of thought[40], and has no place except in the international relation's arena, where it refers to

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[39] The birth of the American state is frequently introduced as an evidence of a state made by free and equal representatives of the people, but that assumption was challenged by Charles Beard who suggested that the constitution as it came of the constitutional convention was a product overwhelming presence of upper class and related members with middle class and farmers mostly financially in debt to the others, along with the exclusion of working class, never mind the slave population, and wemen. This is hardly a representation of free and equal and all-included members of a common. See: Charles Beard. An Economic Interpretation of the Constitution of the United States. New York, NY: Macmillan Publishing Co., 1913.
[40] A good example of how alien this school of thought is from the concept of the state, as debated between Weberian and Marxist trends, is David Easton's attempt to illustrate the uselessness of the concept by suggesting a logical path from Nicos Poulantzas' own conception of the state to conclude that social science will do just fine without reviving the concept that he declared to be dead earlier. See: David Easton,. The Political System Besieged by The State. Political Theory. Volume 9. Number 3. (August 1981). p 303.

territories of national sovereignty. In this theoretical context, the research of state

formation is practically a research into *nation* formation.[41]

Another trend in conceptualizing the state and state formation is the Durkheimian

perspective. Emile Durkheim emphasized the cultural and normative dimensions of state

activity, and proposed that the state is "above all, supremely, the organ of moral

discipline."[42] The Durkheimian definition focuses on the civilizing process that is

triggered not by the state's physical monopoly over means of violence, but by the

legitimization of that monopoly, whereby and over time, the formation of progressively

larger collectivities, as the result of war, pacified social spaces, and forced ever growing

numbers of individuals to restrain the expression of their own violence and

gratification.[43]

The above logic of conceptualizing the state avoids questioning what the optimal size of

"progressively larger collectivities" is, for the war-making process to stop. The claim that

wars and territorial expansions civilize and pacify social spaces through legitimizing the

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[41] While the state-nation phenomenon is a dominant concept in international relations, it is actually a
product of centuries of historical development in Western Europe. This development involved gradual
elimination of numerous ethnic identities, or "nation destruction" in a unification process that generated
superior ethnicities, (See: Walker Connor, Ethnonationalism: The Quest for Understanding, Princeton, NJ:
Princeton University Press, 1994, 22-66.).
The assumption of the applicability of this concept to all post-colonial history is driven from the colonial
efforts to impose this concept on the colonized communities, by offering their massive influence in
generating supreme ethnicities, proved to be yet one more destructive social engineering effort with grim
consequences that continue to unfold in massive atrocities around the world. One does not have to be a
stanch leftist to realize the above. See for example: Elie Kedourei, Nationalism, (fourth Edition, Reprint)
Malden, MA: Blackwell Publishers, 2004 (originally 1960).
[42] See: .Emile Durkheim, Professional Ethics and Civic Morals, (translated by: Cornelia Brookfield), New
York, NY: Routledge, 1957, p. 72.
[43] See, for example: Norbert Elias, The Civilizing Process: The History of Manners, (translated by: Edmund
Jephcott), New York, NY: Urizen Books, 1978.

states monopoly over means of violence, is the state's concept of itself and, left to its own devises, it has yet to produce "The war to end all wars".

Finally, there is the Marxist trend that views the state as an abstract concept referring to not only governing and coercion mechanisms and institutions, but also the ideological apparatus that together preserve and reproduce the social relations responsible for generating economic surplus.[44]

Marxists, in general, do not reduce the state to the governing institutions the way Rational Choice theorists, and pluralists, in particular, do. They view monopoly over means of coercion as a tool of subordination, but more central to their concept of subordination/hegemony is the ideological apparatus.[45]

On the issue of the state formation, one can identify two lines of analysis within the Marxist trend, stemming from different Marx and Engels' writings. The most prominent is the one suggesting that the state is a post class-division phenomenon, and, therefore, is driven in its preservation of surplus generating social relations to be the main structure for asserting class domination.[46]

The second line of analysis views surplus generation and its geographical uneven distribution among communities as a pre class-division phenomenon that generated the

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[44] See for example: Ralph Miliband, Poulantzas and the Capitalist State, New Left Review, No. 82, 1973.
[45] See for example, Louis Althusser's article titled *Ideology and Ideological State Apparatuses: Notes Towards an Investigation* in: http://www.marxists.org/reference/archive/althusser/1970/ideology.htm
[46] See for example: Paul Sweezy, The Theory of Capitalist Development, New York, NY: Monthly Review Press, 1942, p. 243.

organizational structure of the state to defend against raids organized by deprived

communities, which eventually developed its coercion mechanisms internally as class

division materialized later.[47]

State and Society Beyond State formation

Theorizing the role of Sate-Society relationship in the connection between access to

wealth-generating assets and violence beyond the state formation stage requires

investigating how schools of thought address a set of questions best formalized by Theda

Skocpol and John Campbell[48] as a guide:

- Who or what determines state action?

- What is the content of state policy?

- What are the key sources of political conflict?

- What are the key sources of political stability?

- Is the state autonomous from forces in society?

- Is the state biased in favor of certain interests?

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[47] See for example: Ahmed Sadiq Saad, <u>The Socio-economic History of Egypt, in the Light of Asiatic Mode of Production</u> (In Arabic). Beirut, Lebanon: Ibn Khaldoon Publishing House, 1979.
[48] See: Theda Skocpol and John Campbell. <u>American Society and Politics: Institutional, Historical, and Theoretical Perspectives</u>. New York, NY: McGraw-Hill Inc., 1995. Table 1. p.3.
The table addresses 4 schools of thoughts according to their analytical focus: Pluralist, Elite, Class, and Institutional. I am adapting the table to my own categorization.

The literature on the relation between state and society can be grouped into two distinctive trends and a hybrid area between them. The two trends are: Society-centered and state-centered perspectives.

Society-centered perspectives (SOCP) tend to view the state's structure and actions (or governmental institutions and actions for the pluralists) as a reflection of societal entities and their interest. While state-centered perspectives (STCP) view the state as an autonomous body along-side society that interacts with it. In this interaction, the state is mainly constrained by its own structure or by the independent preferences of individual actors within it. Another aspect of the STCP is the claim that the state actions are sufficient explanatory factors in studying societal change.[49]

State policy, as viewed by SOCP, is the outcome of the competition of mobilized societal interest over resources, be it open-ended between individual preferences (pluralist) or constrained by the mode of production. On the other hand, the STCP view state policy outcomes as a result of the balance of power between politically organized societal groups or classes and state actors that are constrained by state structure.[50]

SOCP suggests societal conflict among interest groups or social classes as the source of political conflict, while STCP views it to be the conflict between state actors within the state or between them collectively and the outside world (societal groups or other states).

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[49] As it is presented in the example of the STCP explanation for the historical change towards the dominance of capitalist democracy in Western Europe.

[50] See for example the classic works of pluralist approach to community power in the US. Most prominent among them is, the previously referenced, Robert Dahl's *Who Governs*.

Stability in the political system, as viewed by SOCP, is achieved as a result of overlapping interests of members from different interest groups and through internalized or institutionalized rules of group interaction (pluralist), or is achieved through subordination of working class via violence, pay-off and ideological manipulation. The STCP looks into the historical legacies of political institutions and their relative stability for sources of political stability.

On the question of state autonomy, the picture is more complicated. Some within the SOCP, namely the pluralists, deny the autonomy of the state on the basis that it responds to the demands of the interest groups, but because they also deny a societal identity of the state, as in representing any interest group in particular, I contend that they do believe in the autonomy of the state in that manner. Others within the SOCP believe in the relative autonomy of the state that varies depending on the level of organization of social classes and other economic and geopolitical conditions. As for the STCP, they, at the minimum, agree with the relative autonomy of the state, and theorize the potential full autonomy of the state, depending on the structure and the capacity of the state.

Finally, and based on the above conceptualization of the autonomy of the state, the SOCP is divided on whether the state is biased or not. The pluralists view the state as a neutral arena where group struggle takes place, just the way they conceptualize market to be for forces of supply and demand. But others view the state to be systematically biased

towards the dominant social class, as long as and as much as conditions of class struggle allow for.[51]

As one can notice from the above grouping of the schools of thought, the main candidates for SOCP are both pluralism and a certain interpretation of Marxism that utilizes some of the most simplistic and non-analytical writings among classical Marxist literature.

The Pluralist Perspective

At the core of the pluralist conceptualization of the origin of the state is the idea that although it is a coercive structure, it is a creation of free and equal individuals attempting to produce, preserve and sustain a common good through enforcing the contracts the common engage in.

If the design of the constitution in the United States and the institutions that emerged from it is supposed to fit this scenario, it is also worth noting that pluralist recounting of the creation of the American governing institutions suggest that those who engaged in creating the American Leviathan were also aware of the tendency of the individuals entrusted by the common with the monster were not saints, and could and would most likely act to maximize their own gain from the monster , and therefore installs as much constrains as to deny them the "structure and capacities" to do so. One can only wonder

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[51] See for example: Paul Sweezy, op. cit,.

how that is different from the STCP's assertion that the state is "potentially autonomous" depending on the institutional structure and capacities of the state.[52]

Supporters of the state autonomy perspective highlighted the shortcomings of the pluralist approach by contrasting their simplistic concept of the governing institutions with modern history of the developing countries, where the state *initiated* broad changes in those countries. They also pointed out modern history of the developed world and the post World War I types of intervention in the economy where governments became directly involved in the production of goods and services and in re-distribution of wealth.[53]

The Marxist Perspective

The second unfortunate candidate for the SOCP is a form of Marxism that is generated more by limited access to, and appreciation for Marxist literature, than the actual contribution of that school of thought.[54]

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[52] This is in reference to Skocpol and Campball's entry under the institutional theory of the state. See: Skocpol and Campbell, op. cit.; same page.

[53] See Theda Skocpol's article in: Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (editors). Bringing the State Back In. New York, NY: Cambridge University Press. 1985. pp 4-5.
Also see: Joel Migdal, Atul Kohli and Vivienne Shue (editors). State, Power and Social Forces: Domination and Transformation in the Third World. Cambridge University Press, 1994, p. 12

[54] Best illustration of this claim is the way Miliband is characterized as a "classical example" of this form of Marxism, mainly based on a claim by Poulantzas' characterization of his position without actually looking into his literature that suggests a similar appreciation for the role of the state to what Poulantzas shows, accept for the fundamental difference between the two in the area of the epistemological approach to empirical study of abstract concepts, where miliband has an empiricist approach to Marxism while Poulantzas belongs to the Structuralist trend in Marxism that rejects the theoretical value of empiricism. See: Miliband, op. cit,.

The Marxism that is included in this group is one that has no understanding or appreciation for the full range of the State's function, and limits it to only being the tool for repression of the subordinate classes. Marxism is an epistemological world view and could not be contained in one unified theory. Actual Marxism is very diverse in the conceptualization of the state in modern times and in history.[55]

Although we can find in the literature reference to old vs. new forms of Marxism,[56] most of the trends in conceptualizing the state originated from both Marx and Engels, including but not limited to the following lines of different conceptual understanding of the role of the State:

- The state as a social class. This is prevalent in the development of Marx and Engels' term *Asiatic Mode of Production*.[57]

- The state as the initiator of "change from the above". In his book *The Eighteenth Brumaire of Louis Napoleon,*[58] Karl Marx introduced a different concept of the state from what he produced in his major works. The state in this book is very independent from the social classes. It is a powerful actor that transforms all classes in the society as it acts. Many Neo-Marxists used this model of a state to explain the "changes from above" in the underdeveloped countries, or what came to be known as the Petite-

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[55] Eugen Varga, a victim of the Stalin era addresses how this "unified" form of Marxism was forced upon the International association of the communist movement during Stalin's time. See: Eugen Varga, Politico-economic problems of capitalism, Moscow, USSR: Progress Publishers, 1968.
[56] Skocpol uses the term neo-Marxism, while John Roemer uses Analytical Marxism. Others have used structural Marxism, anthropological Marxism…etc.
[57] See: Joshua Fogel. The Debates over the Asiatic Mode of Production in Soviet Russia, China, and Japan. The American Historical Review. Vol. 93, No. 1, (Feb., 1988). Pp.56-79.
[58] See: Robert Tucker (editor). The Marx-Engles Reader. New York, NY: W. W. Norton & Co. Inc., 1978. pp. 594-618.

bourgeoisie state[59], and to explain the mechanisms by which Fascist states operated in Europe.

That leads me to suggest that most of the trends in Marxism fall in a hybrid place between the SOCP and the STCP.

The Elitist Perspective

Another group that espouses a hybrid view of the relation between society and the state is elitism. Perhaps the American Theodor Lowi could be the best representative for this group. Starting from the same assumptions of the collective action behavioralists about the function of the state as a grantor and the enforcer of the social contract, the Conservative Theodor Lowi paints a very different picture of the state in a pluralist society. He suggests that the pluralist model grants powerful interest (business and other large organizations) access to government favors beyond the social contract and limits the options of government to bargaining, instead of the enforcement of collective will. Lowi's model of the American polity is one that has a limited and a diminishing role for citizens facing a pact between the heads of governing institutions in all levels of government with their counterparts in the business and large not-for-profit community.[60]

The Four Networks of Power Perspective

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[59] The reference here is to the social origins of key state players and to the dominant class.
[60] See: Theodor Lowi. op. cit.; Chapter One.

Another occupant of the hybrid section is Michael Mann's theory on power that suggests power is rooted in organizations and it is concentrated in four overlapping and interacting, but independent networks; ideological, economic, military[61] and political (the state).[62]

Mann suggests that not one of the networks comes first and not one is more basic than the others, but one or more can be more dominant than the others, and just like the concept of energy in natural science, each one of the networks can turn into the other. Therefore he does not use the state terminology the way other theorists use it.

The State-Centered Perspective

This category is meant not to include every literature that addresses socio-political change from the point of view of the state, and not the ideal type that is used to measure how a body of literature is coming close to a form of analysis that views the state as a permanently separate from and not bound by society, but the actual body of the literature that suggests the historical possibility of the state being exactly that. An example of this line of thinking in the literature is the assertion of an empirical possibility, which makes theoretical necessity, of a type of state that is capable, not in a historically short-term, to

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[61] Michael Mann suggests that the military network of power is not an aspect of the state power because most historical forms of states had no territorial control over all their military and militaries have undertaken more action outside the regulation of the state then state theorist would admit, and even when the military is under the control of the state it has historically been separated from the rest of the state organizations. See: Michael Mann. The Sources of Social Power: A History of Power from the Beginning to A.D. 1760. Volume 1. New York, NY: Cambridge University Press. (1986). p.11.
[62] See: Ibid., p. 1.

act completely independent from society[63] to the extent that "In some contexts, it would be more nearly correct to describe economics as the superstructures of states."[64]

Included in this category is the literature that views the state and its action to be a sufficient explanatory factor for historical socio-economic change at the expense of all other factors. I presented an example of this line of analysis in the segment about state formation.

This leads me to suggest that Goodwin treats the Weberian ideal type of Sultanist state, where the Sultan (one of the oriental terms describing the head of the state) has absolute powers that are not checked by any societal force, not as a measuring tool to compare authoritarian regimes with, but actually an empirically verified historical form of the oriental states.[65]

Notes on State Formation and State-Society Relations in the Middle East

In the effort to understand the formation of Middle Eastern states and their relationship with Middle Eastern societies, I suggest that the hybrid perspectives to be useful. The Colonial intervention in Middle East and the engineering of the socio-political structure

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[63] See: Skocpol. Bringing the State. op. cit., pp. 5-7
[64] Goodwin, op. cit., p. 39 (Footnote)
[65] In the Islamic history there is actually one Caliph in the Islamic Umayyad Empire who inherited power in 719 AD and thought that he had the kind of authority that the ideal type of Sultanic state assumes. Umar bin Abul Aziz decided that his tribe compiled their wealth by taking over land and looting the Muslims' House of Treasury (Baitu Mal Il-muslimeen) and it was his duty as a (just dictator) to give it all back to the Muslims. He lasted 13 months and was killed by his own extended family.

that is associated with it,[66] along with rentier nature[67] of many of the states in that region support the observation of capacities for independence from society greater than the norm of modern European history. This is especially true in countries that experienced prolonged crisis of class dominance. This supports the idea that the relative independently capacities of the state in the Middle East are enhanced by conditions that are referred to in Marxist literature as Bonapartian state.[68]

It is also true that the military has demonstrated great capacity to act independent from the political network of power and was able to transform to political power in many countries of the Middle East.[69] This supports the notion of the military as a network of power that is independent from the political network.

There is also growing evidence, since the 70s, for elitist theory style partnership between newly empowered business leadership and the Middle Eastern state that utilizes modern

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[66] See as an example of class engineering practices of colonialism in the Middle East: Hanna Batatu. The Old Social Classes and the Revolutionary Movements of Iraq: A Study of Iraq's Old Landed and Commercial Classes and of its Communists, Ba'thists and Free Officers. New York, NY: Princeton University Press. 1978. First chapter.

[67] A rentier state, according to Hazem Beblawi and Glacomo Luciani, is a subset of an economy where rent is predominant, external to the economy, paid mainly by foreigners, received mainly by the government and while the majority of the population is involved in the distribution and the consumption of it, very few are involved in generating it. These characteristics provide to the state exceptional capacity to be free from the Tillyain equation of taxation for representation, by allowing it to act outside the constraints of the domestic economy. See:
- Hazem Beblawi and Glacomo Luciani (Editors). The Rentier State: Nation, State and Integration in Arab World (Vol.2) New York, NY: Croom Helm. 1987. p. 12.

[68] Reference to Marx's analysis of the French state in *The Eighteenth Brumaire of Louis Napoleon.* For an application of this concept on the Middle East and Iraq in particular, see: Isam Al-Khafaji. Al-Dawla Wal-Tatawwur Al-Raasmali fi Al-Iraq 1968-1978 (State and Capitalist Development in Iraq 1968-1978 (in Arabic). Cairo, Egypt: Al-Mustaqbal Publishing House, 1983.

[69] It is worth noting that an organization such as the Free Officers that captured power in several Middle Eastern states kept the military organizational structure and made it the base for the ruling organization. Jamal Abul-nasir was not an ecceptional political leader who earned his position as the head of the leading council of the "revolution", he was the highest ranking officer, so was his successor, Anwar Al-Sadat who had very little in common with Abdul-nasir ideologically, yet he was second in line. The same is true about Abdul Karim Kasim of Iraq and his second in command Abdul-salam Arif.

international economic ties to bypass public policy-making institutions to insure greater

share for the leadership of the business sector in power arrangements with the state.[70]

Yet to understand the past, current, and future actions of the state it is essential to pay

attention to the literature that addresses the cultural, and class impediments to the

bureaucratization and centralization of the Middle Eastern state in a Tillyian sense. There

is the problem of the role of extended family and tribes,[71] the negative influence of the

dominance of Religious beliefs[72] and the class composition and origin of the state

bureaucracy and class relations in the country. [73]

The following chapter attempts to put the above into an Iraq perspective.

The literature on the connection between Iraq's structure of land tenure and its modern-

history national political environment is a dominant theme that was utilized by top Iraq

scholar; Hanna Batatu. He not only approached the political history of Iraq through

researching the structure of land tenure, and its effect on the development of social

classes, but also operationalized this general theme to the level of individual political and

economic actors. He did so by presenting their embodiment of class structures via their

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[70] See Fuad Mursi's pioneer book on neo-liberal adjustments in Egypt: Fuad Mursi. This Economic liberalization (In Arabic). Cairo, Egypt: Al-Thaqafa Al-Jadeeda Publishing House. 1976.
[71] See for example: Hisham Sharabi, Neopatriarchy: A Theory of Distorted Change in Arab Society. Oxford: Oxford University Press. 1988.
[72] See for example: Elie Kedouri, The Nation-State in the Middle East. The Jerusalem Journal of International Relations, Volume 9/3, 1987.
[73] For an outstanding application of class analysis on Iraq's history by Hanna Batatu, where he presents the class backgrounds of the ruling coalitions in Iraq's history to explain their actions, see: Hanna Batatu, op,. cit.

own personal family socio-economic history and their interaction with the national political events.

Unfortunately, this extensive operationalization of broad concepts such as social classes, and social change, in Batatu's study only extended to the 1970s, but his method of research was continued by Isam Al-Khafaji, an Iraqi scholar who presented the social changes up to the end of the 1970s utilizing the same method of connecting personal stories of the new socio-economic actors with their family history connection to the state and the general national political environment.[74]

Hanna Batatu's influence dominated, and continues to dominate, scholarly research. Especially his approach to explaining communal violence and local uprisings using a top-down analysis to explain the effect of Iraq's national political environment, social class structure and macro-level social change on local outbreaks of violence. Yet this approach assumes a class-based collective action that stems from class self-consciousness of the local actors, along with a national political collective action organization that brings together the fragmented local conflicts in citizenry-based public policy approach. This assumption is no longer applicable in post-1970s Iraq when Saddam's regime succeeded in a sustained daily terror campaign, in eliminating all national-level civil society self-expression institutions.

In this different environment, local conflicts over land tenure and other forms of possession of wealth-generating assets did not disappear. Instead, local sides of post

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[74] See: Isam Al-Khafaji. The State and Capitalist Development in Iraq . op. cit.

1970s conflicts were faced with compartmentalized and localized conditions with no interest-based national forms of self-organizations to be found. In addition, there were further complications with the significant decline of the state and its economic dominance in Iraq's society since the 1990s, which significantly minimized the ability of the state to play a unifying role through enforcing its own laws.Then the regime collapsed in 2003, and a new post-2003 national political order was designed around a single ethno-sectarian identity per political representation, and that type of representation, by its nature is the polar opposite to national citizenry-based public policy.

The conditions under which these compartmentalized and localized conflicts take palace and the mechanisms by which they reconnect in a non-unified way with the national-level political process is the focus of this research, and its hope to contribute to our knowledge of the effect of economic factors on communal violence.

Methodology:

The original plan of research was to utilize an unpublished study of conflicts of land tenure in Iraqi Kurdistan after the 1991 Gulf War (1991-1995), that I conducted in 1996, with a follow-up investigation of changes in the socio-political environment and in the legal structure of land tenure in Iraq and in the region after   the American occupation in 2003.

A) The 1996 study consists of three components:

- On-site personal interviews with local village council members or elders of 53 rural population centers in Sulaimaniya Province, and comparing their testimonies with official records of land ownership in their counties that were maintained by the provincial agricultural authorities.

- Examination of reports issued by provincial authorities commissions on conflicts in 17 other rural population centers. The choice of the reports was based on the severity of the conflicts they addressed.

- Interviews with local administrative staff of randomly chosen 9 none-governmental agencies NGOs that were 10% of all NGOs in the province, helping with the reconstruction and rehabilitation of villages, about their encounter with land tenure conflicts and their policies and procedures in handling those situations.

B) The Spring-Summer of 2009 follow-up on changes in socio-political environment the legal structure of land tenure in Iraq and Kurdistan region, after the American occupation and collapse of Saddam's regime:

The objective of the original plan for the Spring-Summer field study in Iraq was to identify how main influential Iraqi socio-political structures interact with post-2003 land tenure conflicts, to assess the severity of those conflicts, their violent potential, and to identify the mechanisms by which these conflicts intertwine with the ideology-based violence. The groups identified for interviews were:

- Coalition forces. Mainly the US, and potentially British forces.

- Iraqi and Kurdistan administrative authorities. In the Ministries of Agriculture and Interior.

- Political parties within and outside the legislative body.

- Tribal leadership structures with expressed political agendas

- Displaced families that are claiming loss f possession of land and registered with the United Nations High Commissioner for Refugees (UNHCR)

But a commitment, to University of Missouri- St. Louis (UMSL)'s Institutional Review Board on Human Subjects Research, not to personally travel beyond the relative safety of Iraqi Kurdistan region made on-the-ground conditions for research in Iraq largely unproductive. Meanwhile, the Chief Historian of the Central Command (US Armed Forces) communicated that they were not able to support the research by providing the logistics to distribute questionnaire forms designed to identify standard procedures for handling incidents of land tenure conflicts or claims of agrarian property damage.

The questionnaire forms that were designed for Iraqi political parties and tribal political structures have been distributed since May 2009, yet a dismal number of mostly Kurdish parties partially filled them out. I have received no correspondence from both the Iraqi Ministries of Agriculture and Interior. Despite directives from Ministers of Agriculture and Interior in Kurdistan region to their offices in the region's Provinces and to their central departments, none of the forms, as of today have been returned.

The UNHCR does not have publically visible official offices in the Kurdistan region and

they operate under the umbrella of a network of NGOs. They only supervise camps for internally displaced Iraqis in Sulaimaniya. In other Provinces they run mobile units in the population centers where they suspect there are internally displaced families, and serve only the families that seek their help. Conditions in the Sulaimaniya camps are so bad that given the choice of $500 resettlement assistance, many families left to the areas where they came from. Only 50 families currently occupy the Qalawa tent camp in Sulaimaniya, supervised by the UNHCR. Most of them survive on dual registrations for food rations from the national food ration system. Only 2 heads of households accepted and gave on-camera interviews in Sulaimaniya, and one identified by a mobile team, filled out a form.

The uncooperative conditions prompted me to redesign the study plan and the search for alternative routes of data collection. I am using the available aggregate data collected by the Commission for the Resolution of Real Property Disputes (CRRPD), a court system designed to address grievances from the pre-occupation era that were blocked from normal legal procedures by former regimes. The data reflects the widespread nature of these grievances. I interviewed 3 head of households that had claims registered with the CRRPD in the volatile Province of Kirkuk to expose the complex nature of these claims. I also interviewed the first head of Agricultural Department, in the post-occupation era, of Diyala Province, another volatile Province in Iraq.

In focusing on Kurdistan region, I followed the changes in the legal structure of land tenure in the region by interviewing the highest ranking Land tenure expert in the

Province of Sulaimaniya, collecting information on pre-legislation preparations in the Ministry of Agriculture, the Administrative branch's proposal, the Legal Committee's draft to the Kurdistan Region's Parliament, the deliberation record and the signed-into-law version of the laws.

The second chapter is a brief introduction to the connection between wealth-generating assets and violence in modern Iraq, the role of foreign occupations in reengineering that relationship, an overview of the special role of land tenure conflicts in providing a sustained source of violence and political instability in Iraq, and a broad-picture perspective on the economic background that the new (post-2003) political order was founded upon.

The third chapter is a presentation of the effect of the Iraqi regime's genocide campaign in Kurdistan in the 1980s on the landscape of agrarian land tenure conflicts after the Gulf War of 1991.

The following chapter is a presentation of the results of the 1996 field study that I conducted on the effects of land tenure conflicts on civil peace in Kurdistan and on the reconstruction and rehabilitation of rural Kurdistan.

Chapter five is a statistical study utilizing the dataset from my 1996 study to build a model for predicting violent outbreaks in rural communities with land tenure conflicts.

Chapter six is a presentation of the new political order (of post-2003)'s performance in handling the legacy of property rights abuse by Saddam's regime, and their political and ideological capacity to address new and resurging conflicts of possession of wealth-generating assets, especially agrarian land tenure since 2003.

The conclusion section is an attempt to summarize the pieces of the story that I told throughout the previous chapters to illustrate the challenges to democratization and civil peace that Iraq's new political order is facing, and will not disappear without a fair, equitable and citizenry –based solution for the chronic problems of the possession of wealth-generating assets, and especially agrarian land tenure in the country.

Chapter Two:

Demons of the Far and Near Past:

 Access to Wealth-generation Assets and Political Violence in Iraq

Wealth-Generating Assets and Violence in Modern Iraq:

A Historical Background

It is undeniable that the post-2003 Iraq's politics is dominated by sectarian, ethnic and tribal claims to power that are often expressed through outright violence or capacity to back territorial claims with intimidation, and systematic exclusion. It is also undeniable that the occupation administration supported the dominance of the sectarian-ethnic-tribal representation in the institutions of governance in Iraq, but did not anticipate, plan or hope for anything less than a peaceful occupation.

Both, the Iraqi dominant political organizations and the occupation administrators view the sectarian-ethnic-tribal arrangements as free expression of Iraqis choice of political mobilization and governance on one hand. On the other hand, they view the violence as a result of historic imbalances in previous power arrangements between the same societal elements., And since the violence in Iraq is claimed by elements that provoke sectarian-ethnic-tribal grievances and aspirations as the cause of their violence, their self-image of the ideological expression of their socio-economic interests in these transformational times becomes the only image. This makes the reconstruction of other explanatory factors a challenge that requires a historical perspective of Iraq's modern history. A comparison

between the American occupation and the earlier British occupation can prove to be a fruitful exercise in this regard.

The Story of Two Occupations

A comparison between the background, circumstances, and the fortune of both the British and American occupation reveals much more similarities than the architects of the American occupation had hoped for.

The mission in both occupations was fluid, confused and had too many conflicting objectives. They both were carried out in a changed international environment that could not support a simple claim of imperial conquest, and obligated the occupiers to oversee the building of governance institutions in Iraq.[75] Both occupations were done with overwhelmingly superior but severely undermanned armed forces that could not adequately perform the tasks of managing the occupied population, after the "mission (was) accomplished".[76]

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[75] See for the British occupation:
Toby Dodge. <u>Inventing Iraq: The Failure of Nation Building and A History Denied</u>. New York, NY: Colombia University Press. 2003. Preface and first two chapters,
Charles Tripp. <u>A History of Iraq</u>. New York, NY: Cambridge University Press, 2002, second chapter.
And for the mandate of the US occupation in Iraq, see UN resolutions (1483 in May 2003) and (1511 in October 2003)at:
http://www.casi.org.uk/info/undocs/scres/2003/res1483.pdf
http://www.casi.org.uk/info/undocs/scres/2003/res1511.pdf
[76] See for the British occupation:
Hanna Batatu. <u>op. cit,.</u>. p. 89.
And as for the American occupation, the media documented the, then, Secretary of Defense, Donald Rumsfeld's dismissal of the military officials' estimates of the troops needed for the occupation and stabilization of Iraq.

And as a result of their self-made disadvantages, both occupation administrations entered a patron/client relationship with mobilized and armed socio-political entities that were/are diametrically opposed to the modernization, and democratization objectives that were claimed to be the end-result of both occupations.

In the British case, the occupation authorities helped build a weak state headed by non-local militant tribal leaders with religious nobility claims and a Pan-Arab agenda, and decentralized power through re-engineered tribalization of the society. The re-engineering occurred through forcing non-tribal populations to belong to tribes,[77] registering communally possessed tribal land as individual property of "friendly" tribe leaders,[78] exempting tribes from civil and criminal laws of the land,[79] advancing such exemptions with a regulation language that restrained any future Iraqi government emerging from the British mandate from changing it,[80] "advised" Iraqi government to allow tribal raids between tribes,[81] and turned traditional patronage relations between peasants and landlords into contractual financial obligations that tied peasants to the land, held them financially responsible for crop failure and prohibited them from leaving to

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[77] The British political officer in Sulaimaniya province wrote to his superiors in 1919: "every man who could be labeled as a tribesman was placed under a tribal leader…petty village headmen were unearthed and discovered as leaders of long dead tribes; disintegrated sedentary clans…were told to reunite and remember that they had once been tribesmen". Source: Ibid. p. 94.

[78] This happened despite the advice of the British expert Sir Dawson, who was brought to Iraq to recommend policy for dealing with commonly held land in Iraq. See: Trip, op. cit.; p. 70 and 85. And yet another British expert (Lord Salter) suggested, more than 30 years later, that remaining state owned land was so abundant that if it had been leased properly to landless peasants, there would not have been such a severe land tenure problem in Iraq, but instead, leasing policy was an integral part of stripping the communally cultivated land to the benefit of the "friendly" tribal leaders. See: Ibid., pp.138-139

[79] This is reference to The Iraqi Tribal Criminal and Civil Disputes Regulation of 1918.

[80] See: Batatu, op. cit.; p. 93.

[81] Batatu refers to a troubling document that reviles "very reluctant" advice from the British high commissioner to the Iraqi government to grant the request of the tribal chiefs of Shammar and Anizah, two large tribes from west of Iraq, and permit raiding between them because "unless their tribes were permitted to carry on their traditional raiding, they (the tribal leaders) would not be able to keep them (their tribes) together under them (their tribal leadership)" Source: Ibid., p. 98.

cities if in debt to landlords and also banned the employment of an indebted peasant by any other landlord, government agency, or private company.[82]

But the most troubling aspect of this British strategic choice of reengineered primordialization of Iraq was that it was mainly based on the harsh budget and personal constraints on one hand and the bureaucratic readjustment to the new concept of mandate that required an early Iraqi face on a very fragile British dominance, but nevertheless, it was introduced as merely discovering and following the "regular law of the country".[83]

The American twenty-first century version of Iraqi "regular law of the country" is what emerged from the Salahaddin Assembly in 1992, a decade before the occupation. Most of active Iraqi opposition groups participated in that assembly in the Kurdish town of Salahaddin under the threat of isolation from eminent great events that were about to be orchestrated by the US government to end Saddam Hussein's regime and install an alternative political body that was to take shape in an assembly of the willing Iraqi parties. That meeting led to the announcement of a shadow government (with presidency council, parliament and an executive council) that was funded, supported , and presented to the world by the US as a willing and able body to replace the crumbling regime in Iraq. US organizers of this assembly were operating under the entrenched belief that the

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[82] See: Tripp, op. cit.; p. 85.
[83] See: Batatu, op. cit.; p. 93.

Iraqi society was "irrevocably divided between sectarian and religious groupings, mobilized by deep communal antipathy."[84]

The structure of the shadow government that emerged from the Salahaddin Assembly, and came to be known as the Iraqi National Congress (INC), was modelled after the structure of government in Lebanon. For the first time in the modern history of Iraq, a national political body for governance was created that limited representation to sectarian, ethnic and tribal organizations along with a complementary marginal representation of general citizenry-based organizations and liberal individuals. Moreover, this body assigned all high ranking posts of the shadow government on the basis of the person's sect and ethnicity to insure "a balanced representation" of Iraqis. [85]

This re-engineered shadow governance structure enjoyed the support of 3 consecutive administrations even when it was bogged down from the start by high levels of corruption, and was a subject of US congressional investigation for squandering millions of dollars of American funds. But more tellingly, it quickly became yet another body among Iraqi opposition groups mainly because the American orchestrated, eminent great event never took place beyond a limited and ill-prepared coup d'état attempt.

More than a decade after that re-organization effort, the US administration decided to be fully in charge and used the American army to bring about the great event of toppling Saddam's regime, and installed a governing system that followed the same structure of

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[84] Toby Dodge. Iraq's Future: The Aftermath of Regime Change. New York, NY: Routledge. 2005, p.31
[85] For an Arabic copy of the documents produced by Salahaddin Assembly of INC, see: http://inciraq.com/Arabic/INC/inc_ar.html

Salahaddin assembly of 1992, and went further in the process of what an Iraq scholar calls the "primordialization"[86] of Iraq's polity for generations to come.

One example of this trend is pointed out by a former advisor to The Coalition Provisional Authority who had this to say about the new Iraqi constitution that the US administration considers the crown jewel of its achievements in Iraq:

"The truth is that this [then] draft constitution, hailed by the US ambassador to Iraq as the 'most progressive' one, is much more reactionary than an 80 year old 1925 constitution, the only democratically approved one in the history of Iraq. For whereas the 'old' document does not mention primordial collectivities, the twenty first century constitution drafted under the heavy influence of the most democratic country in the world stipulates that, 'the state pays special attention to raising the status of Iraqi tribes and clans.'"[87]

What can be learned from the open and direct involvement of successive American administrations that oversaw the formalization of a shadow and later a prevailing structure of governance in Iraq, is that those administrations intentionally and forcefully supported a form of governance in Iraq that strived to project an ethno-sectarian-tribal pact, promised and delivered on the promises of awarding political posts along the lines of alleged representation of single identities per citizen in Iraq.

And as the occupation authorities found out very soon after the occupation that the "leaders" they brought back to Iraq from exile were contributors to their communication

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[86] See: Dodge. Inventing Iraq. Op. cit.,Conclusion Chapter.
[87] See: Isam Al-Khafaji's article in The Daily Star (Lebanese English daily newspaper) , September 29, 2005

problems with both the Iraqi society and the international community, modern and centrally functioning governing institutions became out of the question even before they had a chance to be considered. Instead, the occupation authorities helped build a weak central government made up of an ethno-sectarian and tribal pact that delegated most of its powers to (or otherwise was ignored by) the provinces. Meanwhile, the provinces were/are, without exception, left to be controlled by ethno-sectarian or tribal militias.

After what was known as the Debaathification[88], the occupation authorities oversaw the repopulation of the bureaucratic machinery of both local and central governments on the basis of the candidates' loyalty to the militias they represented. The same happened with what was supposed to symbolize the monopoly of a central government on the legitimate use of force, the army and the police.

This patronage relationship between the patron (occupation authorities) and the clients (the militias) is increasingly becoming the only means of population control in Iraq, as on the ground realities in Al-Anbar province and the Sunni triangle demonstrate.

It is also worth noting that only when a potential or an actual militia/client seeks power and domination outside this patronage relationship, only then, is the media informed of that militia's predatory characteristics to justify handling them through American military intervention.

Beyond "Blame America"

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[88] An attempt to rid state institutions from high ranking members of the Baath party.

Yet the theoretical question of how such mafia-type organizations dominate the political structure is not answered by solely blaming the engineering efforts of the occupation authorities. The investigation has to expand to the role of Iraqi historical and societal factors that contribute to this dominance.

The most known scholarly representation of this line of investigation would be the writings of Iraq's famous sociologist Ali Al-Wardi, who refers the characteristics of Iraqi individuals and society to a persistent re-occurrences of nomadic raids leading to the dominance of nomadic tribes over rural and city dwellers' for centuries. And that, Al-Wardi argues, led to an entrenched, and individually internalized nomadic culture that has survived recent changes in modern history. [89]

This line of thinking has been echoed (with a very different perspective) by the most prominent Iraq historian, Hanna Batatu, who puts in the centre of history making contradictions of modern Iraq, the struggle between dominant socio-economic forces in population centres and their counterparts in the rural surroundings.[90]

But this assumption of city/progressive vs. rural/backward, which is parallel to a dominant but increasingly challenged reading of European history, is questioned by Isam

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[89] See for example:
- Ali Al-Wardi, <u>Lamaḥāt ijtimā'īyah min tārīkh al-'Irāq al-ḥadīth</u> (Social Observations of Iraq's Modern History – In Arabic). Baghdad, Iraq: Al-Irshad Press, 1969.
- Ali Al-Wardi, <u>Dirāsa fī ṭabī'at al-mujtama' al-'Irāqī</u> (A Study of the Nature of Iraqi Society – In Arabic). Baghdad, Iraq: al-'Ānī Press, 1966.
[90] See: Batatu, op. cit., pp. 89-152

Al-Khafaji[91] who also assigns determining qualities to internal factors within the developmental path of Iraqi society and challenges the traditional line of the dependency theory in blaming colonialism for altering an independent internal mechanism of development in colonized societies. He argues that those internal mechanisms are still in motion but do not fit the city/progressive (capitalist) vs. rural/backward (pre-capitalist) model, just as the European developmental path towards capitalism in Western Europe did not fit that model. Al-Khafaji suggests that the prevalence of the bourgeois class in both cities and rural areas of Europe was a result of profound changes in the rural social conditions that the bourgeois class of the cities did not support, but nevertheless was profoundly advantaged by and suggests similar mechanisms were/are prevalent in the non-European developmental path.[92]

Al-Khafaji rejects the notion that modern middle-eastern societies are full-fledged capitalist societies (in the sense that was advanced by the dependency theory; capitalism of the periphery and the only possible form of capitalism) and asserts that these societies have only relatively recently entered in a transitional phase towards capitalism,[93] and views the co-existence and interdependence of the pre-capitalist forms of socio-political collectivities and the bourgeois class (both domestic and foreign) as evidence for such a transitional phase as it was in the West-European history.

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[91] See: Isam Al-Khafaji, Tormented Births: Passages to Modernity in Europe and the Middle East. London: I.B. Tauris, 2004, Second Chapter.
[92] See: Ibid, pp. 67-87.
[93] See: Ibid., p. 63.
As for the application of this line of theoretical analysis on Iraq's modern history, see: Isam Al-Khafaji. State Incubation of Iraqi Capitalism. MERIP Middle East Report, No. 142. Wealth and Power in the Middle East (sep. – Oct., 1986), pp. 4-12.

Another line of analysis that supports the idea of the prevalence of ethno-sectarianism and tribalism prior to the American direct involvement in Iraq focuses on the characteristics of the state in the Middle East and suggests that because of Iraqi state's exclusive access to the national wealth from the oil industry since the 70s, it became independent from society and from the rest of the national economy, in a way that allowed it to demonstrate predatory behaviours without consequence towards society and made it hostile to all forms of social congregation and economic activity that existed outside its control. And as membership in the state apparatus became the equivalent of membership in a socio-economic dominant class, the issue of transitioning wealth and power between generations became more and more a matter of kinship and led in Iraq to what Tony Dodge views as a *shadow state*,[94] where a tight network of Saddam's clan alliance took over the state bureaucracy in the shadow and, by using massive state resources in a utilitarian way, they engaged in "primordialization" of all societal congregation structures.[95] An example of the extent that this process reached would be the fact that during Saddam's massive genocide campaign against the Kurds in the late 80s, he had close to 500,000 Kurds registered as mercenaries organized within their kinship structures and attached to military units, and many of them were used as foot soldiers in the genocide campaign.

It is worth noticing that this state-centred approach to explaining the "primordialization" of Iraqi society presents tribal population and tribal structures as passive subordinates of the state, and it is therefore criticised by Faleh Jabar who proposes a more complicated

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[94] See: Toby Dodge, op. cit.; the conclusion chapter.
[95] See: Ibid., pp 159-163.

process and different forms of tribalization that allow for explaining different periods of the history of the relation between the Iraqi state and the tribal structures, whereby tribes were constructed, deconstructed and also resurged independently to react to the simultaneous decline of both the state and civil society.[96] This proposed interactive nature of the relation between the state and the tribal structures is also the theme of an article by Hosham Dawod that is successfully summarised by its title: "The State-ization of the Tribe and the Tribalization of the State: The Case of Iraq".[97]

How Agrarian Land Tenure Became a Source of Sustained Violence in Modern Iraq

One of the most stubbornly repeated, ideologically motivated, mistakes that domestic and foreign "liberators" of Iraq in modern history have been making is the attempt to reshape agrarian land possession/ownership structure irrespective of the historical significance of that structure and against the aspirations of the peasant population in the name of the great prosperity that is around the corner.

This section attempts to present the historical contrast between promises of state, the outcomes of its policies, and the continuous cycles of hope and devastation that generations of peasants have experienced as early as the introduction of Islam to what is now known as modern Iraq.

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[96] See Jabar's Article in: Faleh Jabar and Hosham Dawod (editors), <u>Tribes and Power: Nationalism and Ethnicity in Middle East.</u> London, GB: Saqi Books. 2003, pp 69-109.
[97] See Hosham Dawod's article in: Ibid., pp.110-135.

Abu Hanifa, a prominent Islamic thinker and an authenticator of Al-Hadith banned renting agrarian land or crop sharing on the grounds of his readings into Mohammad (the prophet of Islam)'s teachings that limit the possession/ownership of land, for agrarian purposes, to no more than what a person can cultivate on his own.[98] This simple, yet powerful rule was put to test after his death, when Muslim conquerors led by the second Caliph, Omar, captured the fertile lands of Mesopotamia (637 C.E.) and Egypt (641 C.E.).

Although Omar kept the Asiatic structure of Land ownership and designated all land, not documented as owned individually, as owned by the Islamic state,[99] he added three new components to the structure, regarding production relationship and distribution of tax revenues. He banned non-economic methods of exploitation of labor (i.e. forced labor), recognized peasants as free individuals who engaged in labor based on contractual agreements that they could end at will and move even to cities at will, if they decided to end contracts. On the level of distribution, he established Baitu Mal-il-Muslimeen

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[98] Despite the fact that Abu Hanifah's interpretation of Al-Quran (Islamic holy book) and Al-Hadith (Mohammad's teachings) is one of four main interpretations in the Sunni tradition in Islam, he stood alone in banning renting of land or crop sharing practices to make it impossible for person to possess or own what he/she can farm on their own.

Hadi Al-Alawy, an Islam historian brings to attention the fact that household slavery was never banned in Islam and since one's capacity of farming is measured by his/her whole family's available workforce, and since household slaves were considered a "part" of one's family, therefore, Hadi Al-Alawy suggests, other interpreters chose to ignore this particular teaching of Mohammad in this case so they would not encourage slavery as a mode of production in agriculture. See:

explains the reasons why other sects and interpreters have not taken the same position by Hadi Al-Alawy, Chapters from the Political History of Islam (In Arabic). Nicosia, Cyprus: Center for Socialist Studies and Research in the Arab World.1995, p. 389.

[99] See the detailed account of how Omar reached to this conclusion against his own promises to treat land like any other spoils of war in: Mohammad A. Nasrallah, The Development of Land Ownership System In Islam: Mesopotamia as an Example (Second Edition) (In Arabic). Lebanon: Dar Al-Hadatha Publishing Company , 1985, pp. 73-98

(Muslims Treasure House) where the surplus of revenues, after covering state expenses, was used as a welfare component to support the neediest of the Muslims.

But this utopian project did not last long. An inevitable class polarization led to an uprising that ended the life of the third Caliph, then the biggest civil war in the history of Islam that led to the assassination of the fourth Caliph. This assassination marked the collapse of the utopia of the Islamic state and gave way to the rise of Islamic Empires (since 661 C.E.) that were modeled on the characteristics of surrounding empires, in the face of restless opposition.

The succeeding Islamic Empires disabled the welfare component of the state's obligations, restructured possession of state-owned land to be a function of the state's hierarchy, re-instituted non-economic methods of exploitation[100] and enforced excessive taxation and de-Muslimized converted Muslims for tax purposes. [101]

The Islamic history from 661 C.E. all the way to the 10th century is full of remarkable contentious mobilizations that were shouldered by peasants and slaves of the countryside of the Islamic Empire, against the state. Some of them established utopian states and battled the central forces for decades.[102]

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[100] The notorious ruler of Iraq (694-713 C.E.) during Umayyad's Empire, Al-Hajjaj Al-Thaqafi, tattooed the hands of captured "runaway" peasants with the name of the territory they escaped from for easy identification if they attempted to escape again. See: Burhanuldeen Dalu, <u>A Contribution to Re-writing the Arabic-Islamic History</u>.(in Arabic) Lebanon: Dar Al-Farabi Publishing Company., 1985. p. 109
[101] See: Hadi Al-Alawy, op. cit.; pp. 389-391
and: Burhanuldeen Dalu, , op. cit.; p. 109
[102] Examples of such movements are: Al-Hussein (Son of Ali) Revolution (680 C.E.), The Zinj (black slaves brought from Africa to work in the water marshes of Iraq) Revolution 863-883 C.E.), The Babak

Despite the change in the landscape of production relationships in the countryside of the Islamic Empire, the state was functioning, as a state in an Asiatic mode of production. T extraction of the surplus was centralized and the state was performing economic function of carrying out large irrigation projects and maintaining them up to the 10th century.

Decentralization and two waves of Mongol invasions crippled the economic function of the state in the Islamic Empire. As a result, vast farming lands turned into deserts because of neglect,[103] most of the population turned nomadic and semi-nomadic, and with the rise of the Ottoman Empire, land was redistributed in a feudalist militant hierarchy similar to Medieval Europe and tax collection rights were auctioned to the highest bidder to impose as much as the local traditions would allow beyond the state required taxes.[104]

Modernization on Its Head!

The rise of nation-states in Europe and the pressure they started to mount on the Ottoman Empire led to an attempt of revolution from above aiming at redistributing land as a way to re-centralize extraction of surplus value, in mid 19th century.

Movement (816-837), The Qaramita Movement (891-1007 C.E.), The unending Khawarij Revolutions …ect.

[103] A German economic expedition visited Iraq (1899-1900) and estimated the percentage of land used fro agriculture to total cultivatable land by 2-7%. See: L. Kotolov, The 1920 National Liberation Revolution of Iraq (Translated to Arabic by: Abdulwahid Karam). Lebanon: Al-Farabi Publishing Company. 1975,p.19.
[104] See: Naseer Al-Kadhimi, The Communist Party and the Agrarian Problem in Iraq (in Arabic), Nicosia, Cyprus: Center for Socialist Studies and Research in the Arab World.1986, pp. 57-60.

In two reform laws in 1839 and 1858, Sultan Abdul-Majeed dismantled the militant hierarchic possession of land and the tax collection enterprise. He announced that anyone possessing and farming state land exclusively and personally (not through rent or crop sharing)[105] for more than 10 years would "own"[106] the land after paying a set amount. The laws prohibited any one or few persons from owning all land in any given village, and asserted that all residents had to be given shares of the land.[107]

This late return to Mohammad's philosophy on land distribution was compromised by two factors; a loophole in the laws suggesting that if there was no one to farm in the village (and how else would they be earning their livelihood?), then all land could be registered to one person! And a highly corrupt bureaucracy was in charge of implementing the law.[108]

The results of implementing Sultan Abdul-Majeed's laws were so diverted from their intent that some scholars equated the laws with liberalization in the sense of commodification and introduction of capitalism in agriculture. [109]

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[105] This is a return to Abu Hanifa's idea that rent or crop sharing should not be permited in Islam, therefore only those who personally farmed the land were meant to be priveged by the reform.

[106] Ownership was defined as the right to inherit but not to sell.

[107] See: Naseer Al-Kadhimi, op. cit.; p 72.

[108] Hanna Batatu presents an example of ownership documents big landlords in Iraq had when the GB occupied the country; The document suggests that the area of the land is 14,708 dunums and the owner paid 5,000 rupees to register it in his name. Batatu writes" On inspection, the real area to which the title deedreferredwas found to be 60,000 dunums." The annual rent of the land was about 26,000 rupees, which was more than 5 times the price the "owners" paid for it. See: Hanna Batatu, op. cit.; p. 163

[109] Looking at the promises of the reforms, in regard to land ownership, Albert Horani had only this interpretation of the reforms: "guaranties for the rights of property and against arbitrary confiscation". Source: Albert HouraniArabic Tought in the Liberal Age: 1798-1939 (Reprint). Great Britain: Cambridge University Press., (1991), p. 46.

After the collapse Ottoman Empire in the WWI, Iraq became under direct occupation of Great Britain (GB). In an announcement to residents of Baghdad, the new British ruler of Iraq introduced his army's presence as "liberators not invaders" and promised they would bring modernity to Iraq.[110] One of the items on top of his list was restructuring land possession/ownership.

When GB occupied Iraq, much of Iraqi cultivatable land was not registered according to Sultan Abdul-Majeed's reforms. The British logic for the restructuring was: if not registered in the name of any individuals then the land is not any individual's land and is nobody's land. Therefore, the best way to modernize a "nobody's land" is to establish commercial plantations and capitalist management. What made this plan attainable was the fact that Iraq was not densely populated and had an abundance of cultivatable land.[111] But a popular uprising in all Iraq in 1920 brought about drastic changes in British plans.

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[110] The following is the full text of General Maude's address to Iraqis in 1917:
"Proclamation... Our military operations have as their object, the defeat of the enemy and the driving of him from these territories. In order to complete this task I am charged with absolute and supreme control of all regions in which British troops operate; but our armies do not come into your cities and lands as conquerors or enemies, but as liberators... Your citizens have been subject to the tyranny of strangers... and your fathers and yourselves have groaned in bondage. Your sons have been carried off to wars not of your seeking, your wealth has been stripped from you by unjust men and squandered in different places. It is the wish not only of my King and his peoples, but it is also the wish of the great Nations with whom he is in alliance, that you should prosper even as in the past when your lands were fertile... But you, people of Baghdad... are not to understand that it is the wish of the British Government to impose upon you alien institutions. It is the hope of the British Government that the aspirations of your philosophers and writers shall be realised once again, that the people of Baghdad shall flourish, and shall enjoy their wealth and substance under institutions which are in consonance with their sacred laws and with their racial ideals... It is the hope and desire of the British people... that the Arab race may rise once more to greatness and renown amongst the peoples of the Earth... Therefore I am commanded to invite you, through your Nobles and Elders and Representatives, to participate in the management of your civil affairs in collaboration with the Political Representative of Great Britain... so that you may unite with your kinsmen in the North, East, South and West, in realising the aspirations of your Race.
(signed) F.S. Maude, Lieutenant-General, Commanding the British Forces in Iraq."
[111] Iraq had 3.5 dunums of cultivatable land per capita which is 7 times more than Asian average and about 14 times more than Egypt. See: Abbas Al-Nasrawi, The Economy of Iraq: Oil, Wars, Destruction of Development and Prospects, 1950-2010 (Translated to Arabic by: M. Abdul-Aziz),. Lebanon: Dar Al-Kunuz Al-Adabiah Publishing Company.1995, p.41

The uprising ended a heated debate within British policy making circles[112] and prompted a large scale redirection of GB's policy in Iraq. The redirection aimed at reconfiguring class structure in Iraq and most importantly at framing the reconfiguration within reinvented tribal structures.

In the heart of this reconfiguration was the recognition of informal tribal land possession known as (Al-Lazmah), but only with a colonial twist: They registered common tribal land in the name of tribal chiefs, thereby striping all tribe members from traditional access to what was their common land.[113]

They also continued to register land according to the Ottoman reform laws of 1858 but with an official preference of registering massive land in the name of select individuals. That meant that the corrupt implementation of the Ottoman reform laws, practiced in the pre-WWI, became the official way of implementing them.

As a country with vast cultivatable land, even with accelerated efforts to register land within the pre-WWI (Tapu) tenure structure or the new (Lazmah) structure,[114] there still

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[112] Toby Dodge presents that debate between advocators for annexation vs. mandate system in the global context of the decline of the might of the British Empire, the rise of USA as a super power after WW1, the challenges of the socialist movement in Europe and the emergence of the Soviet Union. He also characterizes the Iraqi historian's celebration of the role of the 1920 uprising as a mythology. See: Toby Dodg, Inventing Iraq, op. cit.; pp. 1-43.

[113] This new form of (Al-Lazmah) was a result of a distortion of the findings of a commission of inquiry headed by Sir Ernest Dowson. In his report in 1932, Dowson suggested that Lazmah should not be an inherited right of use, but a long term lease of land (10 year) to those who actually were cultivating it. And: Charles Tripp , op. cit.; p,p. 70, 85

[114] Between 1938 and 1957 the area of land registered as Tapu increased more than 10 times and the area of land registered as Lazmah, after only 6 years of the 1932 Law that established it was 31.33% of

was an average 50% cultivatable land that was registered as government owned, with no

individual rights constraining its use. Lord Salter, an economist hired by the Iraqi

Development Board, suggested in a report in 1955 that with this much land fully

controlled by the government, it could rent it to peasant families, creating thereby a large

section of small farm units to counter balance and positively influence the production

relations in the rest of the land in the agricultural sector. But, instead, even those sorts of

lands were leased to influential landlords with Three year lease contracts that were

automatically renewed and transferred to heirs of the renter in the event of his death. [115]

With this change, tribal structure was transformed from a communal social structure for

survival in a harsh ecological and socio-economic environment into a primarily power

structure that was sustained through the external power of colonialism. This new[116]

structure was serving as a tool of domination not only over the tribes but more

importantly over the emerging civil society. The Iraqi Tribal Criminal and Civil Disputes

Regulation in 1918[117] excluded tribal land from the civil legal system and replaced civil

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cultivatable land in Iraq and by 1957 area of land registered as Lazmah grew 6 times. See: Naseer Al-Kadhimi, op. cit.; p206.

[115] for more information on Lord Salter's report, see:
Charles Tripp, op. cit.; pp.138-139.

[116] The best support for the claim that this tribal structure is a new structure that was imposed and manipulated by the occupying authorities is what the British political officer in Sulaimanya wrote to his superiors in 1919: "every man who could be labeled as a tribesman was placed under a tribal leader;…petty village headmen were unearthed and discovered as leaders of long dead tribes; disintegrated sedentary clans…were told to reunite and remember that they had once been tribesmen".
Source: Hana Batatu, op. cit.; p. 94.

[117] The regulation was crafted in such a way that restrained any future Iraqi government emerging from the British mandate from changing it, because it was a "regular law of the country". Source: Hana Batatu, op. cit.; p. 93.
In fact the emerging governments not only maintained that code but advanced it by legislating the Law Governing the Rights and Duties of the Cultivators (1933) that tied peasants to the land, held them financially responsible for crop failure and prohibited them from leaving to cities if in debt to landlords and also banned the employment of an indebted peasant by any other landlord, government agency, or privet company. See:

courts with tribal arbitration councils, thereby making the social order a function of a careful balance of power between tribes that could be manipulated by the colonial administrators.[118]

In fact, those tribal arbitration councils had jurisdiction over the population of cities, located within the illusive territorial boundaries of the tribes, leading to the subordination of cities to the tribal structure.[119]

If one sentence can sum up the legacy of the British "modernization" of land structure in Iraq, it would be the fact that, on the British watch, land distribution in Iraq was one of the most notoriously concentrated in the history of colonialism in the world.[120]

The Illusive Dream of Land Reform (1958-1983)

In this extremely polarized society, and in a coup d'état blessed by underground political parties, army officers took over power in Iraq in 1958. Since then, Iraq has witnessed several successive violent power takeovers. Each seizure of power was accompanied with promises of significant land redistribution and support for small family farms.

Charles Tripp, op. cit.; p. 85.

[118] Batatu refers to a troubling document that reviles "very reluctant" advice from the British high commissioner to the Iraqi government to grant the request of the tribal chiefs of Shammar and Anizah, two large tribes from west of Iraq, and permit raiding between them because "unless their tribes were permitted to carry on their traditional raiding, they (the tribal leaders) would not be able to keep them (their tribes) together under them (their tribal leadership)" Source: Hana Batatu, op. cit.; p. 98.

[119] See: Hana Batatu, op. cit.; p. 93.

[120] See: Naseer Al-Kadhimi, op. cit.; p. 162.

The result was layers of laws and contra-laws leading to a chaotic legal structure with devastating loopholes that led to control of former landlords over production around their redistributed land in the first major law of 1959, retention of the concept of crop sharing enforcing only peasants' commitments but not those of the owners, in such crop sharing contracts in all the major packages of laws, and continuation of the process of land registration (Tapu) to "owners", until 1975, in the same chaotic way the British occupation, did and bureaucratic delay and clientelistic manipulation of the redistribution process that was never completed until it was stopped by Saddam in the 80s.[121]

Saddam: "Reforming" the Reform

By 1983, and after crushing the all legal forms of organized contention, or even any social organization that was not headed by an official from the ruling party, and then depleting Iraq's treasury on a miscalculated and devastating war against Iran, Saddam Hussein became a subject to intense pressure from international creditors demanding change in state economic philosophy and had already started a massive campaign to redirect state economic machine, treasure and ideology towards a more selective clientelistic relationship with society. State-owned enterprises started to be liquidated to be transferred to a new "capitalist" class that had just hatched from the state incubator of government contracts and security apparatus. Labor laws, that were designed during the

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[121] See: Naseer Al-Kadhimi, op. cit.; pp. 248-270, 326-333

height of state's populist rhetoric in the 70's, and were affordable not through

productivity but with oil money, were reversed.[122]

The reversal of policies could not be any clearer than it was in agricultural sector where

the support for small farms mode of production was officially declared unproductive by

Saddam himself. Backlogged land distribution from previous land reforms was stopped

since 1983. In fact, in a new set of laws (mainly decree No. 35 of "the Revolution

Leadership Council" in 1983) the Iraqi state started doing just the opposite, annexing

previously distributed land from peasants who refused to participate in the war or were

unable to farm because of the devastating affects of the war. That meant if a peasant was

drafted and went to war, and therefore could not farm the land was subject to the law as

well as the one who decided not to go to war when drafted!

The new legal structure gave the minister of agriculture the discretion to give full rights

of "land ownership"[123] to large agrarian production producing companies if they rent

government owned land.

Within one year of the 1983 laws, 38.3% of all land under the authority of land reform

administration was rented to "owners to be" companies. By 1988, 99.4% of all

government loans were given to investors in the agricultural sector and all peasant

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[122] See: Abbas Al-Nasrawi, op. cit.; pp. 145-147
[123] This is a right that was never given to peasants in any of the many land reforms since Sultan Abdul-Majeed's reforms!

population received only the remaining 0.6%, and since then all loans were exclusively given to investors.[124]

In Iraqi Kurdistan there was a different picture. The 1983 laws were not implemented until the end of Iraq-Iran war and the start of the notorious Anfal campaign against Kurdish villages. This campaign and its effects on the prospects of communal peace in Kurdistan are extensively addressed in a following chapter.

The law packages, policies and practices since 1983 are an extreme version of land annexation. It marginalized, without any access to legal channels of contention, a significant portion of the population in Iraq that was already accumulating historic grievances and frequent cycles of hope and devastation.

As the state practiced all of these extreme measures, it contributed to the formulation of a group mindset within marginalized population throughout the social fabric of Iraq that could be characterized as disrespectful of personal belongings of others, fearful and resistant to law and order, suspicious of change and promises, incomprehensive and unproductive of sustainable solutions.

This group mindset manifest itself in social behavior first in state organized looting of Kurdish villages during the Anfal campaign and in the invasion of Kuwait (1990), but

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[124] See: Republic of Iraq, Central Agency for Statistical Studies. Annual Census Collection of 1983 and 1990.

then independently in lootings accompanied 1991 uprisings after the first Gulf War and again with the arrival of US troops to Baghdad.

Another contributor to the social decay that spread throughout the ailing body of the Iraqi society was the socio-economic price the country paid for the 3 decades of war and devastation that started with the Iraq-Iran war.

Decades of Socio-Economic Wilderness

Iraq's basic economic indicators, of the past thirty years, paint a devastating picture of the consequences of three wars, thirteen years of chocking economic embargo, an occupation and waves of post-occupation violence. This enormous hardship could be measured by the immediate results of the wars; lose of life and limb, massive internal displacement, and forced migration outside the country. Yet, the long-term toll on surviving generations and those yet to come could arguably be even more consequential.

Between 1980 and mid 1990s, Iraq's GDP per capita took a nose dive and dropped from $3,453, in 1980, to $455 in 1996. This meant that Iraq's economy shrunk by 1996 to less than 1/7 of its size in 1980 (adjusted for growth in population). See the following graph.

Figure #1: Iraq's GDP per Capita (Current US $)
1960-2010

(---) No data available
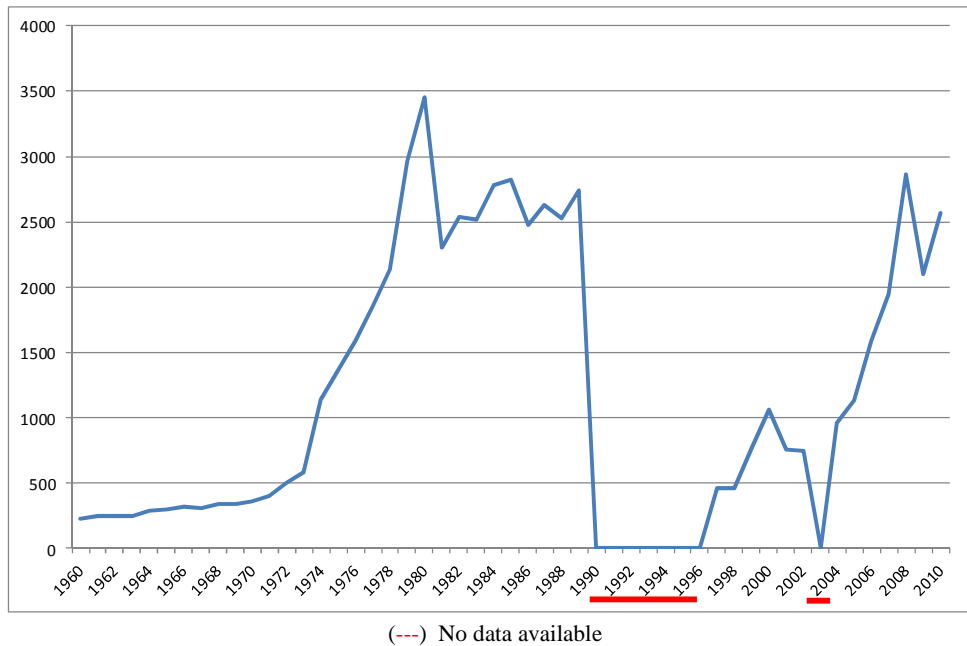
Source: World Bank. World Development Indicators (WDI) . On-line Data. 2011

Although, the GDP per capita indicator has started to climb up with the relaxation of the international embargo rules since the mid 1990s, and with the influx of billions of dollars and close to a quarter million occupation forces and war related businesses personnel since 2003. Yet, Iraq's economy in 2010 is still less than ¾ of its size 30 years ago.

The harshness of this economic seen can be better illustrated with a comparison to comparable countries in the Middle East and North Africa.

Figure #2: Growth of GDP per Capita in Selected
Middle East and North Africa Region (1980-2006)
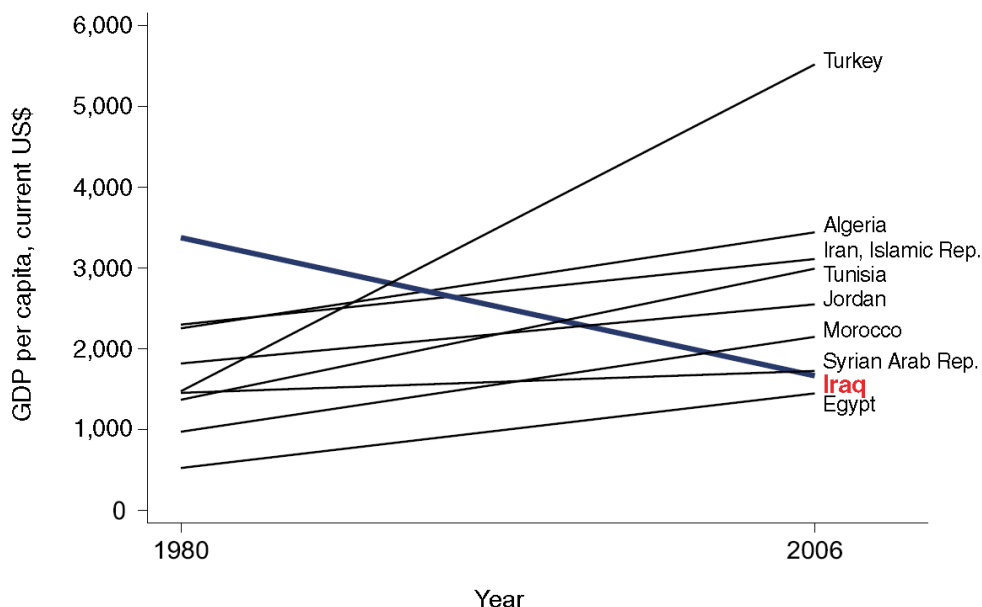
As shown in the above graph, the fall of Iraq's GDP per capita is unmatched, even by Iran, which was on the other side of the first, long and devastating Gulf war of 1980-1988. But the real opportunity lose is better illustrated when Iraq is compared, not to stagnant economies, but an economy that had a fair chance at growth during the same period, such as Turkey.

An equally important indicator is trends in health and life expectancy. The following table summarizes changes in life expectancy from 1980 to 2006 in the Middle East and North Africa group:

Table #1: Changes in Life Expectancy in
Developing MENA Countries (1980-2006)

Country	Life expectancy (in years)		Change (no. years) between 1980-2006
	1980	2006	
Egypt	55	71	+16
Oman	61	76	+15
Yemen	47	62	+15
Libya	60	74	+14
Morocco	58	71	+13
Tunisia	62	74	+12
Saudi Arabia	61	73	+12
Algeria	60	72	+12
Iran	59	71	+12
Syria	63	74	+11

Turkey	61	71	+10
Jordan	63	72	+9
Kuwait	71	78	+7
Djibouti	48	54	+6
Lebanon	67	72	+5
Iraq	61	58	-3

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Source: Ibid. p. 55

The table demonstrates that Iraq was the only MENA country to lose ground in advancement of life expectancy in that period. But, this is more of an indictment of the extra-ordinary conditions brought upon the population by the wars, internal violence and mass displacement. The picture of the condition of health infrastructure is more complicated than that. After decades of being ahead of most countries in the MENA region, and ahead of the average LMI countries in lowering infant mortality rates, under-five mortality rate and maternal mortality, those advancements started to wither away since 1990. A snap shot of those statistics in 2008 shows Iraq in a growing disadvantage, and only ahead of Yemen and Djibouti that are at the bottom of the income and health ladder in the region.

Table #2: Infant Mortality Rate, Under-Five Mortality Rate and Maternal Mortality Comparison between Developing MENA, Avg. MENA and Avg. LMI Countries in 2008

Country	Infant mortality (Per 1,000 live births)	Under-Five Mortality (Per 1,000 in cohort)	Maternal Mortality (Per 100,000 live births)
Kuwait	9	11	4
Oman	10	12	64
Syria	12	14	130
Libya	17	18	97
Tunisia	19	23	100
Saudi Arabia	21	25	18
Jordan	21	25	62
Turkey	24	26	44
Lebanon	26	30	150
Egypt	29	35	130
Iran	30	34	140
Algeria	33	38	180
Morocco	34	37	240
Iraq	35	41	300
Yemen	75	100	430

Djibouti	86	130	650
MENA*	34	42	200
LMI**	28	36	180

<center>*MENA: Middle East and North Africa Region (Developing only)
**LMI: Low Middle Income Countries</center>

<center>_____
Source: Ibid., Index 7.1</center>

A main contributor to this decline is the reduction of public spending on health to a negligible percentage of total state expenditure in the 1990s and all the way up to the American occupation, resulting in sharp decline in total spending on health (Public, not-for-profit, and private, combined), when compared with countries from Iraq's region or from the same income per capita category. See the following graphs:

<center>Figure #3: Public Spending on Health as a Percentage of Total Public
Expenditure in Iraq (1996-2009)</center>
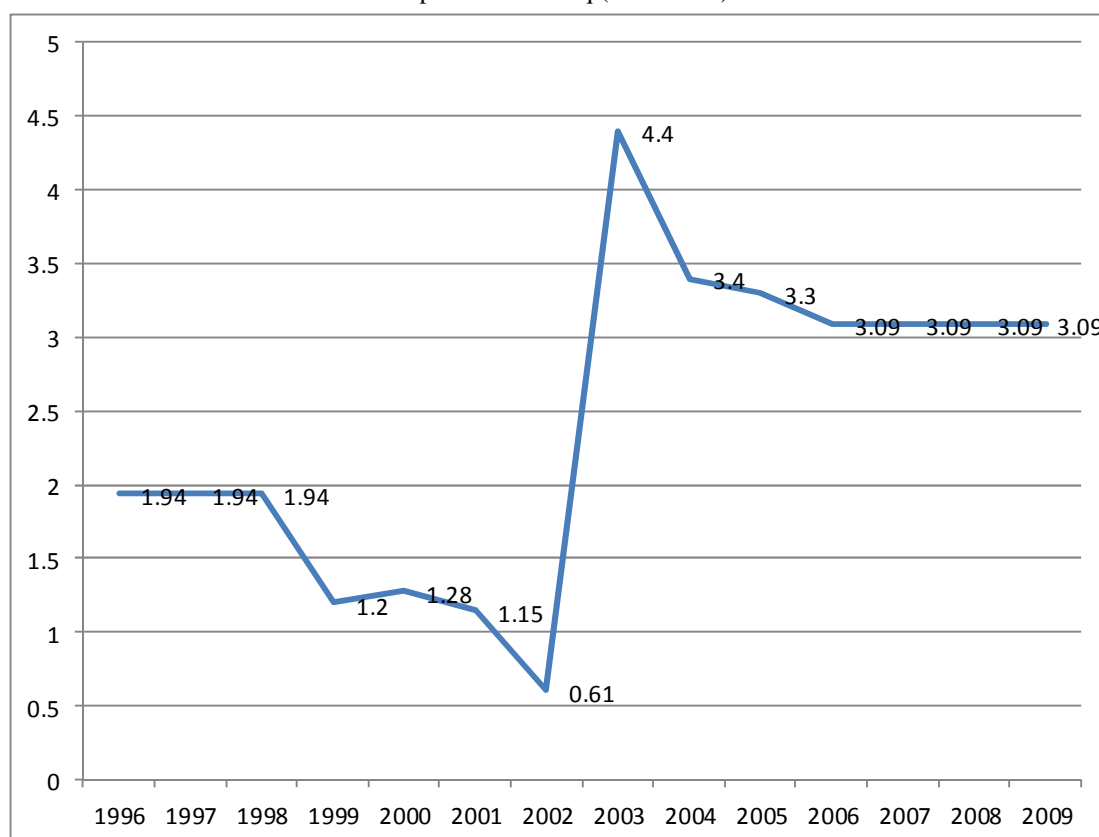
<center>_____
Source: World Bank. WDI. 2011</center>

Figure #4: Changes in Total* Expenditure on Health per Capita
In Iraq, MENA, and LMI (Current US$) 1996-2009

* Total: Includes Public, NGO, and Private spending combined
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Source: WDI, 2011

Yet, even with the decline of public spending on health, and the exodus of Iraq's highly trained professionals in the past three decades, access to available health services in Iraq is relatively equitable between the poor and non-poor segments of the population. According to World Bank, in 2006, 95% of the poor and 95% of the non-poor population in Iraq receive medical attention for their reported illnesses or injuries, and 77% of the poor and 84% of the non-poor with chronicle illnesses receive attention.[125]

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[125] See: IBRD. Op, cit., Table 7.2

The mass migration and displacement of Iraqis, since the end of 1970s, has had a

dramatic impact on the composition of the working force in Iraq. According to Brookings

Institute's Iraq Index estimates, and as of January 2009, there are 1,200,000 Iraqi

refugees living in Syria and another 450,000 in Jordan.[126]

IBRD's (Confronting Poverty) study aggregated multiple data sources to compare the

educational background of those Iraqis in the Syrian and Jordanian exile with the

educational background of the Iraqi workforce that is still inside Iraq and the result was

that close to 60% of Iraqis living in Jordan and close to 50% of those living in Syria had

vocational and/or university education, while the same category made up around 10% of

the workforce inside Iraq. See the following graph:

Figure #5: Educational Attainment of Iraqis living in Jordan, Syria and inside Iraq

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[126] As the case with much data about Iraq and Iraqis, the Brookings Institute's numbers are but one of the estimates. The World Bank relies on an aggregate of United Nations Inter-Agency Information and Analyses Unit, from 2007, that puts the number of Iraqi refugees in Syria between 1,200, 000 and 1,400,000 and in Jordan between 500,000 and 600,000. See:
- http://www.brookings.edu/~/media/Files/Centers/Saban/Iraq%20Index/index20110830.pdf
- IBRD. Op, cit., Figure 4.6
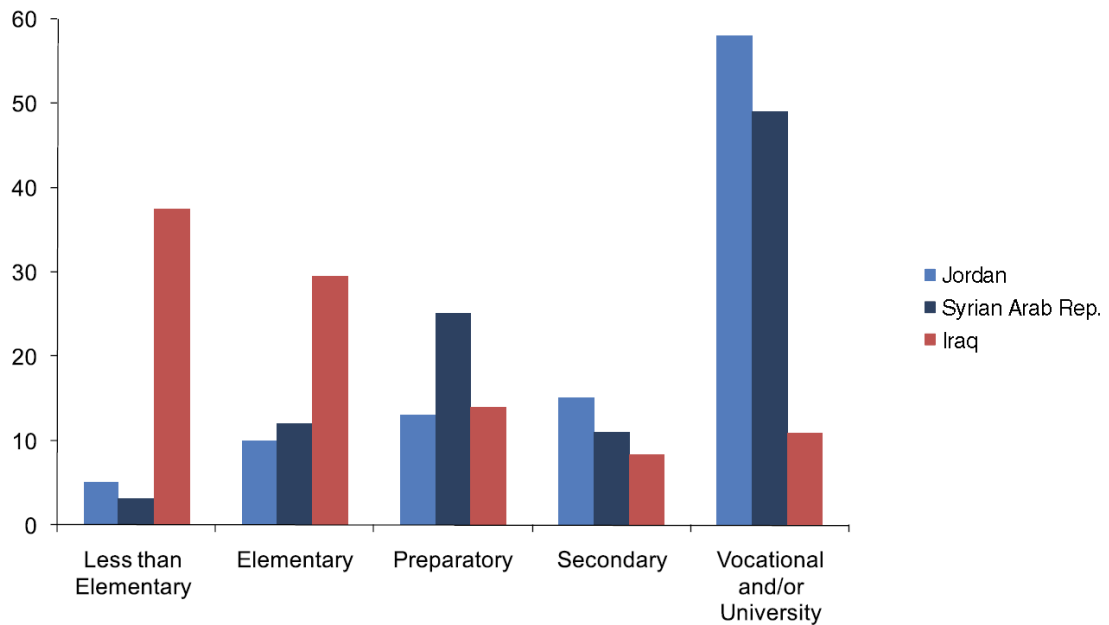
_____
Source: IBRD. Op, cit., p. 32

The prospects for future generations are not optimistic either. After leading the region in

net enrolment in primary education in 1980, Iraq's enrolment rate dropped more than

20% by 2006. See the following graph:

Figure #6: Net Primary Enrollment ratio (to Enrollment Age Population)
in Select MENA Countries (1980-2006)
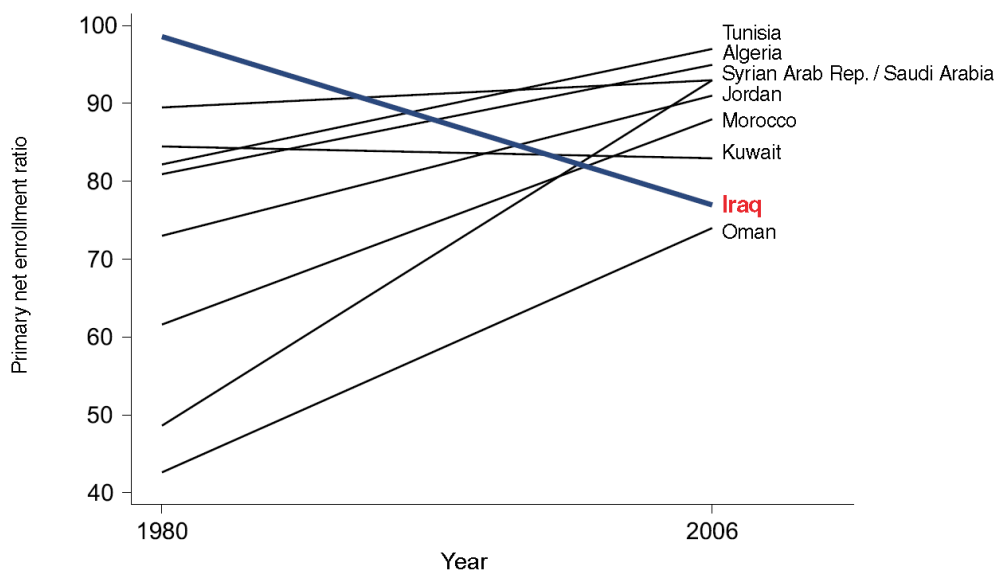
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Source: Ibid., p.18.

Iraq's current record in enrollment, in 2006, puts it among countries in the region that

have had a long history of under-achievement in education. See the following table

Table#3: Net Enrollment, and Female-to-Male Enrollment in Primary and Secondary
Education in Iraq, other MENA Countries, MENA Avg., and LMI Avg. in (2006)*

Country	Enrollment (Net)		Female-to-Male Enrollment	
	Primary	Secondary	Primary	Secondary
Algeria	95	66	93	108
Djibouti	38	22	81	67
Egypt	94	83	94	92
Iran	94	77	127	94
Iraq	77	38	82	66
Jordan	91	79	102	103
Kuwait	83	78	99	105
Lebanon	82	73	97	110
Libya	N/A	N/A	95	117
Morocco	88	35	89	84
Oman	74	77	101	96
Saudi Arabia	93	60	97	92
Syria	95	63	96	95
Tunisia	97	64	97	110
Turkey	90	66	95	82
Yemen	75	37	74	49
MENA	91	66.7	95	92
LMI	92	67	97	99

*The data is for the most recent as of 2008. Iraq's is for 2006.

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Source: World Bank. WDI. 2008.

As security concerns and unchecked patronage have trumped all other considerations for

employment in the public sector in post-occupation Iraq, the connection between

education and wage income is highly distorted in Iraq. Employment in the public sector is

mostly a form of social welfare, and wages are skewed towards security services, where

not much of education is required for hired guns. With the state remaining the largest

employer in Iraq, its wages structure sets the standard for all other employers and economic activity.

According to the data from Iraq Household Socio-Economic Survey (IHSES)[127], there is virtually no difference in hourly wages between an illiterate and someone with primary education. See the following graph:

Figure #7: Median Hourly wage in Iraq by Education (2006)
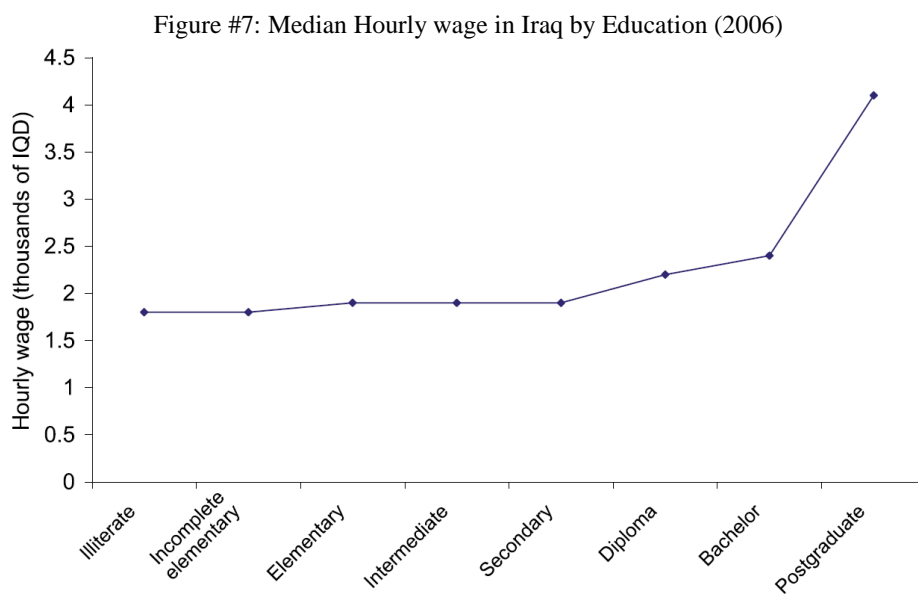
Source: IBRD. Op, cit., p. 54

The IHSES data provides a detailed picture of the composition of the workforce and sources of income in Iraqi households. In 2006, which was the year the survey was conducted, only 38% of Iraqis above 15 years of age were employed. 57% of this age group, mainly women, was out of the labor market. In that sense, unemployment rate, defined as percentage of those who are not working, being available to work and actively seeking to work, was only 7%. The following graphs put these numbers in perspective:

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[127] For a digital copy of the full survey, see:
http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/IRAQEXTN/0,,contentMDK:
22032522~menuPK:313111~pagePK:2865066~piPK:2865079~theSitePK:313105,00.html

Figure #8: Percentage of Working Adults (above 15) to Total Adult Population in Iraq and MENA, Avg. of MENA and Avg. of LMI Countries (most recent data as of 2008)

Labor force Participation Rate

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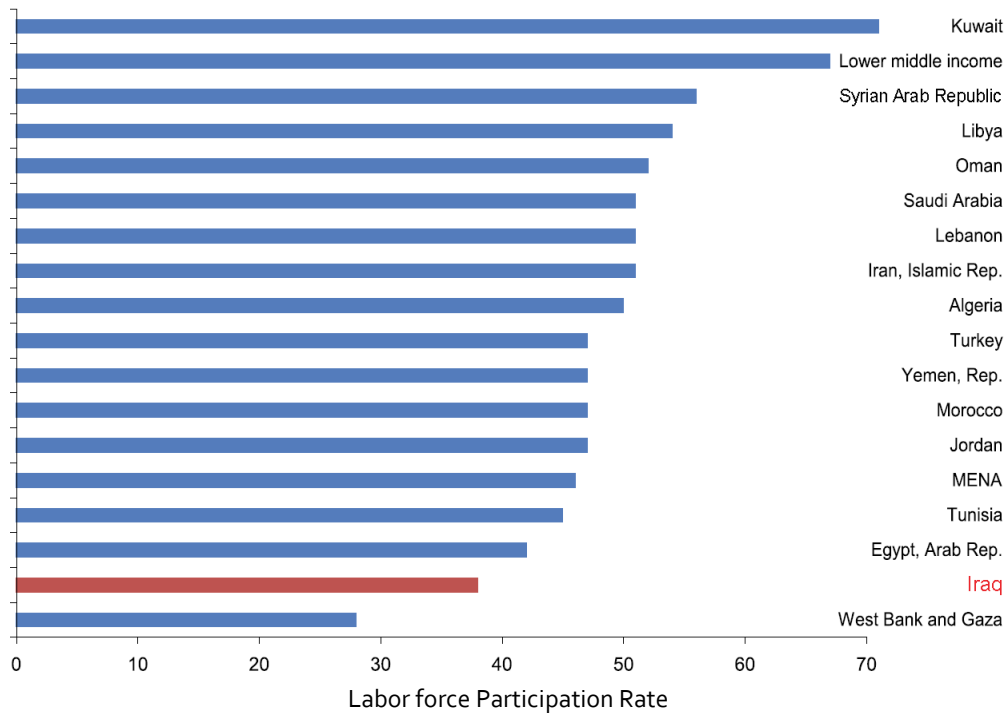
Source: Ibid., p. 38.

The graph shows that the share of working Iraqis to the work-age population is at the bottom of the MENA countries, rivaled only by West Bank and Gaza, where life conditions (especially in Gaza) are considered comparable to living in a prison. This picture is skewed by the dismal share of women in work-age category who are out of the labor market. While 75% of Iraqi men in the work-age category are either employed or actively seeking employment, only 13% of women in the same age group are in the labor market, working or actively seeking employment. The following graph puts these numbers in the MENA and LMI context:

Figure #9: Percentage of Men and Women Participants in Labor Force to Their Respective Adult (above 15) population in Iraq and MENA, Avg. of MENA and Avg. of LMI Countries (most recent data as of 2008)

Labor force Participation Rate

■ Female   ■ Male

_____
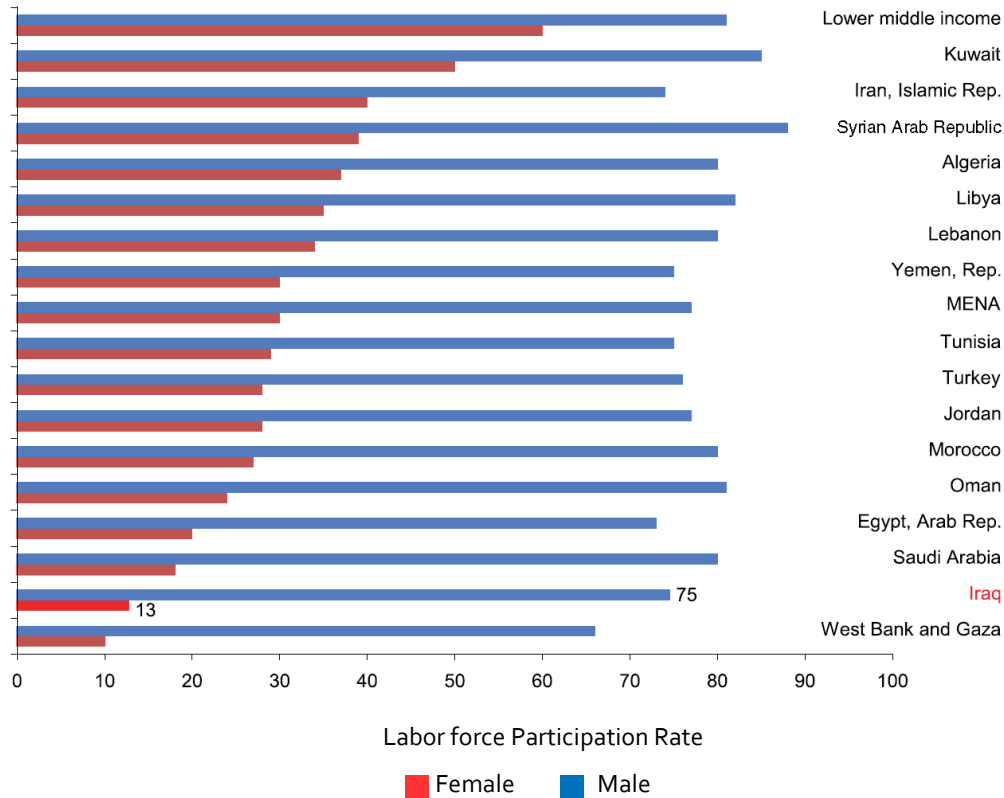
Source: Ibid., p. 40.

Here also, Iraq is rivaled only by the densest, largest open-air prison in the world; Gaza and West Bank. The common denominator between Iraq and Gaza and West Bank is that both societies are under extra-ordinary socio-economic conditions that devastated economic activity for generations and made encounter with violence the norm of daily live for most of the population. These are the typical conditions for reversing progress trends in women's participation in the labor market, and confining them to primarily bearing and raising children in their homes.

The IHSES data provided an important window on poverty in Iraq by investigating sources of income of Iraqi households. Using Iraq specific data on food and nonfood consumption, the IHSES research group determined the poverty line in Iraq to be 76,896 Iraqi Dinars (ID) per capita/per month.[128] That is equal to $52.13, according to market exchange rates at the time of the study, provided by Iraq's Central Bank. (See table# 4)

According to this Iraq-specific poverty line,[129] and as of the end of 2006, there were 6,890,000 Iraqis living under the poverty line, and they were almost equally divided between the rural and the urban areas; 3,440,000 in the rural areas and 3,450,000 in the urban areas. But when we look at the headcount index, we find out that 39.3% of the rural population is poor and 16.1% of the urban population is poor. This explains some of the geographical variation in poverty that is observed in Iraq.

The following map of poverty by provinces in Iraq demonstrates that the provinces with most rural population headcounts are the ones with most poverty headcounts also.

Figure #10: Poverty Headcount by Provinces in Iraq (end of 2006)

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[128] See the study group's documentation of the methodology and data used to determine the poverty line in Iraq in Annex 2.7 of the published Main Findings. The document is available at:
- http://siteresources.worldbank.org/MENAEXT/Resources/2.7.pdf

[129] See: summary of poverty indicators in rural and urban Iraq at:
- IBRD, op., cit. p 16.

Legend (on map):

Headcount Range:
- 3.3%–12.8%
- 12.8%–28.6%
- 28.6%–35.0%
- 35.0%–48.8%

⊛ National Capital
— Governorate Boundaries
-·- International Boundaries

Map labels:
TURKEY
DUHOUK 9.3%
ERBIL 3.4%
SYRIAN ARAB REP.
NINEVAH 23.0%
KIRKUK 9.8%
SULEIYMANIYA 3.3%
SALAHUDDIN 39.9%
DIALA 33.09%
Tharthar Lake
BAGHDAD ⊛ BAGHDAD 12.79%
I.R. OF IRAN
Habbaniyah Lake
AL-ANBAR 20.9%
Razzaza Lake
WASIT 34.7%
BABIL 41.2%
KERBELA 36.9%
JORDAN
AL QADISIYA 35.0%
MISSAN 25.3%
SAUDI ARABIA
AL-NAJAF 24.4%
THI QAR 31.96%
AL-MUTHANNA 48.77%
BASRAH 32.06%
KUWAIT

0 50 100 150 Kilometers
0 50 100 Miles

This map was produced by the Map Design Unit of The World Bank. The boundaries, colors, denominations and any other information shown on this map do not imply, on the part of The World Bank Group, any judgment on the legal status of any territory, or any endorsement or acceptance of such boundaries.

SOURCE: http://www.iauiraq.org/maps/04Map_Distribution%20of%20IDP_03_07.pdf
IDP WG Update, December 2007

IBRD 38002
AUGUST 2010

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Source: Ibid., p.25

This map also corresponds with the poverty-gap-squared index (PGSI) distribution by provinces, showing the difference in severity between poverty in rural and urban areas. PGSI in urban areas of Iraq is only 0.7, while it is 3.1 in the rural areas. This means that where the largest headcount of poverty is, there is also the most severe poverty in Iraq.

According the same study, the Gini index for measuring inequality in living standards in Iraq is (0. 309). This is exceptionally low. In fact, at the level of Iraq's GDP per capita in 2006, there was no country that had higher level of living standards than Iraq, as it is demonstrated in the following figure:

Figure #11: Iraq's Position in a Scatter Plot Representing 127 Countries According to
Their Gini Index and Their GDP per Capita (most recent data as of 2008)
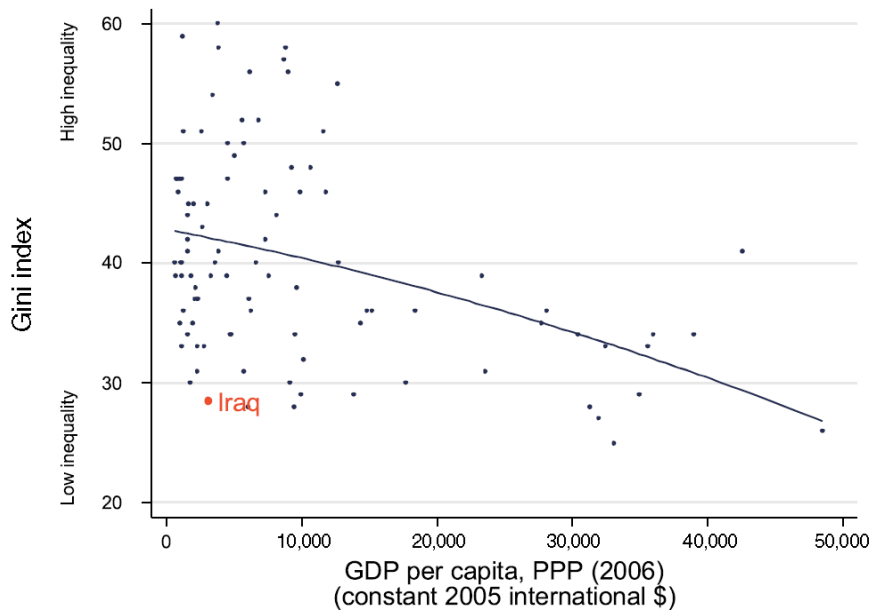
But the type of equality that is observable in Iraq is not a cause for celebration. It is a

product of most of the 77.1% of the population living above the poverty line, being only

slightly above the line. An average urban Iraqi's actual expenditure per month is only

$42.03 higher than the poverty line, while an average Iraqi living in the rural areas spends

only $13.56 more than the poverty line. See the following two graphs:

Figure #12: Population Distribution by Per Capita Expenditure (Iraqi Dinar/Person/Month) in Iraq (2006)

22.9% of the population is below the poverty line.

While 77.1% of the population is above the poverty line, most are only *slightly* above it.

Relatively few Iraqis have very high levels of PCE, i.e. are far above the poverty line.

Relatively few Iraqis are extremely poor, i.e. are far below the poverty line.

Source: IHSES.

The poverty line is set at per capita expenditure (PCE) of about 77,000 dinars per person per month.

Per capita expenditure (ID/person/month)

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Source: Ibid., p.21

Figure #13: Rural and Urban Population Distribution by Per Capita Expenditure (Iraqi Dinar/Person/Month) in Iraq (2006)

8 –

Rural

6 –

Share of people (%)

4 –

Urban

2 –

0 –

50 ↑ 97 139   200   300   400   500   600

PCE
(1,000 dinars/person/month)

Poverty line (ID 76,896 / person / month)
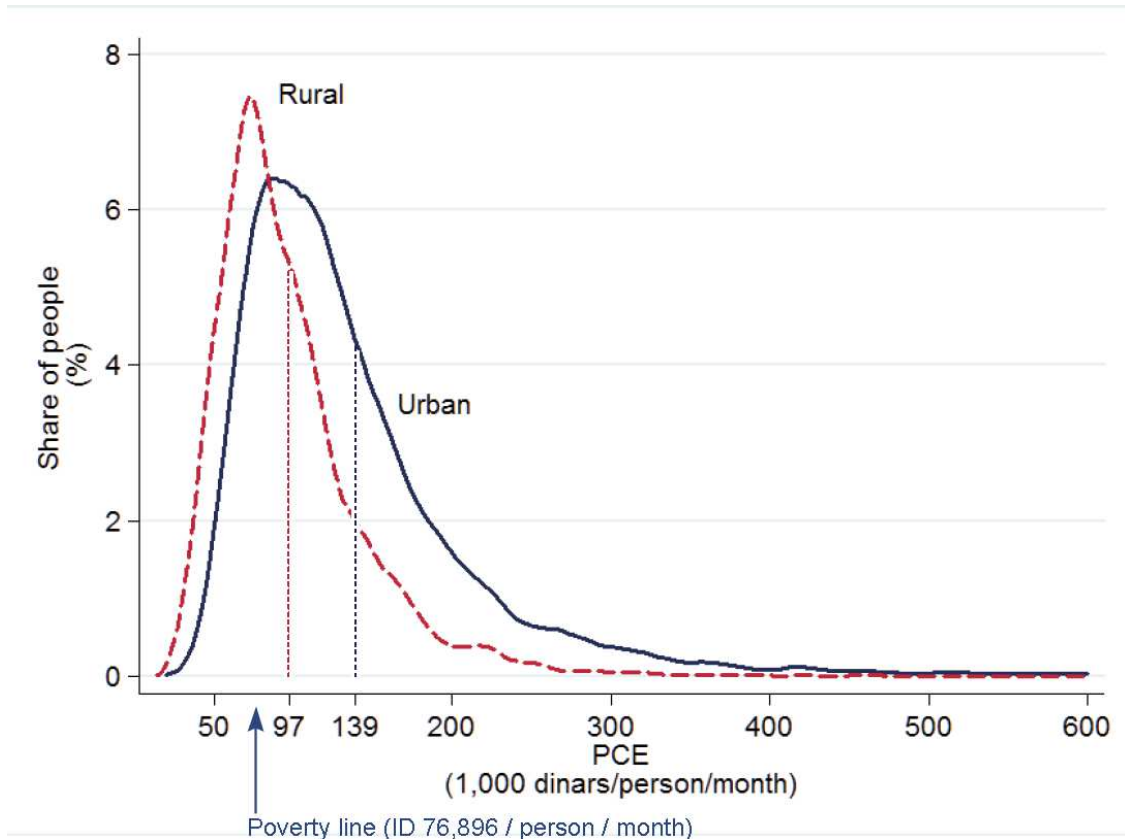
_____
Source: IBRD. Op, cit., p.26

So, the equality that three decades of war, violence, economic embargo and occupation brought to Iraq was severe impoverishment of the already poor and the utter collapse of the middle class income category in the society.

The effect of this bleak economic picture on land tenure conflicts and the resort to violence in local communities to address those conflicts in the context of the new (post-2003) national political process is the subject of a following chapter.

Chapter Three:

Genocide and Its Agrarian Outcomes!

The Unique Agrarian Land Tenure Problems of Kurdistan

Land Re-redistribution by Death and Destruction:
The Anfal Campaign in Kurdistan Region

In 1983, the Iraqi regime officially reversed its decades-old agrarian policy. It announced that the support for small-family-farming way of life expressed in all previous laws since 1959 was no longer an official policy in the country, because of what were considered inherent economic inefficiencies. The regime produced what is known as the 1983 package of laws. These constituted an assault on the small-family-farming way of life and its mode of production, by switching almost all state aid in the agrarian sector to agro-business projects and ending land distribution to farming families. The campaign to annex previously distributed land used poor performance observations as a way to declare the under-performing land as "not needed by the community of farming families". No legal recourse was provided to the displaced families. However, the campaign ignored the fact that the failure of the land was related to compulsory military service in the war against Iran, a country with a population more than three times that of Iraq. Those who enlisted could not farm. Those who resisted became fugitives, with farming being the last issue on their mind. According to available data at the end of 1989, more than 38% of state owned land, which was managed by the agrarian reform authorities, was repossessed and re-rented in accordance with the 1983 package of laws.[130] See the following table for details:

Table #4: Area of Agrarian Land Rented in Accordance to Law # 35 of 1983 in Iraq's Provinces as of 12/31/1989

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[130] This percentage only went higher since then, but I was not able to compile a national or find any official documents, except for Sulaimaniya Province. This will be explained later in this chapter.

Province	Area (in Dunnums)
Ninawa	636,069
Salah ad-Din	316,390
At-Ta'mim	368,000
Diyala	275,956
Baghdad	1,706
Al-Anbar	83,517
Babil	194,691
Karbala'	22,457
An-Najaf	68,468
Al-Qadisiyah	556,756
Al-Muthanna	94,855
Dhi Qar	226,226
Wasit	175,399
Maysan	267,438
Al-Basrah	67,953
Dehuk	5,195
Erbil	295,153
Sulaimaniya	4,575
Dismantled State Farms (in Multiple Provinces)	158,000
Total Re-rented	**4,529,704**
Total State Administered Agrarian Reform Land in 1/1/1979	**11,824,800**
Percent Re-rented to Total Agrarian Reform Land	**%38.3**

Source: Republic of Iraq, Central Organization for Statistics. Annual Statistical Collection of 1990

The Kurdistan region was practically shielded from this package of laws until 1988.

Prior to 1988, many of the rural areas in Kurdistan region were out of the central authorities' reach, and under the control of various Kurdish rebel groups along with a large population of Iraq-Iran war dissenters.

As for the areas of the region that were under the state's control, they were also shielded because most of the military-service-aged male population in those areas were registered as an alternative to military service in a state-organized paramilitary force. These forces were charged with spearheading military attacks on the rebellious areas. In reality, though, most of those registered in the paramilitary were farmers who either paid the paramilitary warlords for their registration cards or simply relinquished their monthly pay

to the warlords in return for little or no service. This allowed them to keep their farming contracts with the land reform administration.

But everything changed dramatically with a brutal campaign of genocide that the Iraqi regime chose a Qur'anic name for: Al-Anfal[131]. See the following detailed maps of the stages of the campaign.

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[131] Al-Anfal (The Spoils of War) is the name of the eighth Soora of the Muslims' holy book. In this text, Muslims in their stronghold of Al-Madina, were allowed to punish their neighboring Jewish communities, who are otherwise treated as believers of God, in the pre-Islam traditions of pillaging, to retaliate for conspiring with the siege of the "Infidels' Alliance" from Mecca on Al-Madina (627 AD).

The intention behind choosing this name for the 1988 operations against the rural population in Iraqi Kurdistan, was a clear indication that the Iraqi regime was going to resort to any and all savage means to "punish" the population for their support of the rebellious groups that have occasionally supported Iran's war efforts from the areas they controlled during the Iran-Iraq war. This was also an admission that the campaign was not going to adhere to any norms of use-of-force sanctioned by the international community.

Figure # 14-1: Overview Map of Al- Anfal Campaign (February – September, 1988)
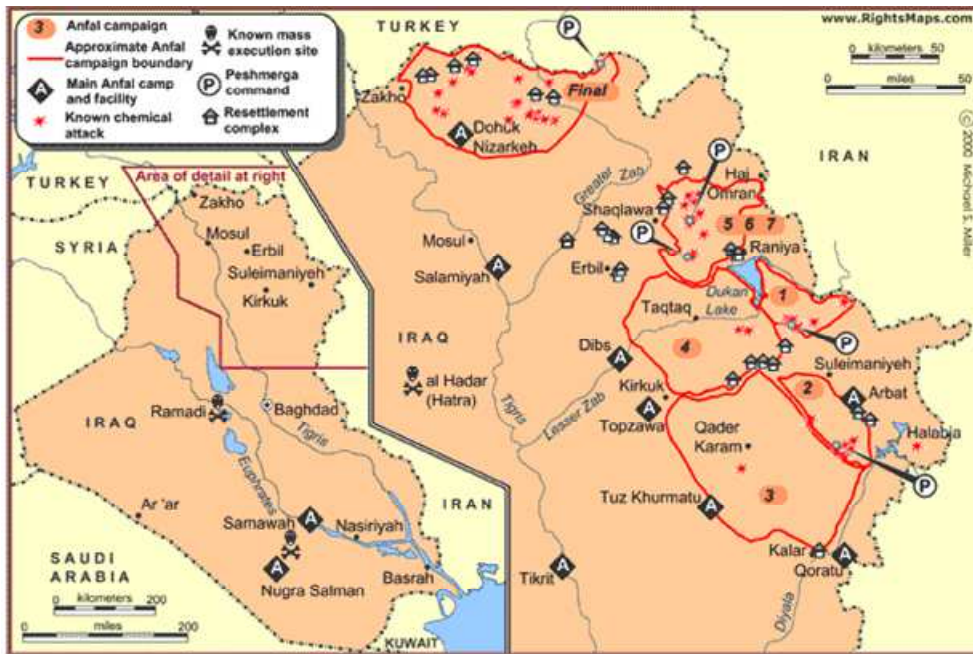
Figure # 14-2: Map of First Stage of Al- Anfal Campaign (23 February – 11 March, 1988)

Figure # 14-3: Map of Second Stage of Al- Anfal Campaign (22 March – 1 April, 1988)

Figure #14-4: Map of Northern Theatre of Third Stage of Al- Anfal Campaign (7 – 20 May, 1988)

Figure # 14-5: Map of Southern Theatre of Third Stage of Al- Anfal Campaign (7 – 20 May, 1988)
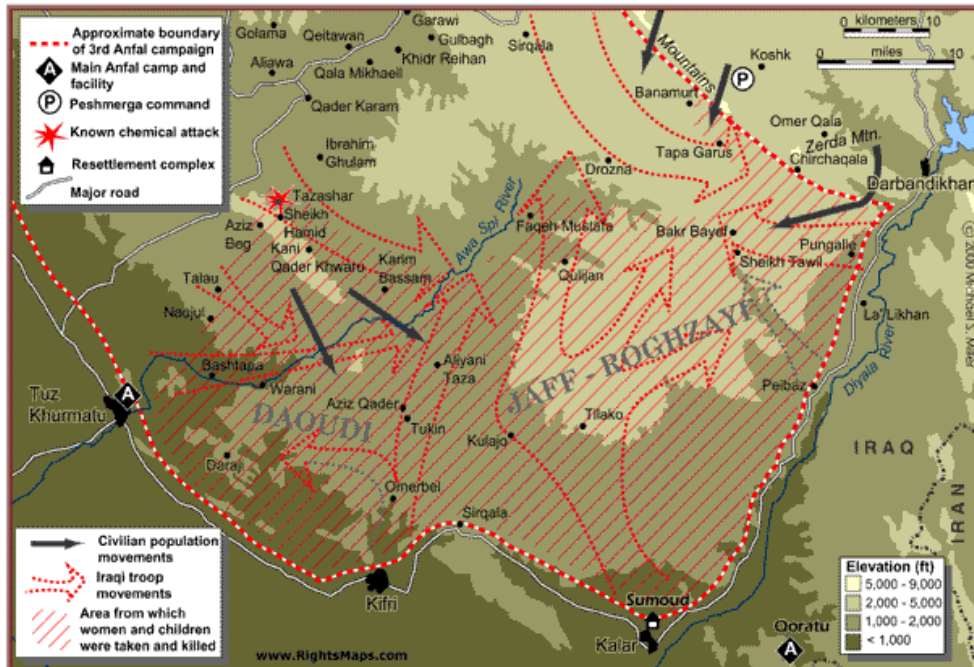
Figure # 14-6: Map of Fourth Stage of Al- Anfal Campaign (3 - 8 May, 1988)

Figure # 14-7: Map of Stages 5, 6, 7 of Al- Anfal Campaign (15 May – 26 August, 1988)

Figure # 14-8: Map of Final stage of Al- Anfal Campaign (25 August -6 September, 1988)

Source: www.RightsMaps.com

In eight months (from February to September 1988) and in eight stages, the campaign destroyed at least 4138 villages or small towns (as shown in the following table), displaced more than 1, 400,000 residents[132], among them 50,000 – 100,000 women and children, who were taken away to concentration centers and are still being dug out of mass graves all over Iraq.[133]

Table #5: Destruction of Villages in Kurdistan Region in the Al-Anfal Campaign
(February–September, 1988)*

Province of Dehuk					
Municipality	**Local Admin. Units**	**Total Villages in 1987**	**Destroyed in Al-Anfal**	**Spared from Destruction**	**Destroyed (%)**
Center of Dehuk	Center of Dehuk	9	0	9	0
	Zaweta	63	61	2	96.82
	Doski\Mangesh	56	55	1	98.21
	Atrush	46	46	0	100
Summel	Center of Summel	41	40	1	97.56
	Faida	38	37	1	97.36
	Slivani	67	67	0	100
Zakho	Rozgari	37	35	2	94.59
	Sindi\Sranish	57	56	1	98.24
	Gli\Batufa	62	59	3	95.16
Amedi	Center of Amedi	48	44	4	91.66
	Sersang	107	102	5	95.32
	Barwari Bala\Kani Masi	82	82	0	100
	Nirwarikan\bibo	63	63	0	100
Akre	Center of Akre	15	2	13	0.13
	Nahle\Dinarta	103	21	82	20.38
	Surjia Bjil	49	10	39	20.4
	Al-Ashair Al-Sab'a\Barda Rash	90	18	72	0.2
	Grwasen	90	11	79	0.12
Sub-total		**1123**	**809**	**314**	**72**

Province of Erbil

[132] This calculation is made assuming an average of 50 households in each destroyed population center and an average of 7 members in each household.
[133] These are estimates of Human Rights Watch. See:
Gorge Black. Genocide in Iraq: The Anfal Campaign Against the Kurds. New York: Human Rights Watch, 1993, ISBN: 1564321088
Kurdish researchers and Kurdistan regional authority put the numbers around 182,000. See for example:
Chia, Displacement of Population from Stratigic Sectors of Kurdistan (In Kurdish). Siasati Dawli: International Politics. No. (4), Year (2). Sulaimaniya, Iraq, 1993. pp 25-30.

Center of Erbil	Ein Kawa	82	37	45	45.12
	Qushtapa	112	112	0	100
	Khabat	40	16	24	40
Makhmoor	Center of Makhmoor	35	15	20	42.85
	Qaraj\Baqrta	94	59	35	62.76
	Kandinawa\dybaga	75	75	0	100
	Guwer	55	31	24	56.36
Koisenjaq	Center of Qoisenjaq	53	51	2	96.22
	Shorish\Degala	44	44	0	100
	Taq Taq	55	54	1	98.18
Shaqlawa	Salahaddin	88	58	30	65.9
	Khoshnaw\Hiran	50	44	6	88
	Harir	82	61	21	74.39
Soran\Rawanduz	Khalifan	55	27	28	49.09
	Rawanduz	39	33	6	84.61
	Diana	42	1	41	2.38
	Bradost\Sidakan	221	212	9	95.92
Zebar\Mergasoor	Merga Soor	75	75	0	100
	Mizuri Bala\Sherwan Mazn	67	67	0	100
	Barzan	28	28	0	100
Choman	Galala	84	84	0	100
	Haji Omaran	21	21	0	100
Sub-total		**1497**	**1205**	**292**	**80.49**

Province of Sulaimaniya and New Province of Kirkuk **					
Center of Sulaimaniya	Sarchinar	99	87	12	87.87
	Bazian	60	53	7	88.33
	Tanjaro\Arbat	79	76	3	96.2
	Qaradakh	85	85	0	100
Chamchamal	Center of Chamchamal	71	68	3	95.77
	Aghjalar	68	68	0	100
	Sangaw	93	93	0	100
	Qadir Karam	87	87	0	100
Pishdar	Center of Pishdar	77	77	0	100
	Hero	35	35	0	100
	Sangasar\Nawdasht	94	94	0	100
Rania	Chwar Qurna	99	96	3	96.96
	Betwata	28	16	12	57.14
Dukan	Khalakan\Chinaran	46	46	0	100
	Bingrd	60	60	0	100
	Surdash	80	80	0	100
Chwarta	Cneter of Chwarta	95	95	0	100
	Srochik	67	67	0	100
	Mawat	79	79	0	100
	Siwail	70	70	0	100
Darbandikhan	Center of Darbandikhan	30	30	0	100
Penjwen	Center of Penjwen	63	63	0	100
	Garmik	78	78	0	100
Halabja	Sirwan	104	104	0	100
	Biara	24	24	0	100
	Khurmal	63	63	0	100
	Sharazoor	66	66	0	100

	Zaraian	40	39	1	97.5
Kalar	Center of Kalar	27	25	2	92.59
	Tilako	81	81	0	100
	Pebaz	69	69	0	100
Sub-total		**2167**	**2124**	**43**	**98.01**
Total of All Provinces		**4787**	**4138**	**649**	**86.44**

(*) This table excludes most of the villages destroyed in stage #3 of the Anfal campaign in areas that are outside the official, but within contested, boundaries of Iraqi Kurdistan region.

(**) Some of the municipalities in this table were part of Province of Sulaimaniya during the Al-Anfal campaign, but they were redistricted to belong to a new Province of Kirkuk in 1993 under the authority of the de facto autonomous Kurdistan Region as a result of 1991 Kuwait War and local uprisings.

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Source: Bakhtiar Baban, <u>A study of Agrarian Land Ownership and Conflicts in Kurdistan Region and Suggested Solutions</u> (In Kurdish).,Unpublished study. Sulaimaniya-Iraq, 2007.pp 62-65.

The rest of the displaced families were forced into "modern towns" that were built in wide-open areas, on what was previously prime agrarian land, and surrounded by military observation towers. The following table is a list of the "modern towns" in Province of Sulaimaniya only, as an example:

Table #6: List of Forced Relocation "Modern Towns" in Sulaimaniya Province and the Area of Agrarian Land They Put Out of Commission

"Modern" Town	Area of Agrarian Land Built on (in Dunums)	
	Irrigated by Surface Water	Irrigated by Rain
Kalar Modern Town	0	2,916.23
Saddamiyah of Halabja	242.11	0
Nasr Modern Town in Zaraian	107.8	2,366.3
Braiati Modern Town in Barika	10	4,567.13
Modern Town #8 in Chamchamal	0	2,631.2
Modern Town #9 in Chamchamal	6	2,098.4
Modern Town of Takiai Kakamand	0	500.15
Bainjan Modern Town #1 in Bazian	597	1,337.21
Bainjan Modern Town #2 in Bazian	58.06	736.23
Saddamiyah of Bazian #1	510.15	650.22
Saddamiyah of Bazian #2	112.1	1,731
Piramagroon Modern Town	706.15	2,895
Saddamiyah of Rania (Designed but Not implemented)	350	0
Total	**2,700.6**	**22,430.1**

Source: Bakhtiar Baban, op. cit.; p. 55

The agrarian land that was "yielded" from the Anfal campaign was reregistered as government owned, without compensation, even for those with proper documentation of

full private ownership.[134] Any attempt to access most of the "yielded" land became an offense against the state. Orders were given to military and security personnel to shoot and kill any peasant or grazing domestic animal found on the "yielded" land.[135] In the province of Sulaimaniya, the inaccessible land was more than 73% of total cultivatable land, as presented in the following table:

Table #7: Accessibility of Agrarian Land in Sulaimaniya Province in 1990-1991 Season, as Described in a Meeting of the Executive Committee of the National Cultivation Campaign in Sulaimaniya Province in Fall of 1990

Type of Access	Type of agrarian Land (in Dunum)		Sub-total (in Dunum)	(%) of Total Arable Area
	Area of Irrigated by Surface Water	Area of Irrigated by Rain		
Accessible	81,395*	457,988	539,383	**26.53**
Restricted by Security and Military Measures	74,039	844,095	918,134	**45.17**
The Forbidden Boarder Stretch	165,152	410,283	575,435	**28.31**
Total	320,586	1,712,366	2,032,592	**100**

 (*) This number was wrong in the original hand-written document, and was noticed and corrected by Mr. Baban later.
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Source: Alan Noory, op. cit.; pp. 120-121

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[134] The Iraqi regime did not even bother with deciding the legal fate of the "yielded" land, since it was not planning to allow access to most of it, for the foreseeable future anyway. But it was forced to address the legal status issue when it opened conditional access to areas that were banned since Al-Anfal Campaign, in 1990. Hence came the "Council of Revolution Leadership" Decision No. 367 in 9/7/1990 that penalized farming families for failing to use the land in agricultural activities, even though the state itself blocked their access to the land.

[135] In a memorandum signed by Governor of Sulaimaniya, Director of Military Intelligence in the region, Head of Ba'ath Party organization in Sulaimaniya, Commander of First Army Division, Director of Security Apparatus in Sulaimaniya, Director of Civil Defense in Sulaimaniya, and Director of Agriculture and Irrigation Administration in Sulaimaniya, the following were put forward as reasons for not allowing access to most of agrarian land in the Province: " A- Cultivating these areas would require the presence of the peasants during tilling, seeding and harvest (…).   B- The presence of peasants in these areas might lead to insurgent infiltration and would allow them to continue their destructive operations. C- (…) Cultivating these areas would require building housing structures and barns, or at least tents, to protect from the elements, And as we explained, that will jeopardize the security of our military". See: Alan Noory. Conflicts of Land Ownership and Their Role in Hindering Agricultural Development in Iraqi-Kurdistan: 1991 – 1995 (In Arabic). Unpublished Masters Thesis, University of Salahaddin, Iraq, (1996), p.120 (footnote)

Even after cramming the entire peasant population of Sulaimaniya Province in 26.53% of the cultivatable area, the central authorities were insisting on applying the inapplicable laws of 1983 that required opening all uncultivated government owned land for public bidding and in area measures that were, so called, more viable economically. In a confidential and urgent memo to the Central Agency for Administration of Agriculture and Land Reform in 1991, the Sulaimaniya Branch of Agriculture and Irrigation Administration explained their non-compliance with those laws: "First: The law (No.35 in 1983) requires renting the areas that are not needed by the local farmers. However, in the accessible areas there is no land that is not needed by the local farmers, not when all villages from the restricted and forbidden areas were relocated in this portion of land. Second: The law does not specify the upper and lower area limits for what constitutes economically viable to rent. It also does not require any of the eligibility standards observed in land reform laws (distribution only for persons who have no occupation but farming). But the scarceness of agrarian land and the over-population in the accessible areas compelled our branch to devise our own rules and regulations that were compatible to previous land reform laws.

Third: The law requires all rent contracts to be permanent, and does not allow seasonal temporary contracts, yet half of our rent contracts are temporary and seasonal. That is because in the restricted areas, for security reasons, all contracts are made with the approval of military and security authorities, and their approval is nullified when the approving troops are rotated or when security conditions change.

Fourth: The law requires public auctions for renting state owned land. That was not followed, because most of applicable land was already possessed by local farmers.

Renting those areas to outsiders resulted in problems, including crop burning, homicide

and threats. This is why the idea of allowing farmers from other areas to participate in

public biddings was not feasible. In addition, newspapers did not reach all population

centers, and therefore, farmers would have missed dates and locations of the public

auctions."[136]

The invasion of Kuwait in August 1990, and the establishment of what proved to be a

devastating 14 years of international embargo against Iraq, compelled the Ba'ath Regime

to appreciate the strategic importance of agriculture and production of food. After years

of neglect and abuse, the regime announced a National Cultivation Campaign by which

all agricultural operations were centralized, regardless of ownership structure. Agrarian

vehicles and machinery were allocated from all over Iraq to work based on where they

were needed first, due to time differences among agricultural operations in different

regions of Iraq. All possessors and owners of land were compelled to meet a production

quota, or lose their land, without compensation. This was enforced, regardless of the type

of possession,[137] and without the right to bid to re-rent the land once it was put up for rent

in public auctions.[138]

Vast areas were rented out according to formulas that allowed for the new renters to

possess pieces of land that were, in some cases, more than 20 times larger than the

[136] Sulaimaniya Branch of Agriculture and Irrigation Administration. Agrarian Land Department. Confidential and Urgent Memo to Secretary of Agriculture and Land Reform Management of the Autonomous Region (of Kurdistan). No. Confidential /3/106. Date 7/28/1991.
[137] See: Council of Revolution Leadership (CRL)'s Decision No. 367 in 7/9/1990, which was attached to communication No. 29478 in 11/28/1990 from Minister of Agriculture and Irrigation to All Branches of Agriculture and Irrigation Administration in All Provinces.
[138] See Directive No. 5 in 1990 by Minister of Agriculture and Irrigation, on how to implement (CRL)'s Decision No. 367, that was attached to the above communication No. 29478 in 11/28/1990.

average farming families' possession. In other areas that were deemed security threats, "trustworthy" renters were rewarded with areas as much as 40 times larger than the average possession.[139]

Furthermore, in cases where no one came forward to rent recently "repossessed" land,[140] another order from Revolution Leadership Council exempted anyone willing to invest in such areas from both the maximum limits of possession and rent.[141] In the Kurdistan Region this was implemented by a directive from Saddam Hussein's office ordering the transfer, without rent, of all previously restricted or banned areas for security and military reasons, to heads of paramilitary forces known as light brigades and security battalions.[142]

Ghosts of the Far and Near Past:

Kurdistan Agrarian Communities in Post 1991 Gulf War

Although devastating on every socio-economic level, the war of 1991 presented a political opportunity in Iraqi Kurdistan. This opportunity led to an uprising (March 1991),

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[139] In a personal interview with Mr. Bakhtiyar Baban, in 5/25/1996, he mentioned that one paramilitary leader received 76,000 dunnums in Kalar. This would put him, in terms of control over agrarian land, on the same level with the last two royal families in the history of Sulaimaniya Province prior to the land reform of 1959; the (Baban)s who established the semi-independent Emirat of Sulaimaniya and built the city of Sulaimaniya, and the (Al-Hafid Al-Barzinji) family, the relatives of the self-proclaimed King of Kurdistan during World War One, who ruled the entire Province of Sulaimaniya and beyond. Another paramilitary leader received 36,000 dunnums in the same municipality of Kalar, while another 13,000 dunnnums in Bazian municipality were given to a third paramilitary leader.

[140] for reasons varying from social embarrassment or kinship relationship to former farming families that used to possess the land and all the way to harassment, threat of violence from former possessors, or blackmail from nearby security or military outposts.

[141] .CRL Decision No. 364 in 9/5/1990 and Directive No. 4 from Minister of Agriculture and Irrigation to All Branches of Agriculture and Irrigation Administration in All Provinces explaining how to follow the CRL decision.

[142] This is according to Directive No. 2534 in 1990 issued from the Office of the President and had the legal power of an addendum to an existing law.

the crushing of that uprising (April 1991), negotiations with the central government (April 1991), a year of dual authority in most of the Kurdish region (1991), and 3 more local uprisings within the same year. All of this eventually led to the withdrawal of Iraqi civil authorities, security apparatus, and army (October 1991).

These developments cleared the path for an election that created the first Kurdistan National Assembly in June, 4, 1992 and the first Government for the region in July, 4, 1992.[143]

A critical factor in loosening Saddam's grip on the Iraqi-Kurdistan region was the presence of Kurdish paramilitary leaders. Saddam used them in his Anfal campaign and rewarded them with vast holdings of land yielded from the notorious campaign. These leaders collectively controlled half a million armed militiamen, comprised mainly of former peasants who had lost their land holdings and had few options short of working in the paramilitary. But the Kurdish paramilitary leaders decided to abandon Saddam and cross over to the other side in a move calculated to secure their status within the new power structures.

As many of the paramilitary leaders merged into the two main dominant political parties (Kurdistan Democratic Party and Patriotic Union of Kurdistan), they managed to retain

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[143] See: Alan Noory, op. cit.; pp. 128-129.

the organizational structure of their forces within the militia of the political parties and received their cooperation and blessing[144] for the wide scale looting they performed.[145]

The dual authority of the central government and the Kurdistan United Front, in 1991, created a chaotic legal structure with regard to land possession/ownership in the agricultural sector. On one hand, the central government was sending instructions and orders demanding the continuation of the post-Anfal structure, which denied original land holders access to land and ordered the post-Anfal leases to be made permanent. On the other hand, torn between loyalty to peasants and its newfound interest in integrating the paramilitary leaders into their own power structure, the Kurdistan United Front instructed the same authorities to dismantle all contracts resulting from the Anfal campaign and ended the implementation of the 1983 laws. But for that year's harvest, the KUF ordered 45% -45% sharing of the harvest between the original owner/possessors and the post Anfal leasers while it attempted to collect the remaining 10% for itself, [146] thereby

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[144] For example, minutes of the meetings of Kurdistan United Front, the collective leading body of the de facto authorities prior to elections in Kurdistan, reveled that deciding figures in both of the two main parties "sold" the unfinished Bekhma dam project site, with all its equipments, buildings and vehicles to a former influential paramilitary leader, who, in turn, sold everything to Iranian merchants.

[145] The level of the organized looting was devastating in all economic sectors. Statistics generated in a report by the central government's agrarian authorities in the province of Sulaimanya in summer of 1991, indicated the loss of 68% of total tractors from the agricultural sector (a loss of 3073 tractors), Although the report does not give the number of combines in the province before 1991, it suggests that the number is down to 51 working combines, while it estimates the needed combines to be 1219. By 1993, the administration of agriculture sector in the province lost 66 of its own vehicles to looting. Another report in 1993 indicated that 55% of water pumps from irrigation projects in Kurdistan were looted (a loss of 3322 pumps). Source:

Alan Noory, op. cit.; pp. 130-131

[146] This %10 harvest tax was without any legal merit, since all taxes on farming families were explicitly abolished by land reform laws since 1975.

allocating the harvest of hundreds of thousands of dunums to the former militia leaders.[147]

After the withdrawal of the central government's administration, KUF issued new orders to return all land ownership/possession to the conditions immediately prior to the Anfal campaign, with the exception of lands where the post-Anfal leasers invested in excavation for water and bought pumps. The order allowed those leasers to possess 50 dunnums in the area surrounding each water pump for one agricultural season to recoup their expenses. A year later, after the election and the establishment of the new Kurdish government, the Ministry of Agriculture issued another directive mandating the return of peasants to their lands. The issuing of this order for the third time in two years indicated the level of resistance that former militia leaders and the new comrades were mounting against the return of peasants to their lands.[148]

Even with the legislative elections and the establishment of Kurdistan Region's Government (KRG), a legal framework for ending the post Anfal conditions and chronic problems from earlier eras, never materialized. [149] When pressed by the media, the Prime Minister of (KRG) suggested that the legal framework for land ownership structure in Kurdistan was a three-pronged: application of local customs in border areas, Law No. 90 of 1975 in the rest of the areas recognized as Kurdistan Autonomous Region in Iraqi

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[147] In most incidents both the peasants and the former militia leaders resisted this order. In Erbil valley one of the former militia leaders who was renting 14,000 dunums, harvested 10,000 dunums of grains with the help of nearby Iraqi military posts and used the army artillery to burn the rest and run to the areas controlled by the central government. Source: Alan Noory, op. cit.; p. 133.

[148] See: Alan Noory, op. cit.; pp. 133-136.

[149] The parliament was dominated by members of abusive landlord families from the pre land reforms era and never actually brought to the floor for vote a (1993) proposal to unify the legal structure of ownership/possession of agrarian land.

laws, and Law No. 117 of 1970 for the remaining areas under the KRG control.[150]   That

meant that a vast area of the region was, as far as the KRG was concerned, out of the

reach of any law and was left to the, so called, local customs to handle their chronic

conflicts. In a bureaucratic power-grab intended to bolster its budget and revenue

streams, the Ministry of Agriculture took over legislation and issued what was known as

the Instructions No. 2 in 1992. This proclamation canceled an article of the 1975 reforms

that exempted peasants from paying rent to the government, and attempted to tie the

renewal of contracts to the collection of rent revenue. Only 3864 peasants, possessing

only 6.54% of total land owned by government in Sulaimaniya Province, came forward

to renew their contracts for 1993/1994 season, and that percentage trended downwards

every subsequent year, as shown in the following figures:

Figure #15-a: Percent Re-rented of Total State-owned Agrarian Land
in Sulaimaniya Province 1993-1996
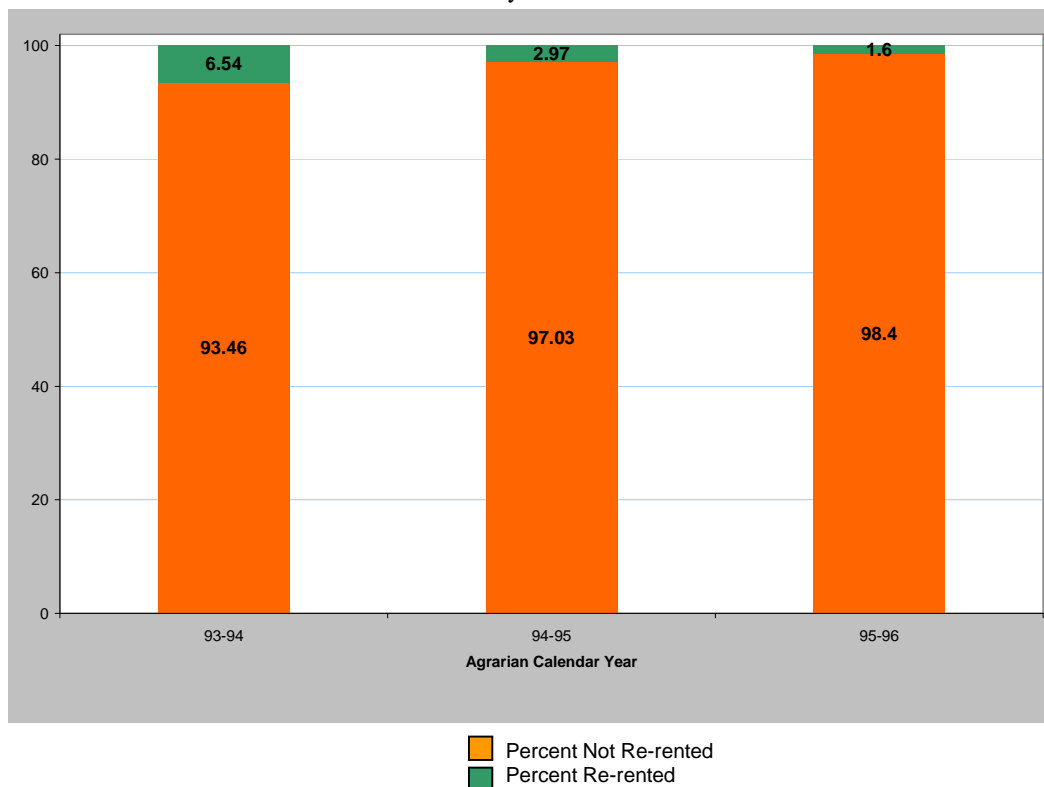
[150] See: Alan Noory, op. cit.; p. 137

Figure # 15-b: Number of Farming Families Who Renewed Their Annual Contracts
on State-owned Land in Sulaimaniya Province 1993-1996
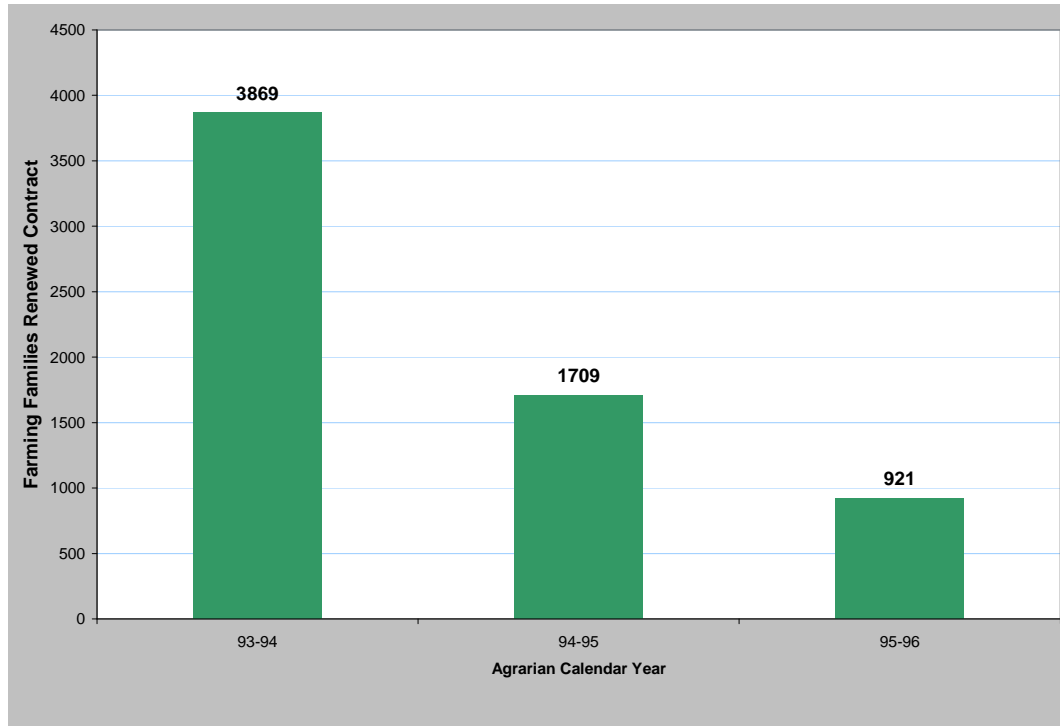
Instruction No. 2 also called once more for the return of land possession structure to its pre-Anfal condition. But yet again—and just like its predecessor, the KUF order—it was neglected by the most powerful newly integrated Anfal warlords.

In the face of the authorities' unwillingness to enforce the return of peasants to their contracted lands of pre-Anfal, a group of armed self-organized peasants from Pishdar area (on the border with Iran in Sulaimaniya province) forced their way in Spring of 1993 back onto their former contracted lands. At the time, these lands were owned by members

of Mirawdali tribe, which had a notorious past of semi-enslavement of their peasants in pre-reforms days, resistance to all land reform laws, and involvement in carrying out Anfal campaign orders to destroy peasant villages. This battle was significant beyond its local implications. The PUK, which built its reputation in the region by consistently supporting peasants in land tenure conflicts in the area, reversed itself and condemned the peasant uprising, on the grounds of its challenge to the PUK's authority. But the PUK's choice to support the losing side diminished its historical dominance over the region and provided the opportunity for KDP operatives with land tenure conflicts to link between their personal conflicts and their party's drive to regain political control over the region that they lost some 20 years earlier.

In this fragile atmosphere, a conflict over agrarian land illegally converted to a commercial property in Qaladze municipality prompted the PUK to attack and take over all local offices of the KDP in all towns and population centers in Qaladze and neighboring Rania territories on May 1, 1994.[151]

From then on, the events quickly snowballed into an all-out civil war in Iraqi Kurdistan, and led to the split of the Iraqi Kurdistan region into two exclusive party controlled areas.

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[151] See a detailed daily account of how the events in Qaladza led to an all out civil war in Kurdistan, in an on-line book titled "Dream or Nightmare! Inside the Events in Iraqi Kurdistan (1992-2002) (In Kurdish)". The book contains documents, correspondence, and personal perspective of Nawshirwan Mustafa, the once leader of Komalai Ranjdaran, the largest organ in PUK, and the second in command in that political party who recently formed the Change Movement that shook the foundation of PUK's dominance in Sulaimaniya Province since the Kurdistan Region's general elections in summer of 2009. Nawshirwan's objective in the book is to counter a narrative on civil wars in Iraqi Kurdistan that puts him in the center of all episodes of tensions and hostilities since the 1980s. See: http://www.sbeiy.com/%28A%28MHjkURx8ygEkAAAAMDk1Zjg1NDUtMWJlNi00OTNiLTkzYWItODNjMDlhYTliZTY0YkkI7H4nevPGZC8WVY9Gb7xan301%29%29/ku/ArticleParts.aspx?PartID=32&ArticleID=1539&AuthorID=36

It also forced massive migrations of supporters who found themselves in areas controlled by their new enemies.

The inaction that marked the attitude of the government before May 1994 was replaced by the party takeover of government in both regions. Government bureaucracy was utilized to lend legitimacy to what otherwise would have been considered acts of revenge. Previous laws and their application were ignored in the newly found interest in expediting those land tenure conflict cases.

The practice of disregard for any legal reference soon became the norm, even for local and international (NGOs) that, with funds allocated by the governments of the USA and the European Union, became the main source of reconstruction, rehabilitation and development projects in rural Kurdistan.

To summarize, since 1991, dominant political parties with a long established culture of violence took over bureaucracies with a long established culture of cronyism. They left the administration of economic rehabilitation in the region to a dysfunctional and uncoordinated NGO community. Together, they were the only authority structures in the region by the end of 1991. None of them was interested in a uniform legal standard for dealing with historic and complex land conflicts that were exacerbated by the changing political and socio-economic landscape. This led to a significant surge in violence. One such wave of violent conflict is considered the trigger that sparked a civil war in the

region, which began in 1994 and from which the polity is yet to recover sixteen years

later.

Chapter Four:

When Violence Becomes The Only Game in Town:

Presentation of Key data in 1996 Field Research in Sulaymania

Province

Research Structure, Scope and Methodology

This study was conducted in spring of 1996 in Sulaimaniya province[152], during a

relatively calm period in this province's front of the civil war in Kurdistan (1994-200?).

By then, the Patriotic Union of Kurdistan (PUK) was dominating most of the province,

except for most of Halabja, Biara, Khurmal and parts of Said Saiq territories. The

Kurdistan Democratic Party (KDP) and a coalition of Islamic parties, all fighting the

(PUK), were collectively in control of those areas of the province. The relative calm

allowed me to obtain passes from both sides of the conflict to travel relatively freely

among their territories.

The study was designed to investigate the effects of complicated historical grievances and

the violent recent history of the area on the structure of possession of agrarian land in

rural Sulaimaniya, and also to study the effect of conflicts over land possession on the

tendency to resort to violence at the level of individual rural population centers.

Initially, the study was designed to cover two tracks; *Track One* was to interview local

representatives of a sample of population centers (villages), based on their willingness to

host the interviews openly in their respective communities. The questions were designed

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[152] In 1993, the new authorities in the Kurdistan Region redrew the Sulaimaniya Province boarders to make room for a new province, under their control, called Kirkuk Province. This new province encompassed the municipalities and counties that were home for large forced resettlements of displaced Kurds from Al-Ta'amim Province (formally known as Kirkuk Province). At the time, this was a political statement to assert the right of return of the displaced population, against the state-sanctioned Arabization campaign that had been occuring in Al-Ta'amim/Kirkuk Province for decades. Another change was made to Sulaimaniya Province's boundaries, as a consequence of the civil war and its out comes in 1995. After the control of Halabja municipality and its counties by the Kurdistan Democratic Party et, al. , the Patriotic Union of Kurdistan reattached the Zaraian area, that was once part of Sharazoor/Halabja territories to Sulaimaniya Province and called it the Municipality of Sharazoor.

to encourage the participation of all of the interviewees. The main goal was to get the most accurate account of their collective memory of their community's history of conflicts over land possession, their collective understanding of the legal structure of possession and ownership of land in the community, the norms of land lease, labor compensation, and the obligations between owners of land and agrarian machinery on one side and farmers/peasants on the other.

The *Second Track* was focused on the reconstruction and rehabilitation process of rural Kurdistan, which was mainly funded by the governments of the United States of America and the European Union via contracts with international and local not-for-profit, non-governmental organizations (NGOs). The focus of this track was to interview Sulaimaniya branch executives of those NGOs. My aim was to get a sense of how conflicts over land possession were affecting their work, what procedures they had in place to address those effects, and to attempt to get a quantitative measure of lost opportunities in communities where conflicts prevented reconstruction and rehabilitation projects.

As I was preparing for the field trips, I met Mr. Bakhtiyar Baban, an agrarian engineer in Sulaimaniya Branch of Agriculture and Irrigation Administration (SBAIA), who proved to be a valuable asset to my study in more ways than I could have imagined. I learned from him that after the PUK acquired control of most of Sulaimaniya province, they instructed the (SBAIA) to form a supreme agrarian committee and address some of what PUK considered, for security reasons, high priority cases of land possession conflicts in

the province. That added another component to the structure of my study: the chance to study the committee's minutes and decisions as they were addressing the conflicts. This provided a chance to examine the interaction between institutions of public administration and fighting factions of the civil war, as well as their joint venture in addressing land conflicts.

Track One:

Scope:

I used the official map of Sulaimaniya Province, in 1996, as shown in figure (1). This automatically excluded the Darbandikhan, Kalar, and Chamchamal municipalities and their counties. To avoid any conflicts of interest, I intentionally excluded the Sarchinar, and Bazian administrative units and their counties that are under the jurisdiction of the Center of Sulaimaniya municipality, since my extended family owns land there. I also avoided most of Dukan municipality and its counties, because most of the (SBAIA) committee activities were in the area surrounding Lake Dukan. The information I received from the (SBAIA) committee documents track was very similar to what I was intending to gather. Therefore, I felt justified in not making the trip there.

Figure # 16: Map Showing the Changes in Province of Sulaimaniya's Boundaries (1993-2003)

Sources:
Map of Iraq: https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html
Map of Sulaimaniya: http://www.krso.net/oldsite/sulimaniA.htm
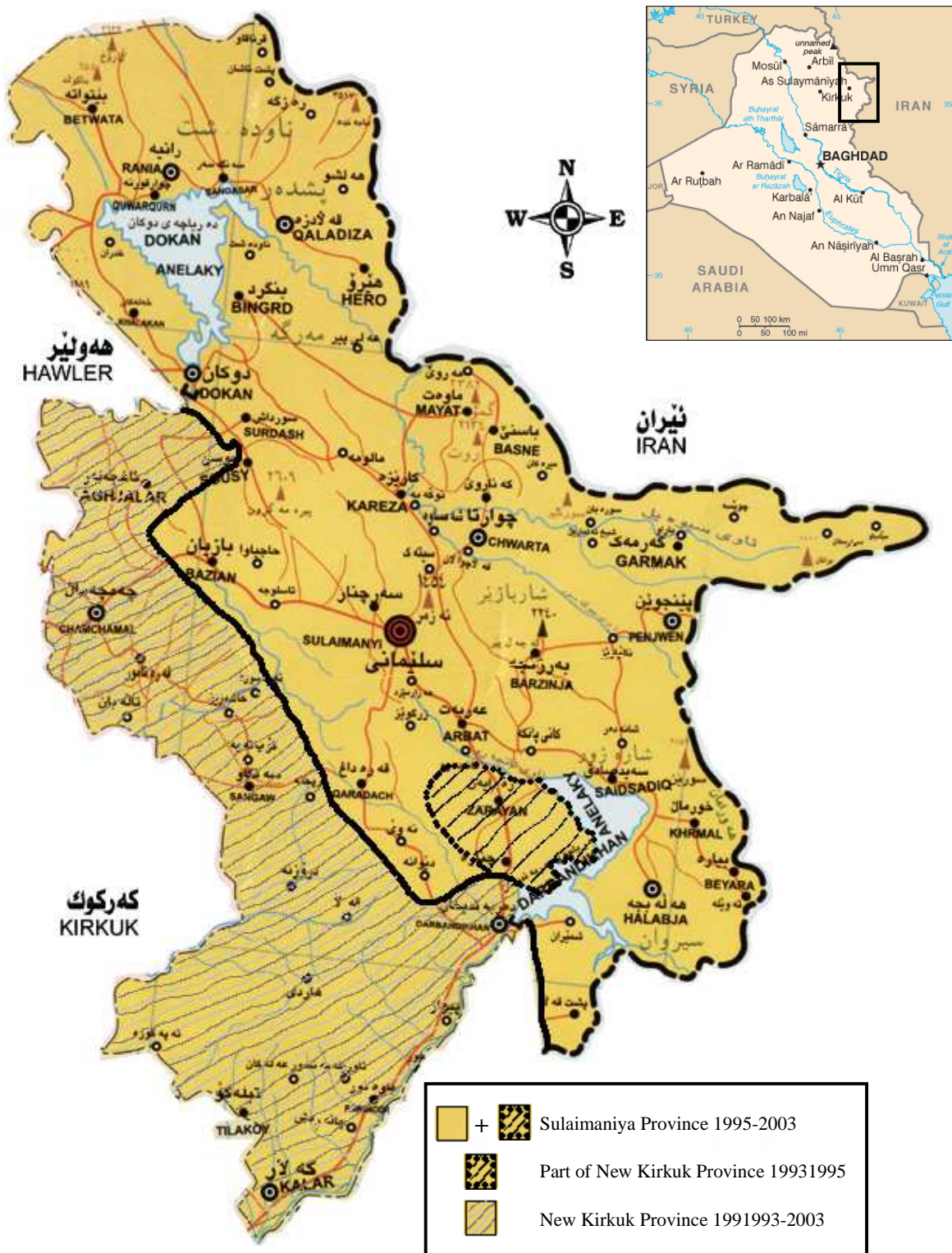
Changes since 1993: Alan Noory. Conflicts of Land Ownership and Their Role in Hindering Agricultural Development in Iraqi-Kurdistan: 1991 – 1995 (In Arabic). Unpublished Masters Thesis, University of Salahaddin, Iraq, (1996), p.140

I made eight trips throughout the spring of 1996, to the rest of Sulaimaniya Province's rural areas. The details of each are as following:

- The first trip was to Qaradagh area. I went to six[153] villages in four counties and met with their local representatives. The villages were: Upper Darawian, Lower Darawian, Mirkhuzar, Jafaran, Tangi Sar and Awai Hamai Karam.

- The second trip was to the portion of the Shahrazur Valley that was controlled by the PUK. I went to four villages/population centers in three counties: Bestan Suri Gaura, Qaragol, Zaraian and Kani Mil.

- I then proceeded to areas controlled by the KDP and small Islamist groups. I was not able to secure free access to villages in the counties adjacent to the Center of Halabja without KDP escorts. So, I left for my third trip to the Hawraman area, where the Islamist groups had more decisive authority, but were less interested in controlling my research. I went to four population centers in four counties of Hawraman: Tawela, Balkha, Dargai Shekhan, and Biara.

- When I returned from my third trip, to Halabja, I was given guarantees by KDP representatives in Sirwan (a large population center and an administration unit

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[153] Mirkhuzar was never reconstructed and their former residents are living in the Upper and Lower Darawians.

under Halabja's jurisdiction) that I could meet with elders from surrounding destroyed villages who reside in Sirwan in the Administration building, without any interference or presence by any KDP officials, who agreed to impose no restrictions on local residents' attendance. I met with elders from eight villages in eight counties: Dwanza Imam, Bezhaw, Qaramani, Ghulami, Hasan Awa, Lower Prem, Gunda Saraw, and Lower Dalen. I was also able to visit two more villages in two counties, . Lower Basharat, and Tapi Safa, and meet their elders on-site.

- My fifth trip was to the Penjwin area. The territory was loosely controlled by the PUK. I met with elders from Qzlja, a battleground in an on-going armed conflict over land possession in the town of Penjwin. I then traveled to Gokhlan, Garmik, and Taratawand, and met with their elders on-site.

- The sixth trip was to the Sharbazher area, which was also under PUK control. I was forced to cut the trip short; I was stung by a scorpion and later, my shoes got torn where I could not find a replacement to buy or borrow. I only managed to visit 4 villages/population centers in 4 counties, meet with their elders, before heading back to Sulaimaniya after the scorpion and the shoes accidents.

- I then traveled to the Pishdar regions. Pishdar is where the Kurdistan Civil War (1994-200?) started. When I went there, in spring 1996, the area was under PUK control, yet active hostilities had not ceased. The hostilities were not between political parties, but between militant tribal structures, claimants of former

nobility status, and peasant families. In the spring of 1993, these peasants forced their way back into most of the villages where they claimed residency before the Anfal campaigns. They did so by defeating the militant tribesmen and forcing them onto a narrow stretch of mountains on the boarder of Iran. I met with peasant elders of Sindolan, Dawudiya, Sultana De, and Nawdasht (four villages in four different counties) in the house of a peasant activist, who was a known leader of the local 1993 uprising. They were all unable to go back to their former villages, because their land and villages were under the control of the militant tribesmen. Afterwards, I went to Dega and Kela Spi (in two different counties) to meet with their elders. All residents of these two villages were living in tents, because the on-going battles with militant tribesmen prevented them from rebuilding their destroyed villages. Still, they had to stay to protect their crops from the tribesmen. I also went to four existing villages in four different counties to meet with their elders. The villages were: Dere, Delo, Alan, and Sreje.

- My last trip was to the population center of Chwarqurna (an administration unit under jurisdiction of Rania, where the populations of six surrounding villages were moved after the construction of Lake Dukan's Dam, and their villages were submerged. I met with elders of the original Chwarqurna, Quruja, Gulak, Tobakaran, Dw grdkan, Kolaka and Sardw Qamisha (all different counties). Later, I went to meet with elders of Saruchawa, with the promise that I would arrive before sunrise and leave within an hour, because they did not want the "land lord"

to know who I met with. I then headed to Qurabaraza, Kani Maran, and the

village of Qarani Agha in Grdjan County, and met with their elders.

The following table shows the distribution of my research sample:

Table #8: Special Distribution of the 1996 Field Study

Municipality	Counties Surveyed	Population Centers Surveyed
Center of Sulaimaniya	6	8
Chamchamal	0	0
Kalar	0	0
Darbandikhan	0	0
Halabja	15	10
Penjwin	4	4
Chwarta	4	4
Dukan	2	2
Rania	12	6
Pishdar	8	8
Total	**51**	**42**

Defining Unit of Analysis in Track One:

This clarification is warranted because of the confusion that terms such as county, village, community, and population center are causing in the context of defining rural Kurdistan, and Iraq as well for that matter.

The agrarian authorities have a system of dividing all land into sectors called "Muqata'a", which can be loosely translated into counties. Ordinarily, the population that possesses agrarian land in a county would reside in one population center. In Kurdistan, if all the residing families in a population center earn their livelihood from agrarian activities, then that population center is called "De" or "Gund", which is "Village". If resources,

especially irrigation water, are abundant, villages can be quite large (500 households and more), and they are called "Gawra De", which means "Mega Village". When government administrative units, and significant numbers of state employees, such as law enforcement, reside in a rural population center, it is usually called a "Sharochka", which is "Town". There are also forced-resettlement towns that are called "Ordugah", which means "Camp". Relocated populations usually reside in blocks resembling their former villages, and perhaps might even travel daily to their former lands to farm, if they were a reasonable distance and there were no prohibiting obstacles.

In this field study, most sample units were villages that controlled all of the agrarian land in the county they resided in. In some cases, the village controlled most of, but not all, the county land. That was properly noted in the detailed version of the dataset, but was considered one unit of a County/Population Center. In one case, three villages (two existing and one former), shared a county. Yet they were all a natural expansion of one original community with strong kinship ties, and were considered one unit of a County/Population Center. The same procedure was used in another county shared by two villages, where it was not clear that the residents of the two villages were originally one community. In two large population centers where relocated villages resided, preserved their former communities, and continued to possess or claim possession of their former land, I counted them as separate units of County/Population Center despite the fact that they all lived in the same population center. This meant that, for the purpose of this study, the surveyed units were 52 County/Population Centers.

Because of the requirements of the statistical model that I chose for this study, I multiply the entire entry for each unit of my dataset by the number of households residing at the time of the study, for undestroyed population centers, or resided prior to the destruction for destroyed or relocated population centers. This will be further explained later.

Survey Design in Track One:

The survey questions were divided into 5 groups. The first set of questions was designed to get a sense of the size of the community prior to the Anfal campaign or earlier forced migrations, if applicable. I compared this information with the current size of the community to assign a measure for the reconstruction rate of the population center. A community that was not destroyed was noted as such, but in the reconstruction rate it would receive a %100. Within this group, I collected information on the type of help the community received, if any, from the not-for-profit and non-governmental organizations (NGOs) that were the sole providers of any organized help in the reconstruction and rehabilitation of rural Kurdistan at the time.

The second set of questions was designed to get the community's collective understanding of what type of land they have legal access to and who owns/possesses it.[154] I then compared that information with that in the official records held by the

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[154] Most of the communities I went to did not know any measures of area, other than how many "Tanaka"s of wheat seed can cover a given area. A "tanaka" refers to tin cans of uniform size that were used to transport Kerosene, and reused by communities for everyday purposes. I was informed by the Sulaimaniya branch of Agriculture and Irrigation that a "tanaka" of seed can cover roughly a dunum of land.

Sulaimaniya Branch of Agriculture and Irrigation.[155] For historical reasons, the gap between local understanding and the state's understanding of the size, type, and ownership structure of agrarian land, was significant in most cases. I devised a measure by which I would consider differences in size of available agrarian land that was less than 100 dunum of rain irrigated and/or 20 dunum of surface water irrigated to be minor discrepancies between the local understanding and what is considered legal documentation by the agrarian authorities. Discrepancies in the structure of possession and ownership that are kept within the same area limit of 100 and 20 dunum were also considered minor. Any discrepancies beyond that were considered major.

The third group of questions probed the collective recollection of conflicts over land possession from pre-Anfal, or prior to forced migrations, and the socio-economic status of the parties involved in the conflicts.

The fourth set of questions addressed the extraordinary season of 1990-1991; who controlled the land until the popular uprising of March 1991? What was their prior relationship to the land? How did they treat the former possessors? And how was the reconciliatory compromise by the new authority of the Kurdistan United Front followed in the harvest season of 1991?

The last segment of the questions addressed the current conditions of possession and production relationships. The main focus was to get as accurate a picture as possible of

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[155] This was only possible with the tireless help of Mr. Bakhtiyar Baban, who went through his department's files to identify official county names and provide the summery of size, type of land, and legal possession and ownership structure of all the communities I visited.

the norms of agrarian relationships and the type of conflicts that arise from them. The main indicators I used to capture the type of conflicts were the degree to which violence and intimidation were used in the conflict, and whether the parties in the conflicts are the same or generational reoccurrences from the earlier conflicts.

Procedures of Track One:

In every trip I made, I was able to make arrangements for only the first stop in the area. That was usually through contacts with relatives of the elders who lived in the city of Sulaimaniya. My standard procedure was to go the village mosque, and ask to meet with the elders there, to ensure openness and access for everyone who wanted to attend the interview. However, I usually ended up conducting the interviews in the most senior elder's home, because keeping a guest in the mosque was usually a sign of the guest not being welcome. I only experienced this unwelcoming gesture once in a village in Sharbazher area. I learned later that it was retaliation for the act of an NGO surveyor who claimed that he was assessing their need for veterinarian assistance, and asked for the number of cattle they had in the village. It turned out that he was assessing poverty to see if they qualify for a "poor village" status for a drinking water project. He ended up disqualifying them on the grounds that they were not poor because they had cattle.

I always showed documentation that my survey was a part of a university research project that would not bring direct benefits or harm the community in any way. In a few incidents, after the conclusion of the survey, I was asked by those who knew my relationship to one of the oldest pharmacists in the province, to send them medical kits

for insect and snake bites. In one other incident I was asked to inform them what the legal status of possession was in their county, after I found out. I gladly did all of that.

After the interview in my first stop, I would ask if the elders could connect me to elders from other villages not within their county. If given more than one option, I normally selected one that was no more than one day's walk away, or one that I could secure a car ride to.

Track Two (The NGO Survey):

Scope:

I used the contact list provided by the United Nation's office in Sulaimaniya in June 1995, for all non-governmental and not-for-profit agencies registered with the UN and active within the Province of Sulaimaniya, known locally as (NGO)s. These were a mix of foreign and local agencies dedicated to the rehabilitation and development of the ravaged communities in Kurdistan. Their main source of funding came from the humanitarian aid budgets of the US and European Union.

I randomly contacted one-fifth of all thirty registered foreign NGOs on the list, and one-fifth of the fifteen local NGOs. If local administrators from an agency would not agree to take the survey, which happened with four foreign agencies, then a replacement was picked randomly from their group.

Survey Design in Track Two:

There were four groups of questions in the survey: The first group was identification questions that focused on the country origin of the organizations and the date they became active in Kurdistan and in Sulaimaniya Province. The second group of questions was concerned with their per-year spending on reconstruction and development projects in the agrarian sector in Sulaimaniya, and the estimated population that benefited from the projects. The third group of questions focused on the number and the location of population centers that had significant property conflicts that threatened their projects, and asked to identify the means by which these conflicts were resolved. The last group of questions explored the number and locations of population centers where conflicts over property rights were irresolvable to a degree that planned projects had to be canceled. If that was the case, then the organization was asked to provide information on the type of project, its projected cost, and the number of proposed beneficiaries.

Procedures:

Most of the participating organizations preferred written responses over direct interviews. I normally met with their designated contact to explain the survey questions, followed up within a week to receive the written answers, requesting any necessary clarifications at the follow up meeting.

Track Three (Agrarian Committee Files):

Scope and Selection Process:

Although a Supreme Agrarian Committee (SAC), established by the Sulaimaniya Province's Branch of Agriculture and Irrigation Administration, was supposed to be the authority resolving conflicts over land possession and water rights in the province, it was not called upon to actively engage in such conflicts from March of 1991 until 1995. Since then, the PUK (the party that controlled most of the province) has started using this bureaucratic tool in their efforts to address security threats emanating from some high profile cases of land possession conflicts.

The reactivation of the (SAC) allowed it to function not only in high profile cases, but also in routine cases. Since I was interested in how the civil administration authorities functioned during the civil war, especially in cases where complex conflicts over land possession were deemed security threats, I chose documents related to the work of the committee in only 17 cases. My criterion for this choice was the complexity of the conflict the documents addressed.

I had the privilege of an interview with Mr. Bakhtiyar Baban, who was an active member of the committee. I used his information about the historical aspects of the conflicts and the socio-economic background the involved parties, wherever such information was

absent or not clear in the documents. The following table shows the geographical

distribution of the cases addressed by the selected documents:

Table #9: Special Distribution of the Selected Documents of the Supreme Agrarian Committee in Sulaimaniya (1995-1996)

Municipality	Counties	Population Centers
Center of Sulaimaniya	2	2
Chamchamal	0	0
Kalar	0	0
Darbandikhan	0	0
Halabja	0	0
Penjwin	0	0
Chwarta	2	2
Dukan	8	9
Rania	2	2
Pishdar	3	3
Total	**17**	**18**

Content Presentation:

 In studying the documents, I focused on three aspects:

- The nature of the document, issuing party, official title of the signatories, reason for issuance of the document, and location of conflict it addressed.

- The conflicting parties, their relation to the agrarian land in dispute, and the type of agrarian land in dispute.

- The nature of the resolutions suggested in the documents and degree to which they adhered to established laws.

The original dataset from all three tracks of the research contains detailed descriptive

information in each field. My intention was to capture as much information as possible

and avoid quantifying, because of the inevitable disadvantages that come with categorization and generalization of nuanced information. Yet, with quantification, generalization, and categorization comes the ability to spot the trans-local aspects and the general tendencies in the studied communities, and with that comes the ability to predict causes, effects, and outcomes in relatively similar socio-political conditions.

The selection and grouping of key data from all three tracks is based on the interconnected narrative they collectively present:

Communities Torn by Generations-old, Resurgent, and Irreconcilable Conflicts

In 1996, after years of a devastating embargo imposed by the international community (since the invasion of Kuwait in 1990), the neighboring countries, and the Iraqi regime itself (since summer of 1991), the overcrowded urban centers in Iraqi Kurdistan were left with crushing unemployment rates and no economic opportunities short of working in the semi-legal trade sector, or for the UN organizations, the international NGOs, private militias of the political parties, and the security apparatus of the du facto authorities.

Activities in the trade sector were severely limited to importing sub-standard or expired packaged food, dumped tobacco products, and alcohol from or via Turkey to Iraq in return for smuggled raw petroleum, and then exporting the tobacco and alcohol, mainly illegally, to Iran in return for refined petroleum products and sub-standard consumer goods.

Aside from the above mentioned limited employment opportunities, there was a consensus in Iraqi Kurdistan that rebuilding, rehabilitating, and developing rural Kurdistan was the only path to a viable economy under the region's harsh political and economic realities.

Yet, in the 1996 field study, I found that the population in more than half of the villages/population centers I visited was fewer than 50% of their pre-Anfal population, and 68.96% of them were in the (less than 10%) category, as shown in the following figure:

Figure # 17: Reconstruction Rate in Villages/Population Centers Observed in the 1996 Research, Measured as Percent of Current Population to Pre-Displacement Population
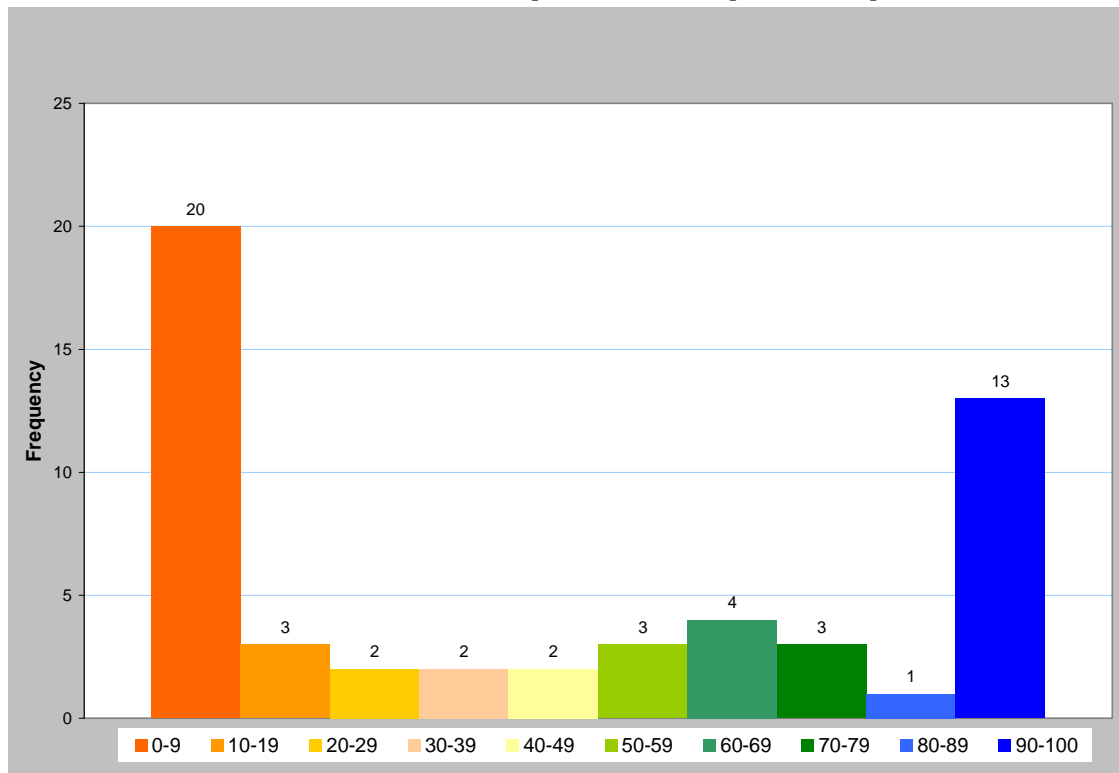
Source: Alan Noory, op. cit.; Table #36.

To make sense of these percentages, it is important to take into account the following:

- Six of the villages/population centers in the (90-100% category) were not destroyed during the Anfal Campaign, and the rest were post-displacement settlements where the population could not return to their original villages.

- Four villages/population centers in different categories were repopulated by relatives of owners, pre-reform owners, or claimers of ownership, while the original displaced population was not allowed back. Another five villages/population centers were partially repopulated by displaced population from other neighboring villages or from areas under the control of the central government of Iraq.

- Six of the villages/population centers where the reconstruction was at the (0-10%) level were battle grounds for ongoing armed conflicts over land possession, and those who lived there were living in temporary structures and tents. One village in this category was not rebuilt in an agreement to avoid future conflicts over an irrigation source that supported two other villages.

The above were hardly the only communities burdened by conflicts over land possession. In fact, only twelve villages/population centers claimed to have no such conflicts since 1991, while thirty-seven reported violent conflicts[156] over land possession in the (1991-1996) period, Of these, twenty-one were ongoing at the time of field study. See the following figure:

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[156] Violent conflicts, for the purpose of this study, are defined as conflicts where one side or more used coercive action to advance their claims. This ranged from credible threat of use of arms all the way to forced migration and murder.

Figure #18: Reported Conflicts and Their Types in the Observed
Villages/Population Centers (1991-1996)
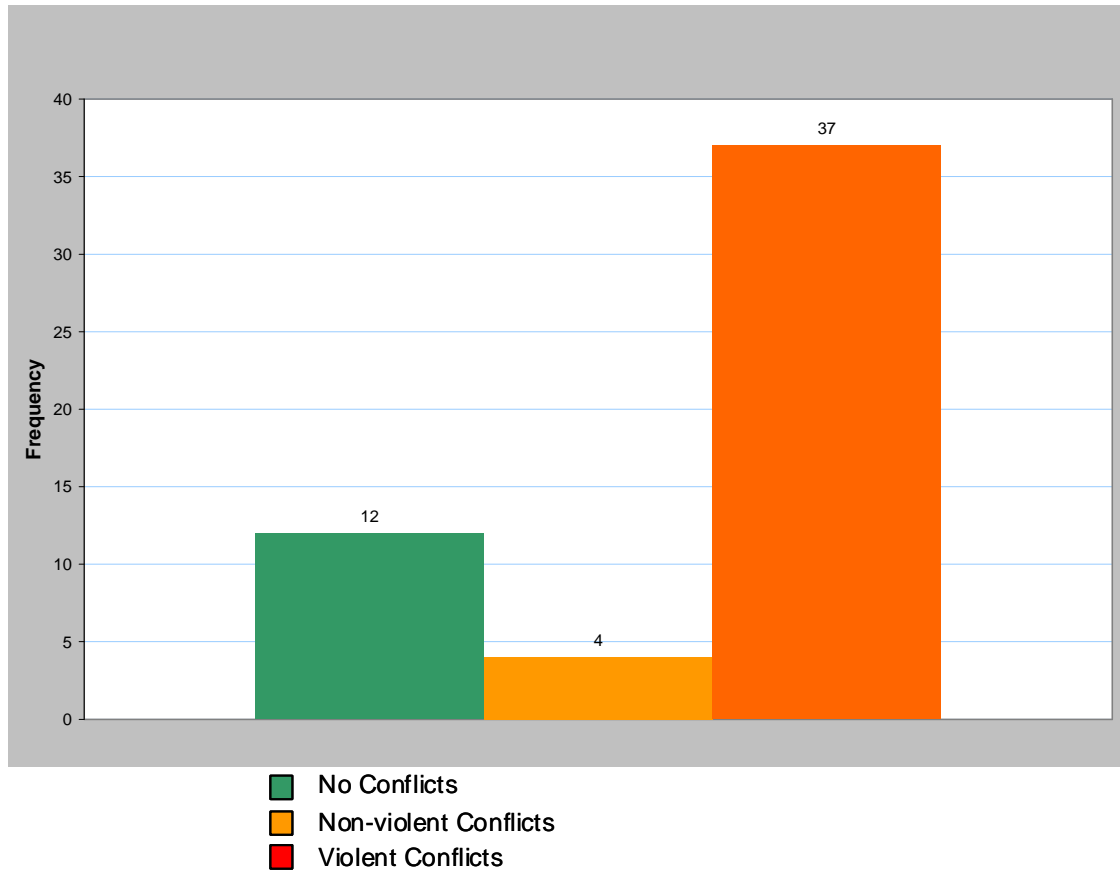
The vast majority of these post 1991 conflicts did not come out of a vacuum. In fact, when asked about their collective memory of past violent conflicts, residents of only three villages/population centers did not recall any such conflicts as far as they could remember.

After reading their conflict story, and comparing it with the history of the legal status of land possession in their county/population centers, I found that in 56% of the observed villages/counties where such a violent history was recalled, at least one party in the

conflict did not have any legal standing that was recognized by the state in their conflict. They were mainly pre-land reform owners who never accepted the laws, were never able to prove their ownership with accepted legal documentations, or never finalized the settlement of their ownership until such settlements were canceled in the 1970s and the disputed lands were considered government owned and distributed between farming families in the area as such. See the following figure:

Figure #19: Pre- 1991 Violent Conflicts, As Recalled in the Observed Villages/Population Centers, and Their Legal Standing of One or More of Their Sides

- No Conflicts
- Conflicts Between Legitimate Sides
- Conflicts with Claimers of Ownership
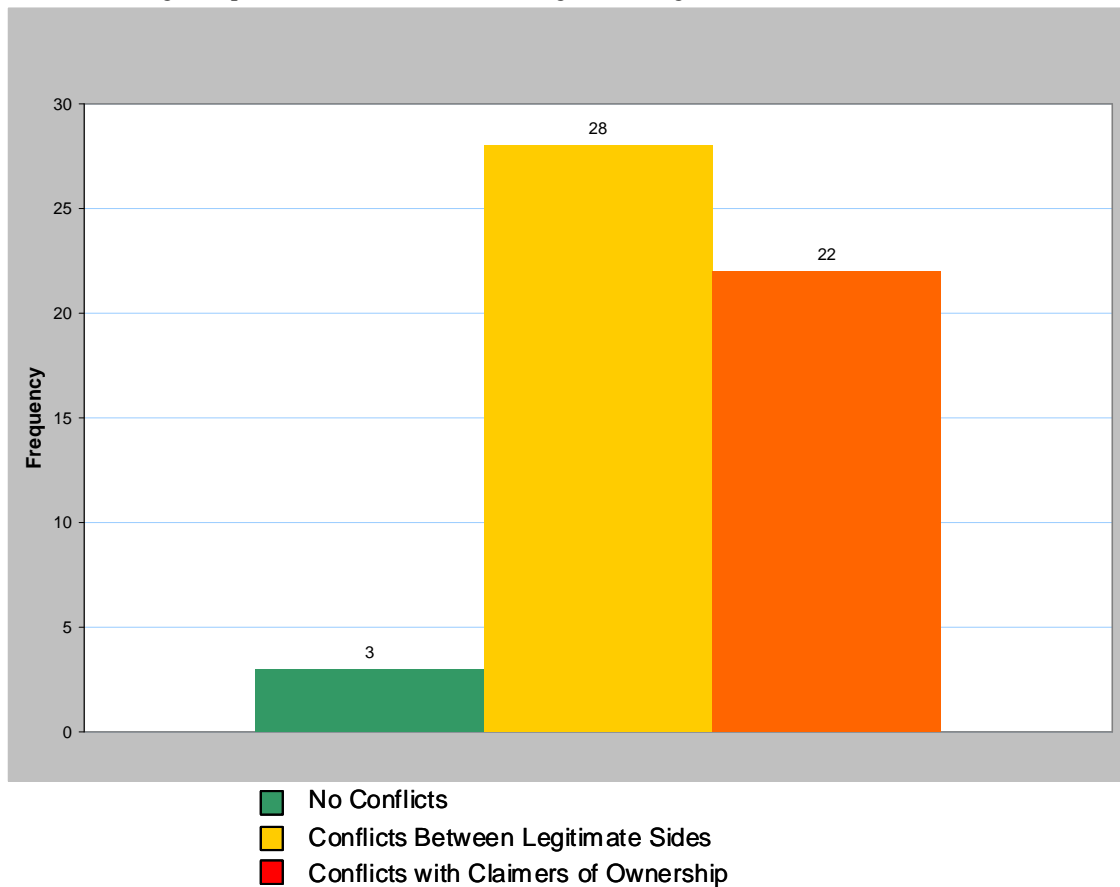
_____
Source: Alan Noory, op. cit.; Table #36.

This was more complicated than members of an old social class resisting progress and loss of status. A long history of corruption within the agrarian authorities led, in many cases, to registering wrong measures of area, type of land, and/or type of irrigation. Furthermore, there is evidence in some other cases that the agrarian authorities never informed farming families of their new rights after reform laws, and further, conspired with pre-reform landlords to conceal the legal status of possession. There is also evidence of the state's abuse through using its authorities to punish political opponents and to reward supporters by forcing different standards in different areas. All this led to serious discrepancies between what residents understood collectively to be the status of ownership and possession in forty of the communities that I collected information from, as shown in the following figure:

Figure #20: Discrepancy between Local Collective Understandings of Possession
Rights and Registered Legal Status in the Observed Counties/Population Centers in 1996
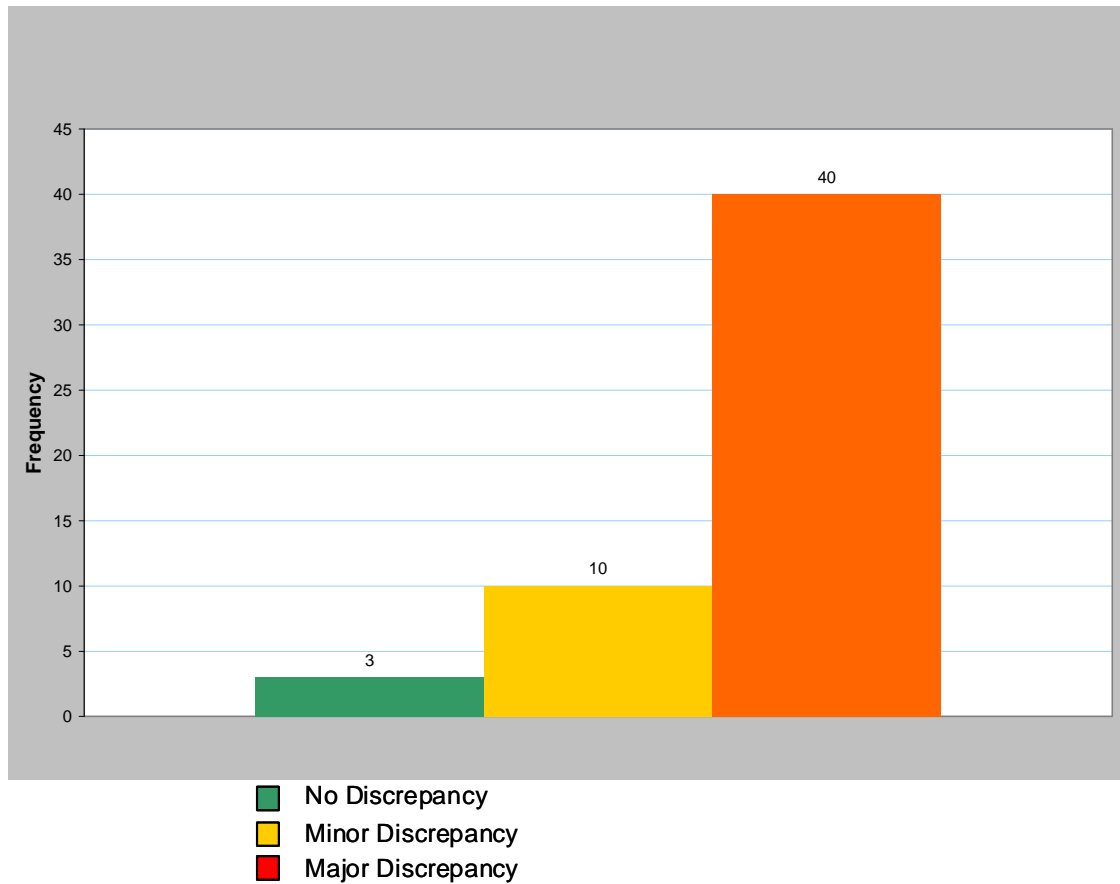
_____
Source: Alan Noory, op. cit.; Table #36.

 It is worth noting that the three communities that had a clear understanding about their land possession and ownership rights were the same communities that did not recall any pre-1991 history of violent conflicts in their communities.

With such conflict filled history, and continuous and irreconcilable distance between the legal status of land tenure and the claims the sides of conflicts make, it is only logical that of the counties/population centers that reported post-1991 conflicts, thirty-five of them defined those conflicts to be between the same sides of their pre-1991 conflicts or their generational extensions. See the following figure:

Figure #21: Reappearance of Pre-1991 Conflict Sides or Their Generational Extensions in
Post-1991 Conflicts in the Observed Counties/Population Centers (as of 1996)

No Conflict
Same Old Sides or Their Generational Extensions
One or More of the Sides is New to the Conflict
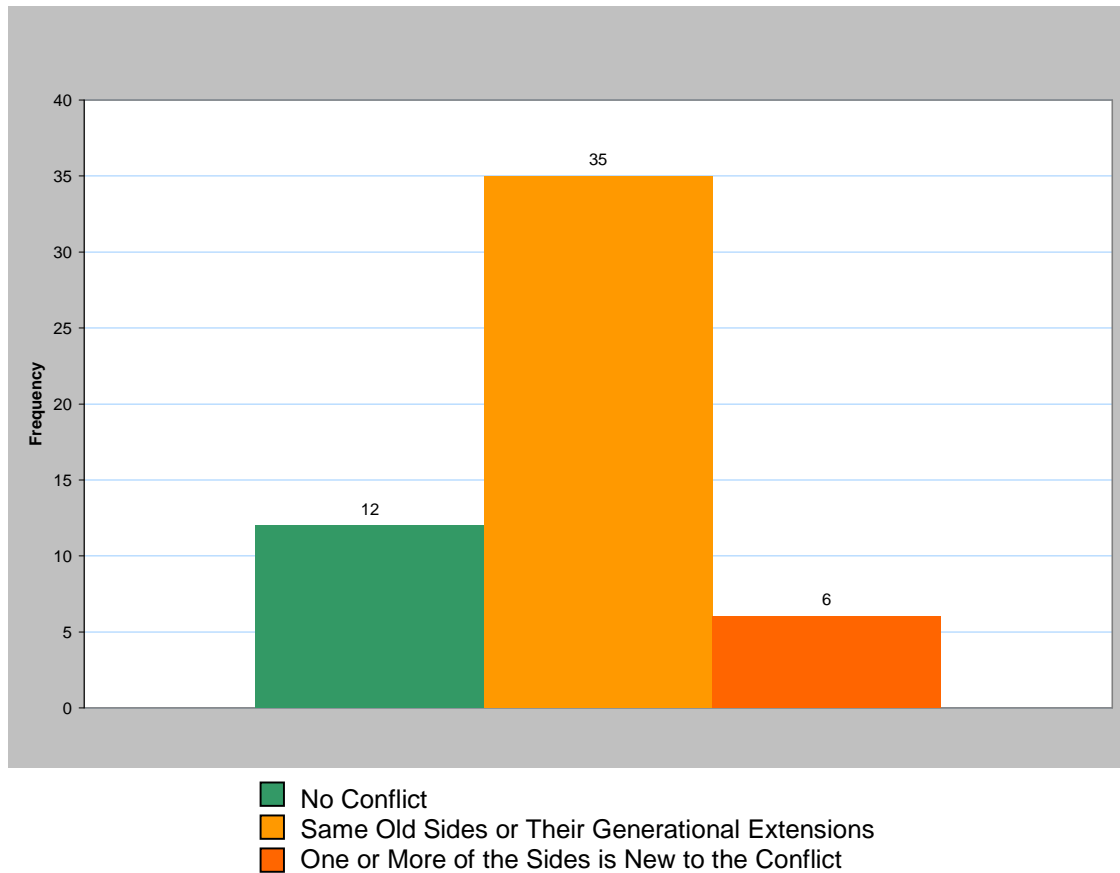
Source: Alan Noory, op. cit.; Table #36.

The State Is the Problem!

The fingerprints of the state's policies, practices, and bureaucratic abuse of power

throughout the modern history of Iraq and the Kurdistan region can be found all over the

history of violence in almost all the communities I visited in my 1996 study. This is true

even without accounting for the brutal waves of genocide and displacement that rural

Kurdistan witnessed.

Examples of such cases are:

- Registering vast land of seven counties for a Sheikh family that executed elders in six out of seven population centers in the Penjwin area to fabricate the documentation of their alleged possession of the land, with the "consent" of the farming families in a way that made them eligible to get Tapu issued for them as part of the settlement process in 1969.

- The abolition of the process of settlement, regardless of the capacity of small farmers to present legitimate documents to support their claims of possession of small land for generations after 1975, and then getting the same land back as part within a group redistribution that created unnecessary conflicts over who gets what in otherwise peaceful communities in Barzinja area.

- Redistributing land to individual farming families when the village requested group distribution because they were accustomed to rotating the possession of the land on an annual basis to allow access to the best pieces of land to all families for generations in Qaradagh area.

- Punishing community leaders who refused to become informants by redistributing to everyone except them, also in Qaradagh area.

- Never making information available to farming families about changes in laws and land distribution decisions, despite personnel changes in the bureaucratic administration in the Pishdar, Bitwen and Dukan areas.

The waves of displacement, and especially the Anfal campaign, made it clear to all communities in the Kurdistan region that the state was the problem. The entitlements of

citizenship and rule of law since the Anfal campaign became more unattainable and irrelevant in land possession disputes than ever before. See the following figure, which explains how many counties/population centers that I visited in 1996 shared that tragic experience.

Figure #22: Traumatic Experience of Anfal Campaign or Earlier Waves of Home
Destruction and Forced Migration in the Observed Counties/Population Centers in the 1996 Study

Not Destroyed
Destroyed
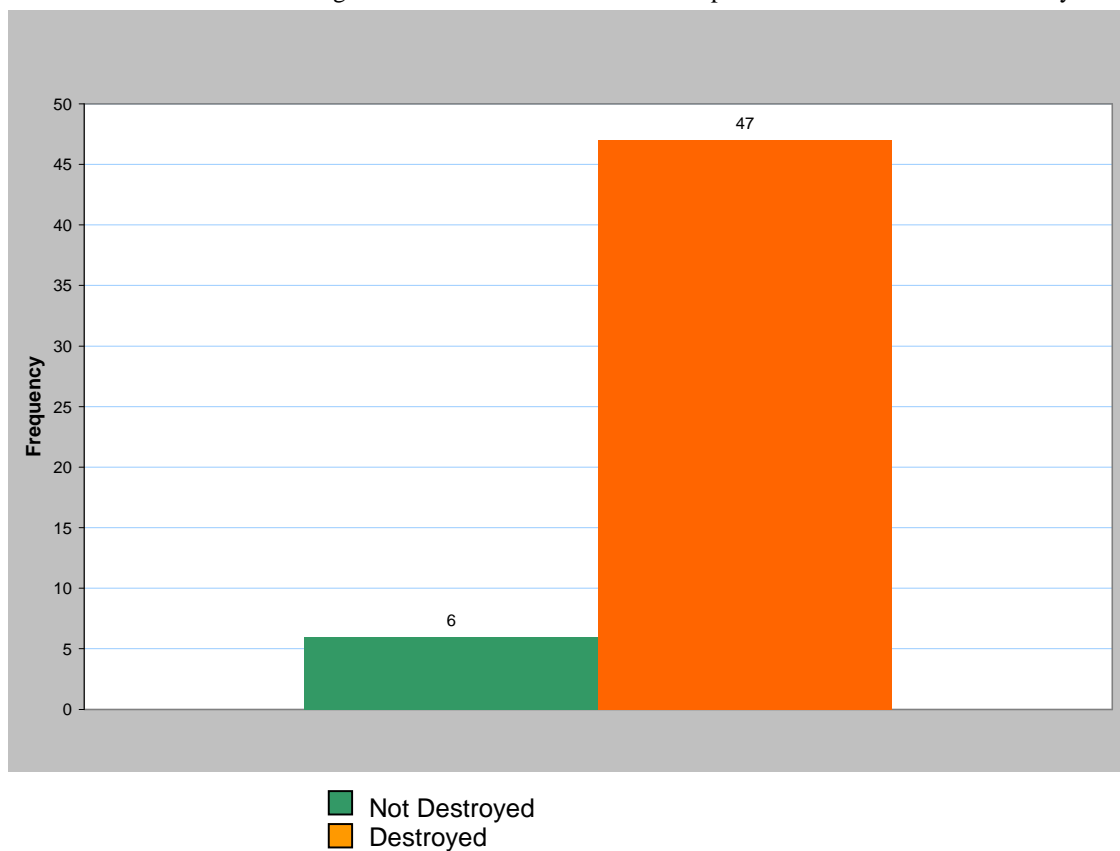
_____
Source: Alan Noory, op. cit.; Table #36.

To add insult to injury, the Iraqi regime allowed farming, but not resettlement, in thirty-seven of the counties/population centers that experienced Anfal and displacement in my

1996 study sample. In only one of them were field workers allowed to build shelters and

stay after sunset, as shown in the following figure:

Figure #23: Military Restrictions on Access to Land in 1990-1991 Season in the Observed
Counties/Population Centers in the 1996 Study

No Military Restrictions
Access Restricted, Para-Militants only
Access Denied

_____
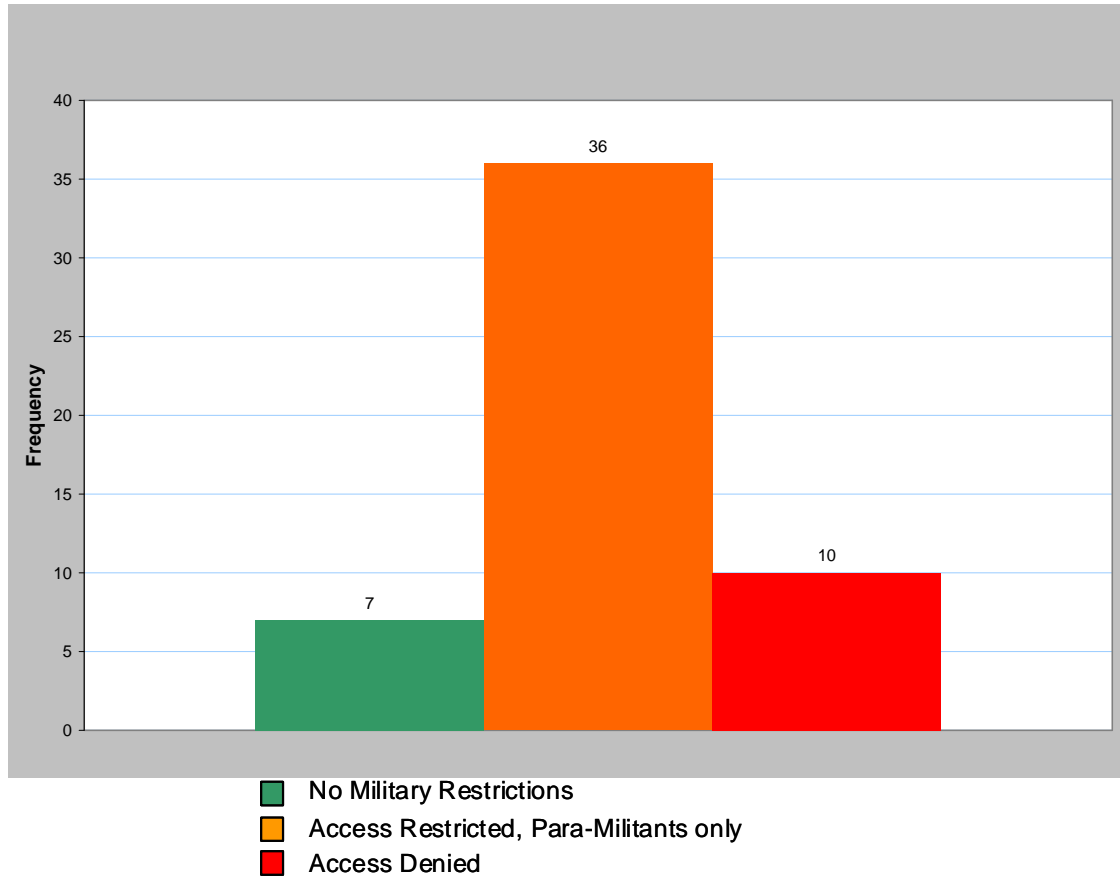
Source: Alan Noory, op. cit.; Table #36.

All of the newly re-accessed areas were rented, or given without rent, to Kurdish para-

military leaders who participated in the Anfal campaign. Some of those had prior claims,

legal or otherwise, to the land; others had some kinship relationship to the original

possessors. But other para-military leaders who received land had no prior relationship to

the land or the people who possessed the land prior to the Anfal campaign, as shown in

the following figure:

Figure #24: Who Controlled the Land in 1990-1991 Season in the
Observed Counties/Population Centers in the 1996 Study?
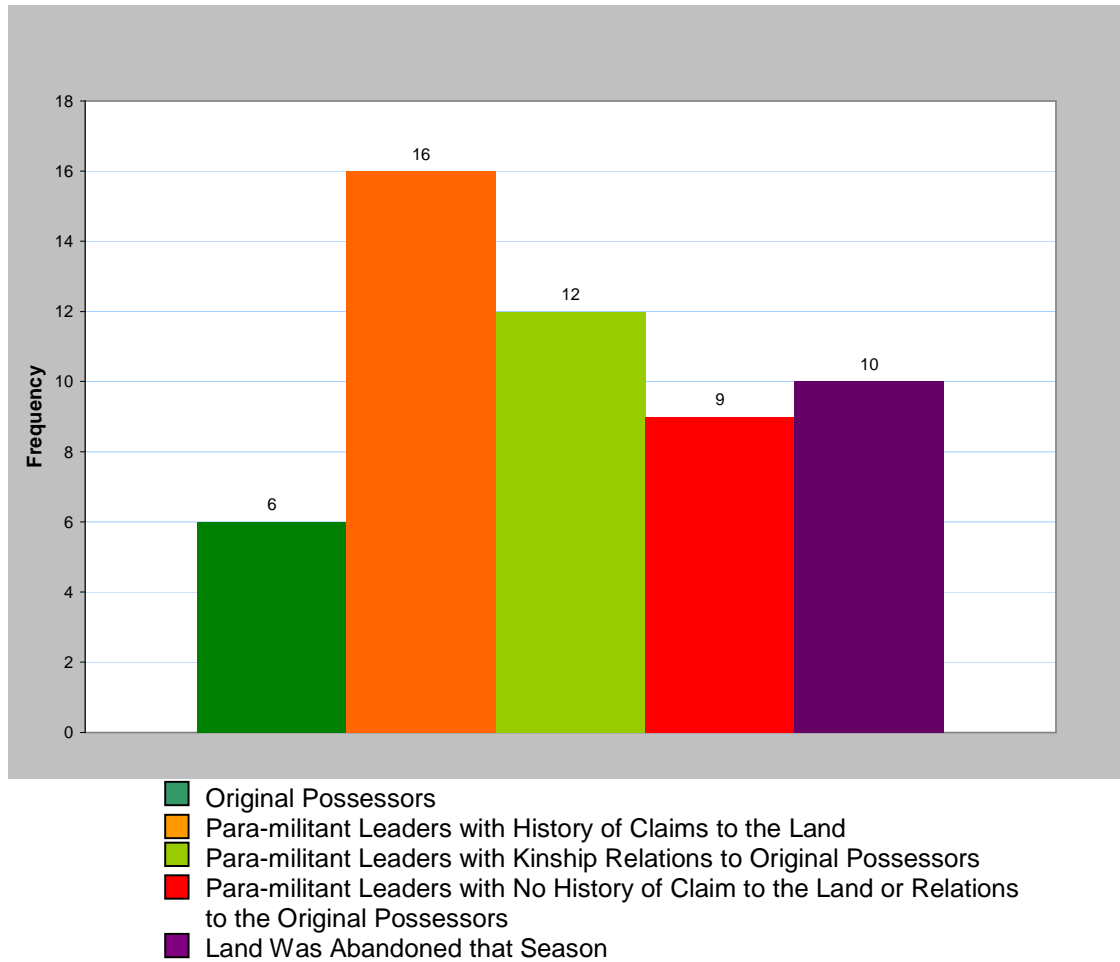
Source: Alan Noory, op. cit.; Table #36.

As for the original possessors who survived the horrors of the Anfal campaign, some of them settled for working as crop-sharers, seasonal workers, or sub-renters on their own lands, while others were denied even that cruelty. See the following figure:

Figure #25: Status of Original Possessors' Access to Their Land in 1990-1991
Season in the Observed Counties/Population Centers in the 1996 Study

151

Frequency			
6	9	13	25
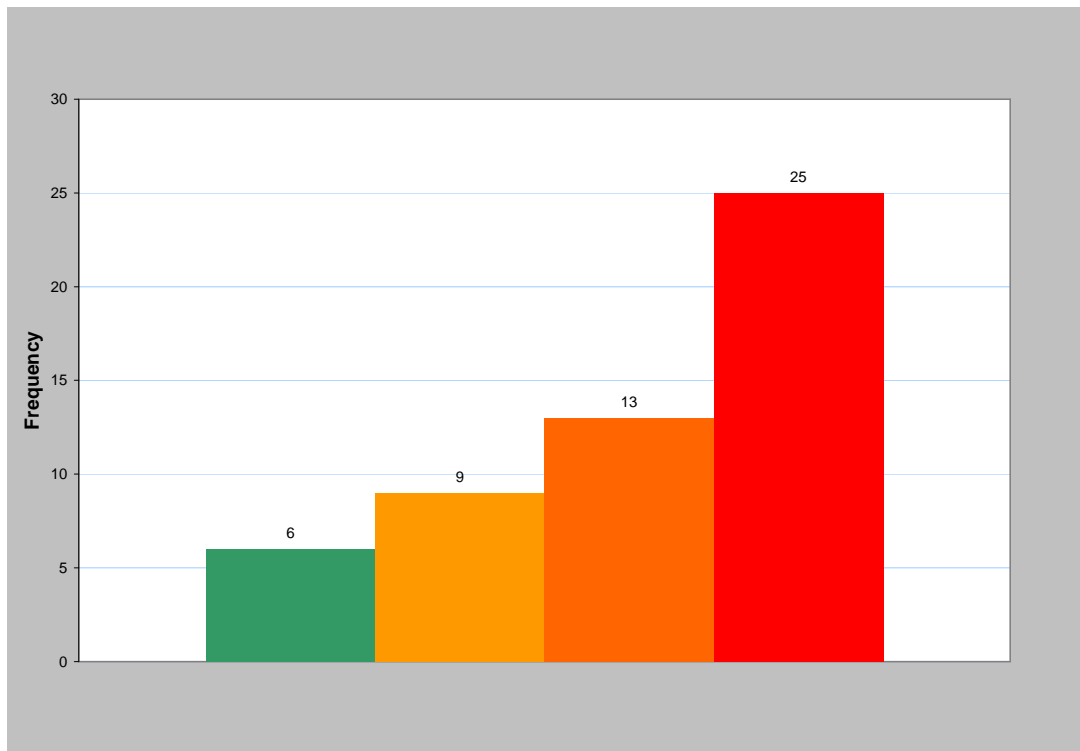
■ Continued to possess
■ Worked as crop-sharer for the renter
■ Worked as seasonal agrarian worker for the renter
■ Had no access to the land at all

Source: Alan Noory, op. cit.; Table #36.

It is important to note that cultivatable lands in fifteen of the twenty-five counties/population centers, which the former possessors had no access to, were in production that season, but by agrarian workers from other areas, mainly registered as para-militia under the command of the warlords who controlled the area.

The New that Was not New

True to their own history of thirty years of insurgency, the political parties that formed

the Kurdistan United Front (KUF), when handed most of Kurdistan region in multiple

popular uprisings and a critical switch of alliances by the leaders of the abusive Kurdish

Para-military leaders, kept relying on cash extraction from economic activities, with an

extreme laissez-faire overall attitude that did not question even the looting of public

property, as long as the dominant parties in (KUF) received a "share", and leaving the

implementation of their own policies to their local patronage relationships.

If the start of the 1990-1991 agrarian season was the height of brutal irony in the way

Anfal victims' access to the land was determined by the Iraqi regime, then the harvest

was a powerful indicator of how the collapse of central authority and the transfer of

power to (KUF) was not able to produce different dynamics on the ground, except adding

the (KUF) as another contender for a share in the harvest, while allowing multiple levels

of abuse by the Para-militia leaders who rented the lands from central government in the

1990-1991 agrarian season, as shown in the following figure:

Figure #26: Status of Implementation of KUF Orders in 1991 Harvest in the
Observed Counties/Population Centers in the 1996 Study
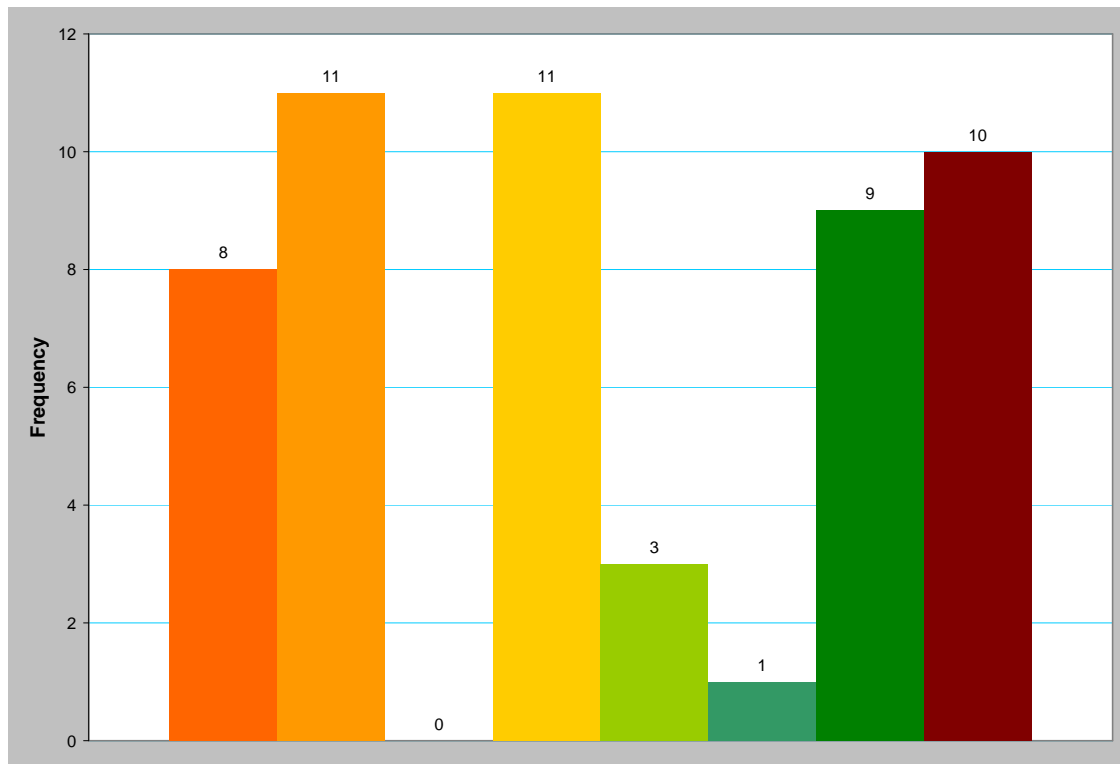
■ (orange)	Renter took all proceeds and gave no taxes
■ (amber)	Renter shared some proceeds with original possessors and gave no taxes
□ (white)	Renter shared some proceeds with original possessors and gave taxes
■ (yellow)	KUF orders were followed by all sides
■ (light green)	Original possessors shared some proceeds with renters and gave taxes
■ (teal green)	Original possessors shared some proceeds with renters and gave no taxes
■ (dark green)	Original possessors took all proceeds and gave no taxes
■ (dark red)	Land was abandoned that season

_____
Source: Alan Noory, op. cit.; Table #36.

If we consider the fact that the last column of figure #13 represents counties that were abandoned in the 1991 agrarian season, and six out of nine from the column before that were controlled by the original possessors (as explained in Figure #12), then the picture of the drastically skewed power relations leading to the 1991 harvest is clear. The abusive para-military renters had access to all, most, or at least half of the proceeds from 1991 harvest season in thirty out of thirty-seven counties/population centers, received less than

half in another four counties/population centers, while they were denied all proceeds in only three counties/population centers.

Another indicator that patronage relationships continued to trump citizenry was the fate of reconstruction, rehabilitation, and development efforts by NGOs. All the NGOs that agreed to be interviewed acknowledged that they avoided population centers where they could not get consensus from all involved parties about water rights and land possession rights during the feasibility assessment stage of any project. This meant that it was a common practice to ask for written promises from all sides that there would be no conflict over the use of water or land for a reconstruction, rehabilitation, or development project. Occasionally, the NGO's demanded guarantees from either the dominant political party or local law enforcement.

One organization agreed to show me a sample of promissory documents they collected. It was written by elders of a village in the Dukan area, confirming that they will pay customary, but illegal, water fees to a Sheikh family that did not reside in the village, in return for allowing a sanitation project for the village to go ahead. The document contained written enforcement guarantees from the local leader of the dominant political party in the area (PUK), along with the chief of police in Dukan municipality. The "rights" in question in that document were for a non-excavated, naturally flowing small river that Iraqi laws allowed no claim of royalty upon.

Six out of nine NGOs in the study sample reported experiencing conflicts even after obtaining such promissory notes, and approving funds for projects, as explained in the following table:

Table #10: Geographical Distribution of Post-fund-Allocation Conflicts and the Fate of Budgeted Projects as Experienced by the Studied NGOs in Sulaimaniya Province by Summer 1996

Municipality	Projects Experienced Post Fund Allocation Conflicts	
	Population Centers with Renewed, but Re-settled Conflicts	Population Centers Where Projects Canceled Due to Renewed and Unresolved Conflicts
Center of Sulaimaniya	2	2
Halabja	1	0
Penjwin	0	5
Sharbazher	1	1
Dukan	7	2
Btwen (Rania)	0	1
Pishdar	5	1
Total	**16**	**12**

_____
Source: Alan Noory, op. cit.; Table #36.

Out of the twenty-eight cases of renewed conflicts only one of them was resolved in accordance with laws and via the court system. In four cases, the NGOs reported making financial payments to one or more sides to end the conflict (Never more than %1 of total allocation for the projects). In all the sixteen renewed and resolved conflicts, new promissory notes were signed with renewed guarantees.

The following detailing the types of projects and accompanying costs lost due to the community's inability to resolve conflicts:

Table #11: Type of Projects and Amount of Allocated Funds, which NGOs Withdrew from 12 Communities Due to Renewed Conflicts, as Reported by the Studied NGOs in Sulaimaniya Province by Summer 1996

Type of Project	# of Communities Lost such Project*	Avg. Allocated Funds per Project (in US Dollars)
Drinking Water Excavation	2	6,000
Drinking Water Pipe Lines	8	10,000
Schools	2	12,000
Housing Construction	6	25,000

*some communities were awarded more than one project.
_____
Source: Alan Noory, op. cit.; Table #36.

To put these allocated funds in perspective, it is important to note that based on numbers provided by the surveyed nine NGOs, as of summer of 1996, an average NGO spent $13,907 per population center served (i.e., close to $37 per person).[157]

Even that limited amount was subject to much discrimination, based on kinship and the political relationships of the local staff working in the NGOs, many of whom owed their employment to the dominant political parties. This golden employment opportunity with the NGOs, in the severely stagnant economy of the Kurdistan region in the 1990s, was part of a barter by which political parties provided employment services to their patrons, and NGOs gained assurances that their projects were not going to be sabotaged. Yet the result was a reconstruction, rehabilitation, and development effort that was highly skewed towards the well-connected communities with power structures that were able to suppress conflicts, as evident from the two following figures:

_____

[157] See: Alan Noory, op. cit.; p145.

Figure #27: Status of NGO Help in Reconstruction and Development of the
Observed Counties/Population Centers in the 1996 Study

No Help Was Provided
Some Help Was Provided

_____
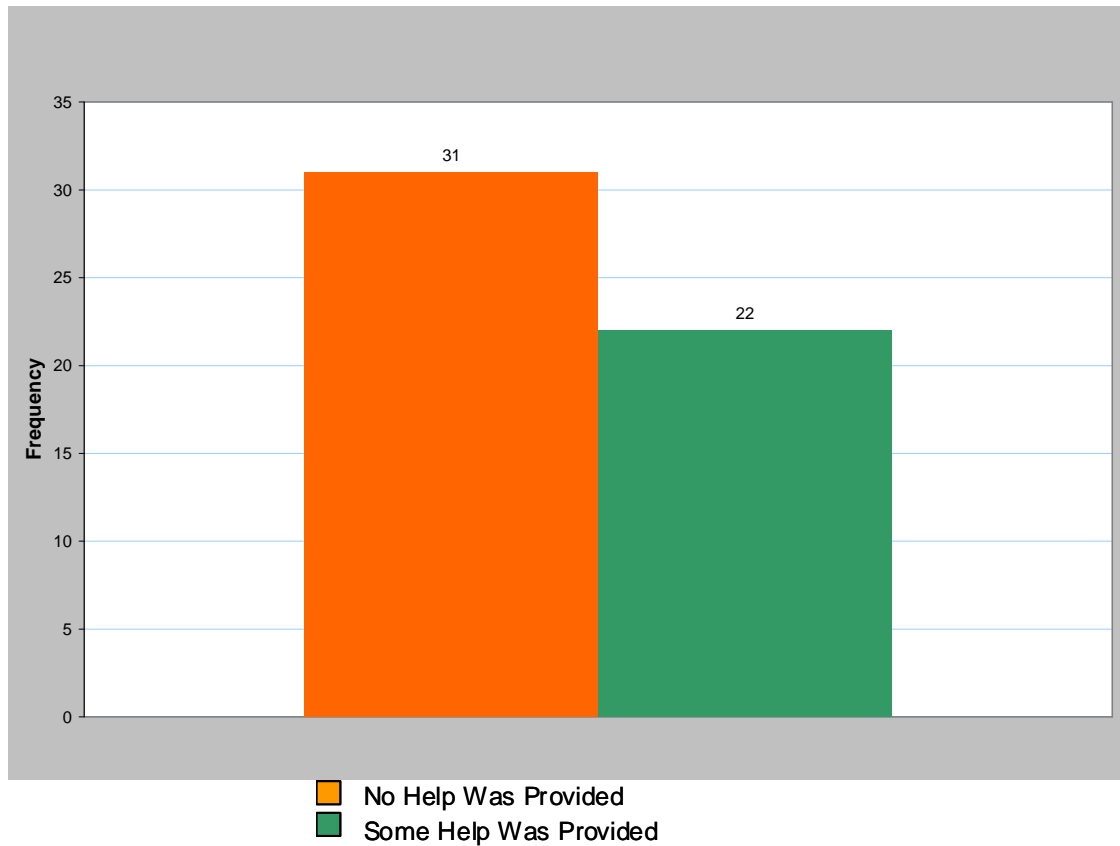
Source: Alan Noory, op. cit.; Table #36.

As of mid-1996, 58.5% of the counties/population centers I visited did not receive any
help in their attempt to rebuild, rehabilitate, or develop their communities. This high
percentage provides a grim picture of the fate of the reconstruction of rural Kurdistan.
Yet, the following data that presents an even worse side of the unregulated reconstruction
process, adds more detail .

The following figure shows how many NGOs provided services to each
county/population center that did receive help. Tragically, those who received help were
in some cases a mere 10-minute car ride away from those who didn't.

Figure #28: Frequency of Number of NGO Provided Help in Reconstruction and Development to Each of
the Twenty-two Counties/Population Centers that Acknowledged Receiving Help in the 1996 Study
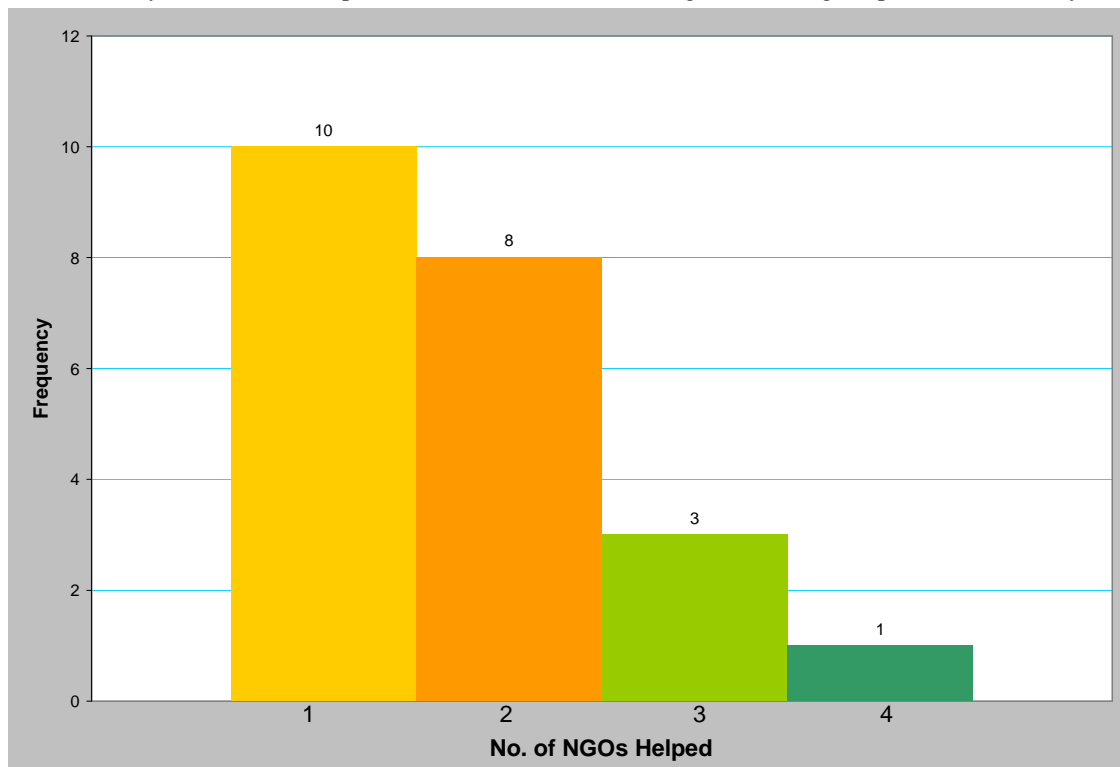
_____
Source: Alan Noory, op. cit.; Table #36.

Land Conflicts as an Extension of Civil War,

Civil War as an Extension of Land Conflicts

Nowhere was the relationship between the civil war and land conflicts more obvious than in the seventeen documents I examined from the High Agrarian Committee (HAC) and its sub-committees in Sulaimaniya Province.

Although the PUK controlled most areas of Sulaimaniya province, along with its public administration institutions, it could not afford to neglect any security threats emanating from land conflicts, especially after the lessons it learned from the peasant uprising and subsequent erosion of its dominance in the Pishdar and Rania areas since 1993.

The PUK used its control over the Sulaimaniya branch of agrarian administration to activate, but also manipulate the work of, the HAC. The PUK heavily interfered in HAC's work. and limited its ability to follow laws and standard procedures in order to come out with decisions that aimed at suppressing potential violent conflicts without much adherence to rule of law, broader public interest, or principles of social justices. Another outcome of this manipulation was the selective use of the HAC to punish fugitive supporters of KDP who already fled the area,

As the following figure shows, the stated reason for activating the HAC in sixteen out of seventeen cases was actual or imminent threat of violence. The only case that did not involve current violence was a case of a person fleeing the local area. He had a history of violence toward farming families in the area and many unsubstantiated claims of land ownership. When he fled to a KDP-controlled territory (for other reasons, not involving

land tenure), the agrarian committee gratuitously awarded the land he had claimed to the

farming families in the area, a very atypical sequence for such committees.

Figure #29: Reasons for Sulaimaniya's High Agrarian Committee Intervention,
As Explained in the (17) Studied Files 1995-1996

9

8   8

7

6   6

5

4

3

2   2

1   1

0

Frequency

■ Sides appealed to Prevent Armed Conflict
■ Armed Conflict
■ Threat of Violence and Forced Migration
■ Political Reprisal Against Fleeing Participants in Civil War

_____
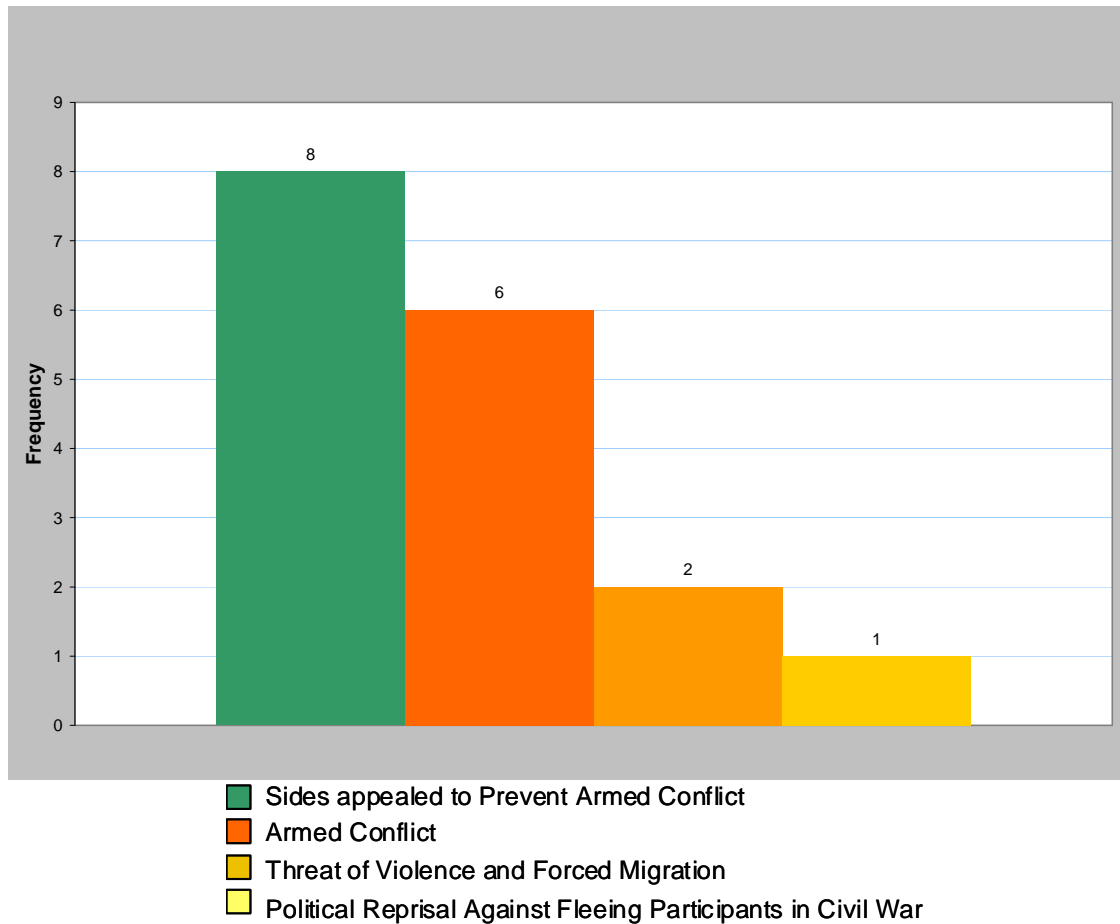
Source: Alan Noory, op. cit.; Table #35.

With the help of Mr. Bakhtiyar Baban, an active member of the HAC at the time, I was able to decode the bureaucratic language of the documents in order to present the following description of the parties involved in the conflicts and the actual incidents that prompted the activation of the HAC, as shown in the following figure:

Figure #30: Sides of the Conflicts in the (17) Studied Documents of
Sulaimaniya's High Agrarian Committee 1995-1996*
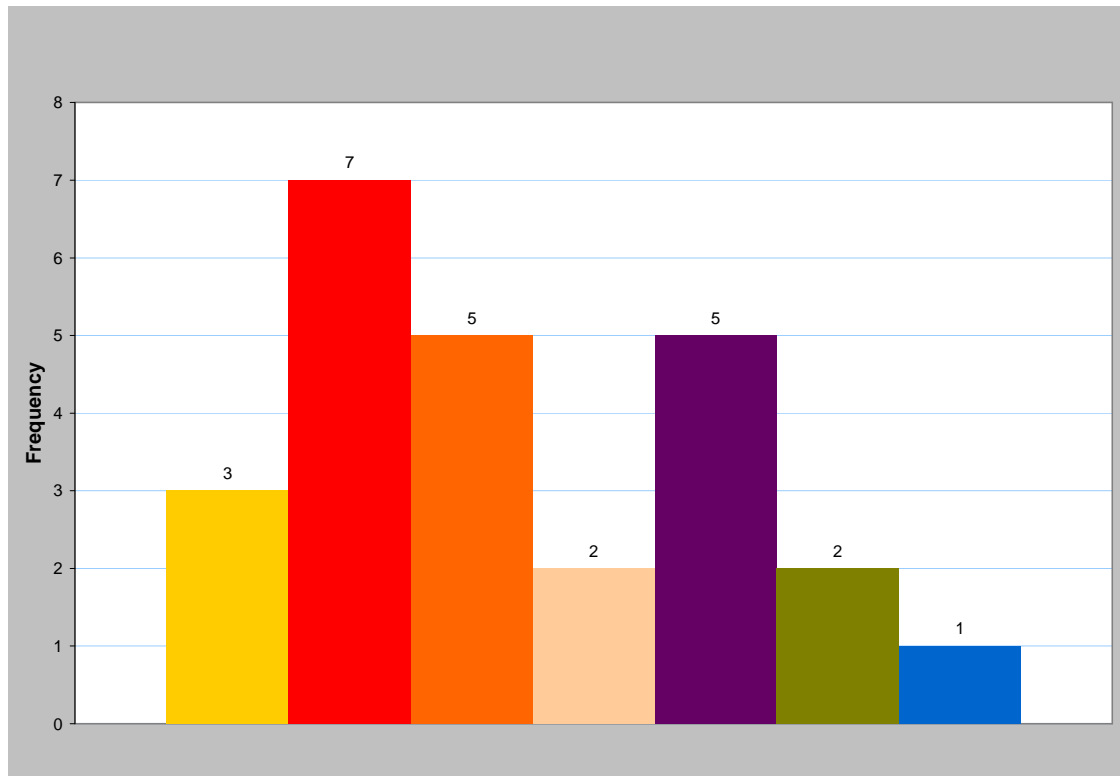
Owners Encroaching on Public Land vs. Peasants
Individuals Claiming Possession Rights vs. Peasants
Pre-reform Owners vs. Peasants
Tribal Encroachers vs. Peasants
Owners and Peasants Encroaching on Public Land
Peasants Encroaching on Owners' Land
Former Agrarian Committee vs. Peasants

*Some cases had multiple conflicts, sides and incidents
_____
Source: Alan Noory, op. cit.; Table #35.

In fifteen of the seventeen cases, large state-owned lands were encroached upon. In eight cases, the lands became state-owned as a result of the building of the Dukan Dam. This led to the prohibition of agricultural activities on the banks of Lake Dukan, to protect its health as well as the viability of Dukan's hydroelectric power plant, which supplied most of the province with its electric needs.

Most of the cases were clear, in terms of laws and broader public interest. Given that, had

the HAC operated within the boundaries of laws and standard procedures, the cases

would have been decided in a much different way than they were. In my examination of

the documents, I identified twenty-five decisions by the HAC that could be characterized

as unsupported by then-current laws. A summary of the type of those decisions is

illustrated in the following figure:

Figure #31: Types of Illegal Decision Made by Sulaimaniya's High Agrarian Committee or
Established in the Documents related to Its Work in the (17) Studied Documents 1995-1996

- Establishing rent contracts on public land without following rules and regulations
- Establishing or confirming abusive rent relations between owners and peasants
- Rewarding violent encroachers with possession rights
- Replacing established laws with abusive traditions
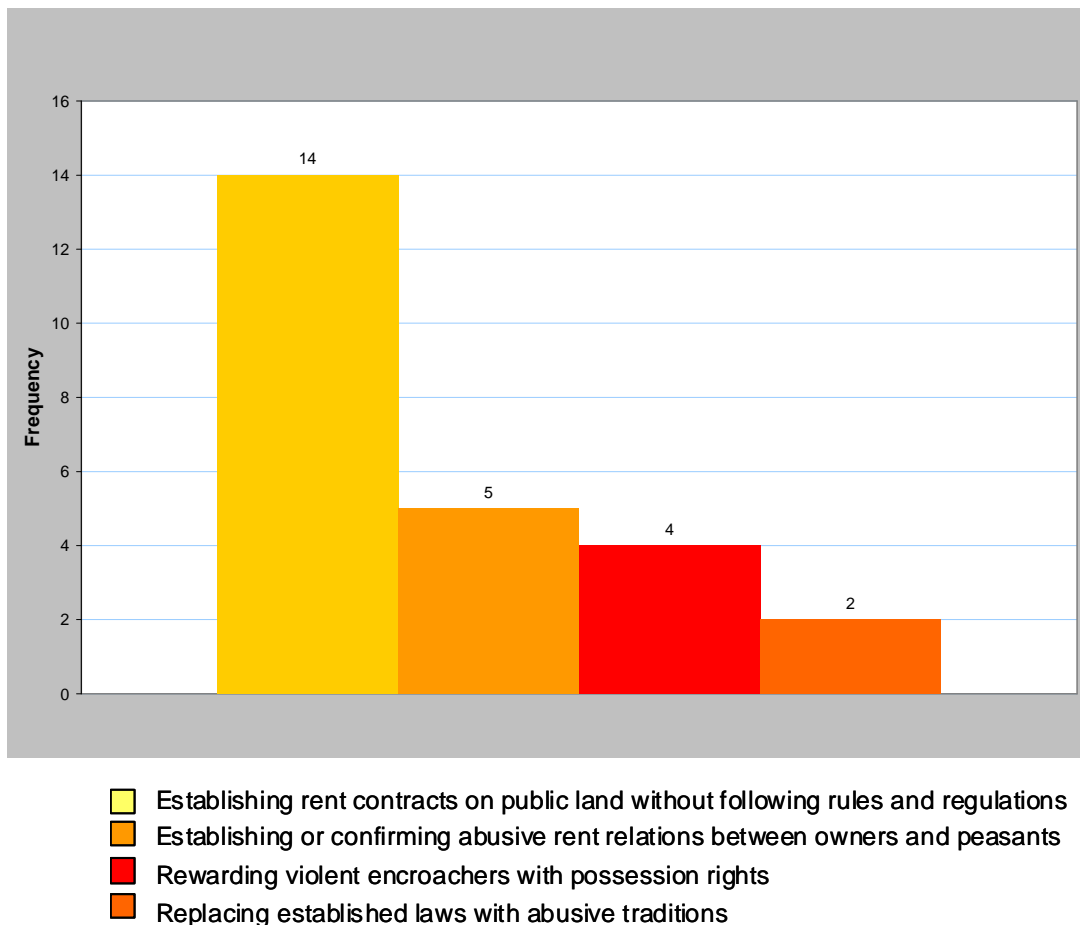
Source: Alan Noory, op. cit.; Table #35.

An examination of the membership structure of the sub-committees, which are normally composed of agrarian officials along with observers from the concerned parties, provides the answer to how the functioning of those committees was altered. In all the thirteen sub-committees whose meeting minutes I examined, the supposed observers were full members with voting rights. PUK local leadership personnel were deciding members in five of those committees.

In four of them, the agrarian officials were outnumbered by those who were not supposed to vote in the first place.

The following is a deleted account of what six of the documents revealed, as an example to provide support for the statistics provided above:

Example (1)
Minutes of an Agrarian Sub-Committee Meeting

Date: 11/22/1995
County #: 16: Basira – Chinaran
Municipality: Dukan

Reason(s) for Committee: Armed Conflict, Continuous Armed Stand-   Offs, Homicide, Lootings, Crop Destruction since end of 1991

Sides of Conflict:
- Religious Sheikh Family: Registered agrarian land in the county in their names, were subjected to land reforms, and were left with the legal maximum. Continued to take rent not only from their maximum legal lands, but also from the banks of Lake Dukan, rocky lands, and grazing lands (all state-owned), up until 1992.
- Farming Families: Some of them possess legal rights documents from the Ottoman era, and were never able to register the land in their name during settlements due to the influence of the Sheikh family.

Type(s) of Disputed Land:
- Delegated by Tabu to the Sheikh Family: 1976 Dunums of rain-irrigated land, and 58

Dunums of surface water irrigated land (only 5 Dunums meet the description, and the rest were registered as such to obtain tobacco permits to re-sell in the black market).

- State-owned: 41 Dunums of rain-irrigated, and 1700 Dumums of lake banks that are designated as "submerged' to protect the Dukan dam and power plant.

Committee's Decisions:
- Nullified possession rights of farming families on 1329 Dunums, and set them aside for the Sheikhs family to "accommodate their natural expansion", while distributing 180 Dunums of the state-owned submerged land and all the 41 Dunums of rain-irrigated land to the same family to accommodate the same earlier mentioned natural expansion.
- Distributed the remaining "submerged" land to the farming families with no stipulations to ensure the safety of the dam and the electric plant.
- Obligated farming families possessing the surface-irrigated lands to pay 1,000 Iraqi Dinars per Dunum as rent, regardless of chances of crop failure or market price (incompatible with Iraqi Laws).
- Obligated farming families possessing the rest of the Sheikhs' Tabu-owned land to pay higher percentage of crop than legal requirement

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Example (2)
Minutes of an Agrarian Sub-Committee Meeting
Committee assembled with a request from the dominant political party and infused with the political party's representative.

Date: 5/21-23/1995 (This is the 4th committee to address the problem with assumed legal power to enforce its decisions)

County #: 16: Klkan - Khalakan
Municipality: Dukan

Reason(s) for Committee: Armed Conflict, Continuous Armed Stand-Offs since 1992, and a mass voluntary evacuation of farming families from the entire village in protest in December 1995.

Sides of Conflict:
Sheikh Family: from a famous Sufi order, relatives to the Secretary General of the dominant political party. Owners who refused to accept compensation for their "submerged" lands. Subject to land reform, claim that farming families gave up all possession rights when they abandoned the village before the forced displacement campaign of 1976.
Farming Families: claim to have been forced to abandon their homes and crops under constant raids and destruction of their crops by the Sheikh family. Forced their return after 1991 and took over the Sheikhs' lands and other state-owned arable and rocky land.

Type(s) of Disputed Land:

- Delegated by Tabu to the Sheikhs' Family: 500 Dunums of rain-irrigated land, and 207 Dunums of surface water irrigated land
- State-owned: 50 Dunums of rain-irrigated land, and 631 Dumums of lake banks that are designated as "submerged' to protect the Dukan dam and power plant.

Committee's Decisions:

- Nullified possession rights of farming families on 350 Dunums and set them aside for the Sheikhs family to accommodate their expansion, while distributing 200 Dunums of the state-owned submerged land to the same family without fulfilling eligibility requirements.
- Distributed the remaining "submerged" to the farming families with no stipulations to insure the safety of the dam and the electric plant.
- Rejecting the Sheikhs claim to rent for a natural spring used for irrigation, but obligated farming families possessing the rest of the Sheikhs' Tabu-owned land to pay higher percentage of crop than legal requirement.

Example (3)
Minutes of an Agrarian Sub-Committee Meeting
Committee assembled with a request from the dominant political party. (second to an earlier committee in October 1994, that was rejected by the Aghas' side of the conflict)

Date: 5/28/1995
County #: 71: Hizobi Gawra
Municipality: Rania

Reason(s) for Committee: to end wide scale illegal practices

Sides of Conflict:

- Agha Family: claim ownership of the land that was ruled state-owned since 1975 for lack of documents proving their ownership.
- Farming Families that have been farming as informal tenants of the Agha family because they never got the land distributed to them, as a result of the political influence of the Agha family with the Iraqi authorities. Now the Agha family wants them out of the land.

Type(s) of Disputed Land:

- State-owned: 1850 Dunums of rain-irrigated land and 5000 Dumums of grazing land.

Committee's Decisions:

- Nullified an earlier committee's decision to allow the Agha family to decide who among the farming families should get the land distributed to them. This earlier

committee was heavily influenced by the dominant political party's attempt to persuade the Agha family to switch their political loyalty from the opposing party to them.

- Established rules to start distribution of 25 Dunums per family to farming families that have continuously been living in the village for the past 15 years. This distribution rate led to the designation of some grazing land for the purpose of farming without legal procedures to change the type of land accordingly.
- Obligated the Agha family to pay rent for their use of the county land in the past year.

Example (4)
Minutes of an Agrarian Sub-Committee Meeting
Committee assembled with a request from the dominant political party and infused with 3 representatives of the party's leadership and one local party representative. 3 members of a militant tribal structure were also assigned full membership in this committee.

Date: 6/5/1995

County #: 22: Sarkapkan
Municipality: Rania

Reason(s) for Committee: Tribal invasion that forced all possession right holders and land reform contractors out of the area and prevented them from rebuilding the village of Sarkapkan.

Sides of Conflict:
Militant Tribal Organization, with an abusive history.
Absent Owners: city dwellers and merchants.
Two Agricultural Entrepreneurs with contracts.
Farming Families with contracts with land reform authorities.

Type(s) of Disputed Land:
- Delegated by Tabu to Absent Owners: 300 Dunums of rain-irrigated land and turned to irrigated by excavated-to-surfaces (kahriz) water and an irrigation system of 5 wells.
- State-owned: 100 Dunums of rain-irrigated land, turned to irrigated by excavated water and irrigation systems put in place by two contracting agricultural entrepreneurs, and 800 Dunums of rain-irrigated land distributed farming families with contracts.

Committee's Decisions:
- Established an investigation committee to revoke contracts from farming families that no longer qualify for said contracts, and set aside their land for the invading tribal structure to decide who within the tribe should get the land, regardless of them

meeting guidelines for contracts or not.
- Called for the return of the two agricultural entrepreneurs to their contracted land.
- Launched an investigation about one of the absent owners being a fugitive, to put his land under the custody of the dominant political party.
- Delegated a member of the committee who was also a member of the leadership council of the dominant party to contact the remaining absent owners to persuade them to sell their land to members of the invading tribe.

Example (5)
Minutes of an Agrarian Sub-Committee Meeting

Date: 10/02/1995
County #: 20: Kharak Resa – Bingrd
Municipality: Dukan

Reason(s) for Committee: Threats of an armed conflict.

Sides of Conflict:
- Former Owners; received compensation for their submerged land in 1971, but kept controlling it because of the status of one of their members with the Iraqi government-backed para-military.
- Farming Families: from the submerged old village of Kharak Resa and 3 surrounding villages.

 Type(s) of Disputed Land:
- State-owned: 1100 Dunums of arable land registered as "submerged" to protect the Dukan Dam and its electric plant.

Committee's Decisions:
- Distributed the "submerged" land to all parties in blocks to separate between them with irregular units of distribution, in order to take in account the actual possessions of the disputing parties.

Example (6)
Settlement (Produced in conclusion of the work of an agrarian sub-committee)
Signed by representatives of the farming families, witnessed and guarantied by the administrator of Pishdar municipality and the head of the local steering committee of the dominant political party.

Date: 12/28/1995

County: Garmkan - Bingrd
Municipality: Dukan

Reason(s) for Committee: Armed Conflict resulted in killing 9 persons, burning houses and property and the forced displacement of an Agha family in 1993.

Sides of Conflict:
Agha Family: owners of most of the arable land in the area according to settlement ruling despite the fact that they never presented documents supporting their claim. Did not allow for peaceful return of the farming families after 1991.
Farming Families: some of them possess documents from the Ottoman era supporting their claim to the land but were never able to reach the courts because of the influence of the Agha family. 55 of the farming families had contracts on state-owned land but never were able to access their land since the 1970s. Forced their return in 1993 by displacing the Aga family.

Type(s) of Disputed Land:
- Delegated by Tabu to the Agha Family: 1300 Dunums of rain-irrigated land.
- State-owned (as a result of land reforms): 110 Dunums of rain-irrigated land, and 220 Dumums of surface water-irrigated land.

Settlement Summery:
- Farming families promised to pay higher than legal rates rent (in form of a percentage of the crop at harvest) to the dominant political party, which in turn pays a sum of 120,000 dinar to the Agha family for one harvest season of 1996.
- The sides will re-negotiate a permanent, peaceful solution at the end of this contract.

Chapter Five:

By the Numbers:

A Statistical Model to Predict Chances of Outbreaks of Violence in

Local Agrarian Land Tenure Conflicts

To examine the applicability of the knowledge gained from the 1996 field study, beyond the counties/population centers visited, and beyond the land tenures conflict incidents captured in the study, a model to predict the chances of violent local conflicts over land tenure is in order.

Hypothesis

In this model I hypothesize that, given a political climate that allows access to competing political structures with violent history, via kinship and patronage relationships, the tendency of local land tenure conflicts to have violent outcomes is dependent upon the history of their earlier conflicts, their position in the conflict, the legitimacy of historic claims on one hand, and the rate of reconstruction and flow of capital for reconstruction on the other hand.

General overview of the variables

The following table is a description of the variables that are used in the model:

Table #12: Variables and their description in the dataset

Variable (As Appears in Dataset)	Full Name	Description
vil_n	Village/County/Population Center's Name	Name of the Village
anf_st	Anfal Status	Was the village destroyed in the Anfal campaign or not? 0 = not destroyed 1= destroyed
Pop_pre_anf	Population Prior to	

	Anfal Campaign	
rcn_rt	Reconstruction Rate	Reconstruction rate (measured by percent family units reconstructed to family units before destruction)
ngo_hlp	NGO Help	Was help provided by international NGOs in resettlement? 0 = no 1 = Yes
dcp_la_lslo	Discrepancy Between Local Understanding Legal Status of Land Tenure	Discrepancy between local understanding and legal status of land ownership and possession. (Discrepancies that did not alter the fundamentals of tenure structure were coded as "minor" and those that did were coded as "major") : 0 = no record of discrepancy 1 = minor discrepancies 2 = major discrepancies
conf_hst	Conflict History	Pre 1991 Conflict History (Conflicts between sides with legal standings in tenure relationships were coded as "between legitimate sides" and when one or more sides of the conflict did not have any legal standing, then the conflict was coded as one "with claimers of ownership": 0 = none 1 = Conflicts between legitimate sides 2 = Conflicts with claimers of ownership
conf_9195	Conflicts 1991-1995	Conflicts after 1991: 0 = none 1 = Conflicts with no violence 2 = Violent conflicts, including those resulting in homicide and forced migration
con_sd_ra	Conflict Sides Reoccurring-	Are conflict sides the same as before 1990? 0 = no conflict 1 = Yes 2 = Not the same

To translate the hypothesis to the vocabulary of the dataset, the model will test the

following:

Pr (Conflicts 1991-1995) = F {(Reconstruction Rate), (NGO Help), (Discrepancy

between Local Understanding and Legal Status of Land Tenure), (Conflict History),

(Conflict Sides Reoccurring)}

Ordinal Logistic Regression Model:

Best Possible Functional Form?

The question of the best functional form is one of finding a mathematical model that can best represent the dataset that we have. Our choice of simple vs. complicated functional forms is constrained by the nature of the variables and by the limitations imposed by both the research environment and our own research design.

In the case of my 1996 research dataset, and since the dependent variable (DV) is a categorical (values 0, 1, and 2 represent categories), and not a continuous variable (an interval or ratio scale), then a simple linear regression model, known as Ordinary Lest Squares (OLS), is out of the question. An OLS model assumes the DV to be a continuous variable, and therefore, provides results that cannot be interpreted in terms of category. An OLS model also assumes a linear relationship between the independent variables (IVs) and the DV, which is a relationship that cannot be assumed in the case of my dataset.

Based on the nature of the data collected and quantified, a logistic model would be more fitting to the data. It does away with the linear relationship assumption between the DV and the IVs. It also is capable of recognizing the categorical nature of the DV.

Since the DV is an ordinal categorical variable, based on the assumption that my ordering of the data is the only possible order that the variable could take, and since there is a significant theoretical importance of potential for? elevating options from no conflict to peaceful conflict and from a peaceful conflict to a violent one, I suggest that an Ordinal Logistic Regression (OLR) Model would be more suitable than a Multinomial Logistic

Regression (MLR) Model for this dataset. MLR assumes that there is no a unique objectively recognizable order between the categories of the DV.

Another reason for preferring OLR over MLR is the advantage OLR gives by comparing the odds of each level of outcome of the Dependent Variable to all the other levels, and not just to one base level, as in MLR.

And specifically for this dataset, an MLR would show a perfect prediction problem in 4 out of 5 of the independent variables in the level of comparing (Conflicts 1991-1995 == 0) to (Conflicts 1991-1995 ==2), and that puts in question the standard error estimates and therefore, the capability of the model to produce better predictions than flipping a coin. The OLR model, as shown later, avoids that problem, and therefore would be a better choice than MLR, especially if it makes better theoretical sense.

Limits of the Dataset, Limits of the Ordinal Logistic Model

Although an OLR model makes theoretical sense for my dataset, it poses significant statistical challenges. Chief among them is the size of the observations in the dataset. For a logistic model to make statistically significant predictions, it requires far more observations than the 53 that I have in my dataset. This is a common and usually neglected problem of statistical models in social science literature.

I remedy this problem by multiplying every entry in the dataset by the number of households residing in each county/population center prior to the Anfal campaign or earlier waves of forced migration.

My justification for this inflation of the data, other than the obvious statistical need, is that the size of the population center plays a significant role in the direction conflicts take. On one hand, smaller communities have fewer resources to escalate conflicts to violent outcomes. On the other hand, they are more isolated and easier to victimize. Therefore, this procedure will increase the size of the dataset without significantly altering the outcomes of the dataset in one direction or anther. A comparison between the pre and post inflation tables of the statistical summaries of the variables will help make this point clear:

Table #13: Statistic summaries of the variables

Variable	Obs.	Mean	Std. Dev.	Median	Min	Max
Anfal Status	53	.89	.32	1	0	1
Reconstruction Rate	53	41.7	40.3	30	0	100
NGO Help	53	.41	.50	0	0	1
Discrepancy between Local Understanding and Legal Status of Land Tenure	53	1.7	.6	2	0	2
Conflict History	53	1.35	.6	1	0	2
Conflicts 1991-1995	53	1.47	.84	2	0	2
Conflict Sides Reoccurring	53	.88	.57	1	0	2

Table #14: Statistic summaries of the variables × Number of Households in Each County/Population center, Prior to Displacement

Variable	Obs.	Mean	Std. Dev.	Median	Min	Max
Anfal Status	9700	.90	.30	1	0	1
Reconstruction Rate	9700	46.91	40.82	45	0	100
NGO Help	9700	.33	.47	0	0	1
Discrepancy between Local Understanding and Legal Status of Land Tenure	9700	1.5	.74	2	0	2
Conflict History	9700	1.26	.55	1	0	2
Conflicts 1991-1995	9700	1.62	.71	2	0	2

Conflict Sides Reoccurring	9700	1.14	.63	1	0	2

What we can conclude from comparing the Mean column in tables (10a) and (10b) is the following:

- Reconstruction is slightly skewed towards larger communities, yet NGO help is significantly skewed towards smaller communities, because projects in those communities are more manageable.

- Discrepancy between local understanding and legal status of land tenure is slightly skewed towards major discrepancies in smaller communities. The same goes for conflict history, which is slightly skewed towards conflicts with claimers of ownership in smaller communities.

- New (1991-1995) conflicts are slightly skewed towards more violent outcomes in larger communities, and that can be explained by the next observation, which suggests that the new conflicts in larger communities are skewed towards one or more parties being new contenders.

- All this, while the number of observations of the dataset has grown more than 183 times bigger.

Another area of concern is an ORL models limitation, known as the Parallel Regression Assumption. This means that an ordinal regression assumes that one coefficient per IV can explain the model's behavior throughout the different levels of the DV. That means, in my model's case, that the coefficient for all and any of the IVs should be the same (or not sizably different) for each ordered level of the DV, and the difference between the

levels should be primarily explained by the constant. My dataset violates the parallel regression assumption.

Violation of the parallel regression assumption, although common, is an indication of a serious model specification or data collection problem. However, it is common in social sciences literature to accept this violation rather than resorting to a less complicated OLS model for datasets with ordered DVs, because OLS model problems would be much more serious than ORL.[158]

A better alternative is to choose more complicated models that relax the parallel regression requirements, such as multi-level models like Generalized Linear Latent and Mixed Model (GLLAMM). Theoretically, the choice of multi-level models would provide a powerful dimension to my model by allowing for the recognition and incorporation of the subtle differences between regions in terms of the history of conflicts and the socio-political relationships between the parties involved in those conflicts. For example, in many villages in Qaradakh, Hawraman or Sharbazher areas, farming families voluntarily allowed registering land in the name of leaders of Sufi orders during the Ottoman Empire times to avoid cumbersome taxation and the military draft. This meant conflict-history-wise, that a Sheikh had to be very powerful politically to assert so-called ownership over traditionally recognized peasants' rights to the land they used to own just few generations ago.

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[158] See: Scott Long and Jeremy Freese. Regression Models for Categorical Dependent Variables Using STATA (Second Revised Edition), TX: STATA Press, 2003, p. 168.

In areas where the owners or claimers of ownership are tribal leaders, the tribal identity of their peasants makes a significant difference in terms of how conflicts developed and escalated. Many peasants in Sharazoor are from the same semi-nomadic tribe as the owners. That allowed tribal institutions to suppress conflicts in a way that was not possible for other peasants from Pishdar and Bitwen areas, where tribal "owners" had invaded generations earlier and had subsequently treated the peasants as spoils of war.

Despite the obvious benefits of a multi-level model that addresses these regional differences, it required capturing certain information that was not in the original design of the research and therefore was not done systematically.

As a result, and given the limitations of the dataset, I consider an OLR to be the best feasible model.

Presentation of the Model and Its Predictions

The following is the outcome of running the Ordinal Logit regression for the model:

Table #15: Ordinal logit Estimates of the Model, and
Odds Ratio Method of Interpretation

Dependent Variable: Conflicts 1991-1995

	b & SE	e^b	e^bstdX
Anfal Status	4.12*	61.80	3.42
	(.19)		
Reconstruction Rate	-.020*	.98	.43
	(.002)		
NGO Help	-3.11*	.04	.23
	(.136)		
Discrepancy between Local Understanding	-1.07*	.34	.45
and Legal Status of Land Tenure	(.91)		
Conflict History	1.47*	4.35	2.26

	(.87)		
Conflict Sides Reoccurring	5.24*	188.2	26.8
	(.14)		
_cut1	1.32*		
	(.27)		
_cut2	5.11*		
	(.3)		

Standard Error in Parentheses
* is significant at .1%
Number of Obs: 9700
LR chi2(5) = 10287.33
Prob > Chi2 =0.0000
Pseudo R2 = 0.7294
Log Likelihood = -1908.65

e^b = exp(b) = factor change in odds for unit increase in X.

e^bstdX = exp(b*SD of X) = change in odds for SD increase in X.

The LR Chi², which tests the statistical significance of the model as a whole against the constant, and the value of the Pseudo R², both point to the significance of the health of the model in general.

The regression results' sign for each individual IV represents the negative or positive relationship between the direction of change in each IV and the direction of change in the DV (when holding everything else constant, including the other IVs). The model regression results suggest that changing from no traumatic forced migration to experiencing such trauma tends to lead to escalated conflicts towards violent outcomes, while the (-) sign of the coefficient for the **Reconstruction Rate** variable suggests that higher levels of reconstruction and rehabilitation tend to decrease the chances of violent outcomes. The same can be said about the level of involvement of NGOs in the reconstruction and the rehabilitation process.

The coefficient sign for the (**Discrepancy between Local Understanding and Legal Status of Land Tenure**) variable is challenging and interesting at the same

time. It suggests that the chances of violent outcomes of conflicts are less with major discrepancies than with minor ones. If the discrepancies were the result of lack of information, then the suppressed tendency towards violent outcomes could be interpreted as a matter of overwhelming imbalance of power that sustained dominance of the beneficiary side in the conflict. In the cases of discrepancies being driven by dispersed illegal tenure of public land by all sides of conflict, this is also a logical suppressant of violent outcomes of conflicts.

The coefficient sign for the (**Conflict History**) variable suggests more tendencies towards violent recent (1991-1995) conflicts in communities with such history, compared to communities with no conflict history, and even more tendency towards violence in recent conflicts when one or more sides of the history of conflicts had no legal claim to tenure.

The positive sign of the coefficient for **(Conflict Sides Reoccurring)** suggests a tendency towards more violent outcomes with new sides entering the land tenure conflicts.

In conclusion, the coefficient signs for all the variables are consistent with theoretical expectations.

Because of the nature of the OLR model, the values of the coefficients, that are all statistically significant at the high confident level of (0.1%), could not be interpreted the same way as the coefficients in an OLS regression model. The linear association is not

between relative change in the values of the IVs and relative change in the values of the DV, but rather between relative changes in the values of the IVs and relative change in the log of the DV.

To get more intuitive interpretation of the effect of change in each IV on change in the DV (in a controlled environment where everything else is held constant, including the other IVs), I use both (**e^b**) and (**e^bstdX**) indicators. The (**e^b**) column measures factor changes in the odds of violent escalation of conflicts with unit changes in each of the IVs. This means that the odds of violent outcomes in land tenure conflicts increase 61.8 times in communities with traumatic experience of mass displacement when compared with communities with no such experience (always, while holding everything else constant).

For (**Reconstruction Rate**) the regression model suggests that the odds of having violent outcomes in land tenure conflicts are 0.98 times smaller with every unit increase of reconstruction rate in the communities with conflicts. Similarly, the odds for violent outcomes in land tenure conflicts are 0.04 times smaller in communities that received NGOs help with reconstruction and rehabilitation of their villages/population centers.

The model also suggests that when there are major discrepancies between local understanding and the legal status of land tenure in their communities, the odds of violent outcomes in their land tenure conflicts are 0.34 times less than in communities with few discrepancies. This is an eye-opening measure of the level of contempt for the prevailing

laws in communities with as clear as possible an understanding of the legal status of their land tenure conflicts.

According to the model, the odds of violent outcomes increase 4.35 times in communities with a history of conflicts where one or more party's claim to possession and ownership is not recognized by law, vs. those where conflicts were mainly between legitimate parties. This is not contradicting the earlier suggestion by the model that major discrepancies between local understanding and legal structure lead to lower odds of violent outcomes. This is because most of the claimers of ownership resided outside the communities, and more times than not, the communities knew that their claims were not based on any legal documentation.

Lastly, the model suggests a huge increase, of 188.2 times, in odds of violent outcomes when one or more parties in the new conflicts have no history of claims of tenure, vs. the conflicts where the parties are the same or generational extensions of the sides of earlier conflicts.

The **(e^bstdX)** column measures the effect of unit changes in every IV on the odds of change in the standard deviation of the DV.

The _cut1 and _cut2 data are representing the cut points in an assumed, single, latent, continuous variable that is at the background of our ordinal 3 level dependent variable in the model. Each of the cut points is a point on the continuous curve of the assumed latent

variable that, beyond it, the political choice moves from one level to another. In other words; they represent the points beyond which political choice of no conflict changes to conflict (in case of _cut1) and non-violent conflict to violent conflict (in case of _cut2).

The OLR models provide powerful ways to present the predictions of the model beyond the coefficients, and their interpretations. One such tool is the following dotplot, which allows a visual presentation of where the predicted chances of observing each level of Conflict (1991-1995) fall, percentage wise:

Figure #32: Dotplot of the Predictions of the Model
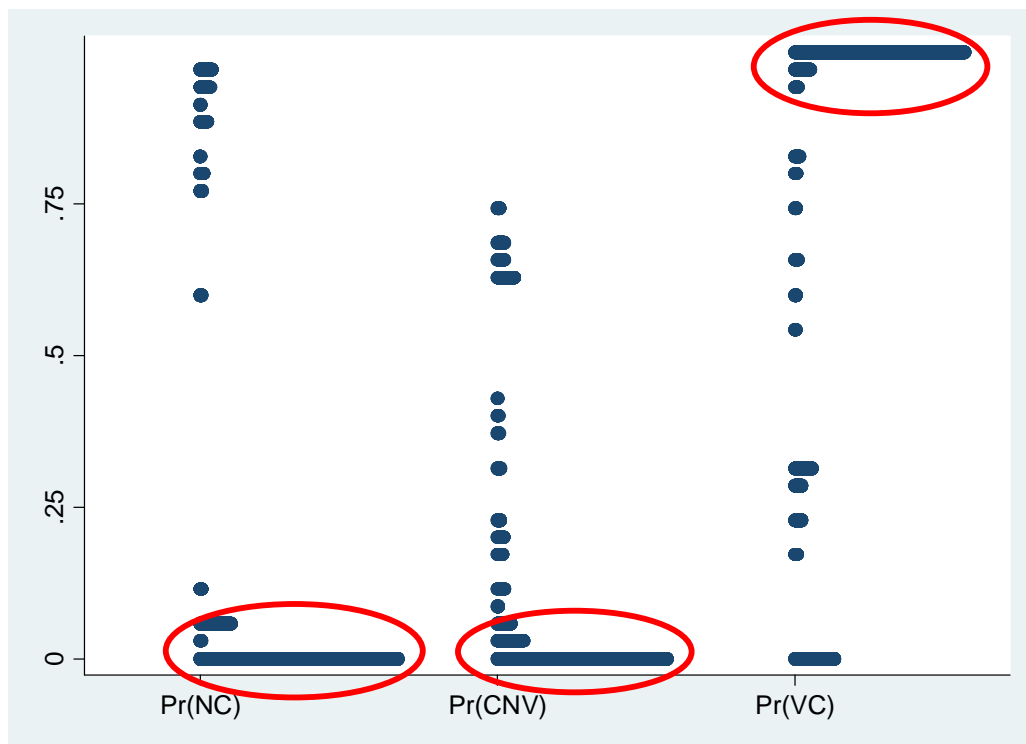
As shown above, holding the environment that the model works in constant, we can see that the most of predicted chances for No Conflicts (NC) is clustered at 0%, and the range of most predicted Conflicts with No Violence (CNV) is in the 0-20%, while most of the predicted Violent Conflicts (VC) is in the range of 90-100% chance.

We can also calculate predicted probabilities for violent or non-violent conflicts, assuming the interaction between different levels of multiple independent variables (holding all other variables at their medium value). For example, the following table shows the predicted probabilities for both violent and non-violent conflicts assuming the interaction of different levels of **Conflict History**, **Conflict Sides Reoccurring**, and the **Discrepancy between local Understanding and Legal Status of Land Tenure.**

Table #16: Predicted Probabilities of Violent and Non-violent Conflicts Based on Sets of 3 Criteria

Predicted Probability of (Conflict With No Violence)				
Discrepancy between Local Understanding and Legal Status of Land Tenure	Conflict Sides Reoccurring			
	Post 1991 Conflicts Are Between the Same Sides of Previous Conflict		Post 1991 Conflicts Are With One or More New Sides	
	Conflict Between Legitimate Sides	Conflict With Claimers of Ownership	Conflict Between Legitimate Sides	Conflict With Claimers of Ownership
No Discrepancy	.0342	.0081	.0002	.0000
Minor Discrepancies	.0934	.0232	.0005	.0001
Major Discrepancies	.2292	.0647	.0016	.0004
Predicted Probability of (Violent Conflict)				
No Discrepancy	.9650	.9917	.9998	1.0000
Minor Discrepancies	.9042	.9763	.9994	.9999
Major Discrepancies	.7639	.9337	.9984	.9996

As one can see from the table, for example, in a village with prior history of conflicts between legitimate parties, along with major discrepancies between local understanding and legal status of land tenure, and when the same parties, or their generational extensions show up in a new conflict, then the predicted chance of a violent outcome for their new conflict is 76.39%. Inject a new contender with no history of tenure claims, and the chance of violent outcome jumps to 99.84%.

Similarly, the model predicts that if a rural community has a keen understanding of the legal status of its land tenure, and had been in conflict with claimers of ownership, prior to 1991, it is 99.17% likely to have a violent conflict if the same claimers or their generational extensions showed up. And if a new party with no history of claims asserted any claims to the land, the rural community will definitely resort to violence to fend-off the new comer.

The model is capable of generating predictions about new conflicts with any set of criteria using all the IVs. Here are some examples:

For a county/population center, where all the IVs are held at their mean (or the closest value that is valid theoretically) new conflict predictions are as follows:

Table #17-a: Model Predictions for Conflicts and Their Outcomes with A Pre-set Criteria

Model Predictions	% Chance	95% Confidence Interval
Predicted (No Conflict)	0.017	(0.0011 – 0.0023)
Predicted (Conflict with No Violence)	6.74	(0.0513 – 0.0835)
Predicted (Violent Conflict)	93.09	(0.9144 – 0.9475)
Assumptions: Anfal Status: **Destroyed**　　　　Reconstruction Rate: **47%**　　　NGO Help: **None** Discrepancy between Local Understanding and Legal Status of Tenure: **Major**		

| Conflict History: **Between Legitimate Sides** |
| Conflict Sides Reoccurring: **Same Sides** |

Now if we change criteria for traumatic mass displacement, then the model's predictions

are as following:

Table #17-b: Model Predictions for Conflicts and Their Outcomes with A Pre-set Criteria

Model Predictions	% Chance	95% Confidence Interval
Predicted (No Conflict)	23.76	(0.1834 - .2917)
Predicted (Conflict with No Violence)	69.48	(0.6499 – 0.7397)
Predicted (Violent Conflict)	0.6	(0.0507 – 0.0845)
Assumptions: Anfal Status: **Not Destroyed** Reconstruction Rate: **100%** NGO Help: **None** Discrepancy between Local Understanding and Legal Status of Tenure: **Major** Conflict History: **Between Legitimate Sides** Conflict Sides Reoccurring: **Same Sides**		

A comparison between the two tables illustrates the profound consequences of traumatic

mass displacement on societal peace decades later.

Here is another interesting example of predictions for a population center that was

destroyed in the Anfal campaign, was not reconstructed, received no help, had major

discrepancies, and had a history of conflict with claimers of tenure with no legal standing,

when the same claimers or their generational extension return:

Table #17-c: Model Predictions for Conflicts and Their Outcomes with A Pre-set Criteria

Model Predictions	% Chance	95% Confidence Interval
Predicted (No Conflict)	0.001	(0.0001 – 0.0002)
Predicted (Conflict with No Violence)	0.062	(0.0041 – 0.0084)
Predicted (Violent Conflict)	99.36	(0.9914 – 0.9958)
Assumptions: Anfal Status: **Destroyed** Reconstruction Rate: **0%** NGO Help: **None** Discrepancy between Local Understanding and Legal Status of Tenure: **Major** Conflict History: **Claimers with No Legal Standing** Conflict Sides Reoccurring: **Same Sides**		

Now let's compare that with predictions for another population center with the same

unfortunate Anfal experience, yet a high rate of reconstruction that was assisted by

NGOs, had minor discrepancies, a history of conflicts between legitimate sides, when the same sides return:

Table #17-d: Model Predictions for Conflicts and Their Outcomes with A Pre-set Criteria

Model Predictions	% Chance	95% Confidence Interval
Predicted (No Conflict)	0.25	(0.0180 – 0.0321)
Predicted (Conflict with No Violence)	50.69	(0.4608 – 0.5531)
Predicted (Violent Conflict)	46.80	(0.4181 – 0.5179)
Assumptions: Anfal Status: **Destroyed**　　　Reconstruction Rate: **80%**　　　NGO Help: **Yes** Discrepancy between Local Understanding and Legal Status of Tenure: **Minor** Conflict History: **Between Legitimate Sides** Conflict Sides Reoccurring: **Same Sides**		

Although conflicts in both cases are almost inevitable, chances of violent outcomes for the conflicts were reduced to less than half with the new criteria. These results point to the significance of the reconstruction and rehabilitation efforts in the reduction of chances of violent outcomes.

Nevertheless, to present the full picture of the effect of reconstruction and rehabilitation on chances for violent outcomes, we can plot predictions for no conflict as the rate of reconstruction changes from 0 to 100% for 2 different criteria; one with the same sides of historic conflicts reclaiming possession, and the other with new sides, with no history of claims to tenure entering the picture.:

Figure # 33: Changes of chances of No Conflict as Rate of Construction Changes for 2 different criteria of Sides Reoccurring
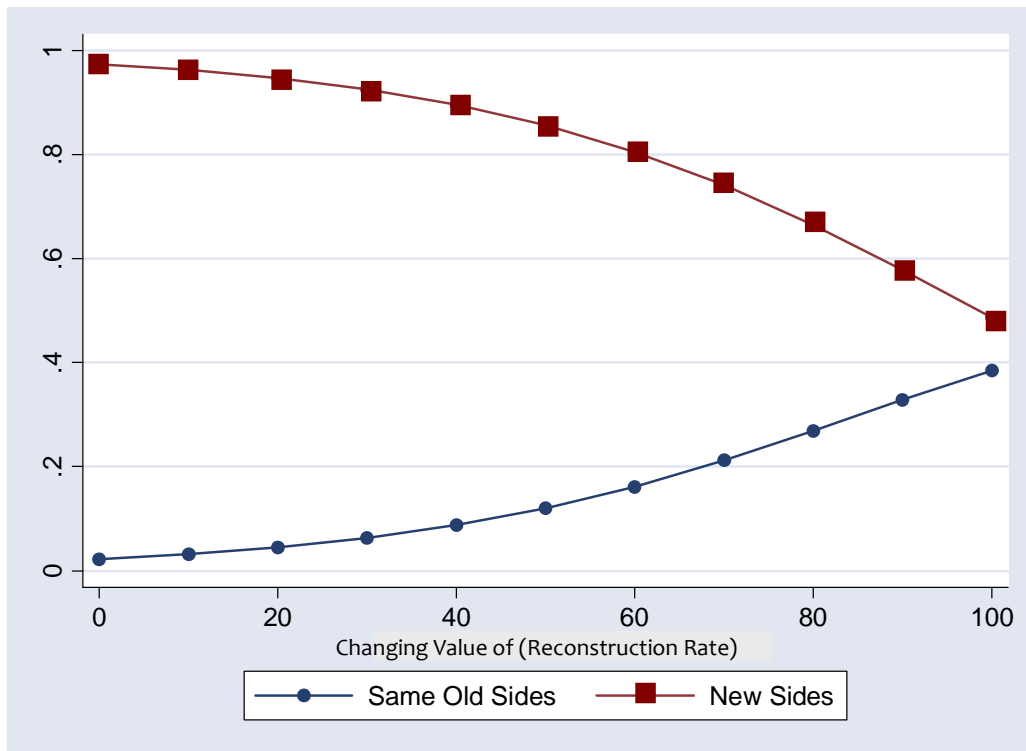
The graph is making a very interesting statement about how those 2 criteria are behaving differently: As reconstruction rates get higher the chance of no conflict increases when there are no new contenders. That is because the sides from earlier conflicts rush to claim rights to land before any reconstructions take place. Therefore, as communities are rebuilt the tendency for conflicts goes down. But when new contenders with no tenure history are the ones rebuilding and constructing, the more they build, the more they threaten established claims of the others. It is then logical to assume fewer chances for conflict as reconstruction rate gets higher.

Chapter Six:

A Political System Boxed into A single-Identity Representation:

 Post-2003 New Iraq Fights the Demons of the Past and Creates New Ones!

Iraq's Lost Decades and Their effect on Conflicts over Possession of Assets, Especially Real Estate:

Since the Iraq-Iran war, the value of Iraq's national currency, the Dinar, has dropped precipitously against the American Dollar. Yet, no official statistics are available to track this fall from grace. Most of currency exchange activities in Iraq, prior to 2003, occurred in a market parallel to the fixed exchange rate established by the state. But Isam Al-Khafaji, an Iraq scholar, tracked the black market exchange rate by comparing his own sources with third party and journalistic reports. The data in the following table, up to 2003, is the result of his. From 2003 onward, Iraq's Central Bank provides regular data on the exchange rate:

Table #18: Changes in the Value of US $ in Iraqi Dinars 1979-2011

Date	Value of One $ in Iraqi Dinars
1979	.312
1987	2.8
Oct. 1989	3.22
Jan. 1992	13.15
March 1992	17.5
Jan. 1994	140
March 1995	1,200
Jan. 1996	2,950
Dec. 1998	1,850
Feb. 1999	1,790
Dec. 1999	1,550
Dec. 2001	1,850
2003	1,936
2004	1,453
2005	1,472
2006	1,475
2007	1,267
2008	1,203
2009	1,182
Jan. 2010	1,185
Nov. 2010	1,195
Jan. 2011	1,190

| May 2011 | 1,200 |
| July 2011 | 1,195 |

As the table illustrates, by 1996, the Iraqi Dinar's value (measured by US $) plunged to (1/9454) of its value only 17 years earlier. Despite its gradual ascendance since, it is still, as of July 2011, only (1/3829) of its value in 1979. Therefore, for the past thirty years, the Iraqi Dinar has largely lost its function as a store of value while remained the legal medium of exchange.

Considering the above, and the severe economic limitations imposed by the embargo since 1991, and the wage and income stagnation caused by the cost of wars and their consciences, most former middle income families in Iraq started liquidating assets and personal possessions all the way to the furniture in their homes. The need for asset liquidation by the newly and rapidly impoverished was met by the need for real estate as a storage of value for the few who monopolized the new forms of economic activity that flourished as a direct result of the international embargo on Iraq since 1990, mainly smuggling oil outside Iraq, importing fast consumption items such as food and tobacco, re-exporting tobacco and alcohol to Iran, along with newly introduced international call centers in the areas of Kurdistan region that were freed from Saddam's direct control since 1991.

A significant impediment to this liquidation and acquisition of real estate, was, and is still, a legal infrastructure that protected renters against any raise of rent even as a result

of changes of ownership. Iraqi laws, established during the 1970s when the purchasing

power of the Iraqi Dinar was much more stable, do not allow the eviction of the renter or

any change in the original rent agreement during such transaction without the consent of

renter in any residential, agricultural or commercial real estate property.

In fact, although illegal, it is customary for renters with rent agreements as far back as the

1970s to sell those fixed rent agreements to new occupants of commercial buildings. It is

also customary for owners of commercial real estate to charge, otherwise illegal, lump

sum money upfront in addition to monthly rent called (Sarqufliya) that is in average close

to 10-20% of the market value of the rented property. The renter then can go around and

sell the rent agreement for another Sarqufliya, and so forth.

In agriculture, even though the law recognizes only crop-sharing agreements, and not

monitory rents. The reality is, that when the owners are city dwellers with no/or weak kin

or tribal relations to the farming families who are working on their land, the relationship

becomes more and more a matter of one registered farming family becoming a contractor

with the owners and subcontracting to non-registered families for his own benefit, much

as Sarqufliya.

Since there is no indication in the IHSES data that this form of property possession is

considered (See the following table), there is no way, using existing data, to gage the

extent of this practice in Iraq's economy or its progression in Iraq's modern history. But

it sure is a source of significant income and economic status that otherwise property

owners would have enjoyed exclusively.

Table #19: Sources of monthly Income in Iraq by Poverty Status in ID and US $ (Per Person)

Indicators	Non-poor		Poor		Iraq	
	ID (1000)	US $	ID (1000)	US $	ID (1000)	US $
Employment:						
Wages in Cash	61.4	41.62	38.7	26.24	56.2	38.10
Wages in Kind	1.5	1.01	1.4	0.95	1.5	1.01
Self-employment	36.0	24.40	19.8	13.42	32.3	21.90
Total Employment	98.9	67.05	59.9	40.61	90.0	61.01
Property:						
Imputed Rent	24.1	16.34	8.6	5.83	20.6	13.96
Other Property	5.2	3.52	1.6	1.08	4.4	2.98
Total Property	29.3	19.86	10.2	6.91	25.0	19.95
Transfers:						
Pensions	6.2	4.20	3.0	2.03	5.4	3.66
Rations	11.0	7.45	11.5	7.80	11.1	7.52
SSN	0.3	0.20	0.2	0.13	0.3	0.20
Other Public in Cash	2.0	1.35	1.7	1.15	1.9	1.29
Other Public in Kind	0.3	0.20	0.2	0.13	0.3	0.20
Private in Cash	3.3	2.23	1.7	1.15	2.9	2.0
Private in Kind	1.3	0.88	0.6	0.41	1.1	0.75
Total Transfers	24.3	16.47	18.9	12.81	23.1	15.66
Total Income	152.6	105.81	89.0	70.62	138.0	77.97

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Source: IBRD. Op, cit., p.35

Prior to the 1980s and 90s, claiming a property uninhabitable and hazardous was the

main non-violent way for owners to legally get out of rent contracts. Many owners

refused to repair their properties for years as a way of getting the property to the point of

inhabitability faster, or to shift the financial weight of the maintenance on to the renters.

That option became impractical during the 80s and 90s, when the value of the Iraqi Dianr

collapsed and led to the collapse of all fixed income, including income from rent.

This type of market environment has produced, throughout the past decades, in areas under Saddam's regime's control and under the de facto authorities on the Kurdistan region, buyers who are willing to buy properties cheaper than their real market value (without a rent contract), and then use coercive measures to force the renters out, or even force owners to sell.

But this business of literal hostile take-over and forced evection became an epidemic as a result of the economic hardships and the collapse of middle income class in the 80s and 90s. These Mafia-like entities have managed to take advantage of their connection to organized violent structures such as the ruling party, security apparatus and/or militant tribal entities, and used their connections to operate outside the rule of law. This practice was prevalent under direct rule of Saddam's regime and has been so in the de facto autonomous region in Kurdistan since 1991.

Add to the above decades of state policy of stripping political dissidents, or any segment of the population deemed to be dangerous to the state's seventy and security, from their real properties as a form of punishment and a way to terrorize the rest of the population to submission, and then add the 2003 occupation, and the subsequent looting and waves of population displacement and property rights violations with the ongoing cycles of violence, and you have complex multi-layered cases of real property grievances in Iraq.

IPCC, CRRPD, and then PCC: a small Band-Aid on a Deep Wound

After the collapse of Saddam's regime and the occupation of Iraq, the Coalition

Provisional Authorities (CPA) established a new mechanism to address a narrow segment

of property rights abuses in Iraq through a special commission called the Iraq Property

Claims Commission (IPCC) in January 2004. The aim of the IPCC was to only address

claims of property rights violations allegedly perpetrated by Saddam's regime or

powerful individuals within the regime who were able to force

uncompensated/undercompensated property transactions or received various possession

rights of state-owned property in exclusively favorable terms without legal justification.

After the transfer of CPA's authorities to the Iraqis in June of 2004, the IPCC was

transformed into the Commission for Resolution of Real Property Disputes (CRRPD) in a

new legislation issued by Iraq's Presidential Council in 4/6/2006. The new law kept the

main characteristics of the former IPCC intact and added procedural clarification to the

original IPCC structure. The Iraqi Parliament revisited the law in 3/9/2010 and passed a

new legislation that changed the name again to Property Claims Commission (PCC),

affirmed its status and legal person (never was challenged), and beyond that, even the

official website of PCC struggles to explain the difference between the new legislation

and its predecessor.[159]

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[159] See (in Arabic): http://www.pcc.iq/2011/03/22/%D9%82%D8%A7%D9%86%D9%88%D9%86-
%D9%87%D9%8A%D8%A6%D8%A9-%D8%AF%D8%B9%D8%A7%D9%88%D9%89-
%D8%A7%D9%84%D9%85%D9%84%D9%83%D9%8A%D8%A9-%D8%B1%D9%82%D9%85-
%2813%29-%D9%84%D8%B3%D9%86%D8%A9.html

Regardless of the name change, the commission consciously excluded from any legal avenue for pursuit of restitution was the following:

First:

Any and all claims of property destruction and/or abuse of property rights prior to the second ascendance of the Ba'ath party to power in 7/17/1968. This politically motivated limitation, that suggests the practice of state-sanctioned abuse of property rights to be an exclusive hallmark of the Ba'ath regime, excludes from any legal avenue of restitution events such as the state take-over of banks and privately held industries and small manufacturing plants during the rule of the Arif brothers in Iraq (1963-1968), the Jewish so-called migration of 1950 and the subsequent freezing and take over of properties of the estimated 150,000 Jews, forced to leave Iraq after anti-Jewish riots known as the Farhood.

Second:

Any and all claims of destruction of property and/or abuse of property rights in areas of Kurdistan region that became out of the direct control of Saddam's regime since the beginning of the 1990s, alleged to be committed by Kurdish fractions in de facto position of power, and by powerful individuals connected to them, or harbored by them. These practices became systematic during the civil war between Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK). The two parties flipped control over major Kurdistan cities of Erbil, Kuysanjaq and Sulaimaniya, along with tens of more population centers, multiple times, and in each time homes and businesses of the supporters of the other side were targets of systematic looting and take-over.

Almost thirteen years after the end of hostilities between the two parties, and seven years after the decision to unify the administrations in both territories, and despite the establishment of a joined committee to address population displacement and property abuse during the Kurdish civil war, in an interview with Kurdish news site in May 20011, both representatives of the two parties in the committee complain that major property claims are not resolved on booth sides.[160] The KDP representative claims in the interview that close to 10,000 dunums of agricultural land, privately owned by supporters of KDP in Sulaimaniya province are yet to be returned to their owners despite decisions by the committee. The PUK representative claims that 483 pieces of prime real estate lots in Erbil, alleged to be awarded to PUK rank and file prior to their eviction from the city in 1998, have never been returned to them.

Third:

Despite the fact that since 2003, Iraq has witnessed waves of population displacement and forced migration, the CPA limited the mandate of IPCC to only Saddam's era claims. Thereby, it excluded any and all claims of destruction of property and/or abuse of property rights alleged against the coalition forces, war-related foreign companies, Iraqi de facto authorities and powerful individuals connected to the Iraqi authorities during, after, and as a result of the occupation of Iraq and the following cycles of violence since

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[160] See: http://www.rubernet.net/news/226-hawler-keshakani-shari-nawkho-kurdistan.html

2003.

There is no systematic account for post-American-occupation property destruction, abuse of property right claims, or the extent of abuse of public property, but if we accept the estimates of the IHSES study and the World bank's Main Findings report, then of the 5% of Iraq's population that was estimated to be internally displaced by the end of 2006, only 16% of them were poor. This is significantly lower than the rate of poor in the general population in Iraq that is 23%. [161] If we accept this premise, then we can conclude that the majority of the displaced population of post-American-occupation Iraq are less likely to be poor, more likely to have had owned their homes prior to displacement, and have lost their homes temporarily or permanently due to destruction or below market value liquidation.

As for the abuse of public resources, there are mountains of journalistic reports on the monopolistic behavior of powerful political parties and their tribal and kinship extensions over natural resources, government contracts, housing projects external trade and telecommunication, each in their local strongholds that contributed to strong public perception in Iraq about the corruption in the country. It is no wonder that Transparency International's annual Corruption Perception Index has consistently placed Iraq in the bottom 5 in the world.[162] The following map and table is their 2010 report summery that places Iraq in fourth in the bottom in ranking, ahead of only Somalia, Myanmar and Afghanistan.

[161] See: IBRD. Op, cit., p.30.
[162] See: http://www.transparency.org/policy_research/surveys_indices/cpi

One confirmed example of the extent of abuse of public property is the announcement by the president of Kurdistan Region, Masud Barzani, in 6/14/2011 that put a moratorium on allocation of public land for economic projects until the establishment of equitable procedures, returned 1025 dunums of commercially zoned land to public domain after previous illegal allocation for 118 private hosing projects, informed about ongoing investigation of 19 other projects, imitated investigation of 300 other hosing projects for possible illegal allocation in only two provinces; Sulaimaniya, and Erbil.[163]

It is worth noting that Barzani's announcement came after months of daily demonstrations and clashes between protesters and security forces in Sulaimaniya province. Ramped corruption was one of the main grievances of the protesters. Yet, Barzani's announcement fell short of addressing dominant parties' control over oil production, telecommunication and government contracts along with security forces, civil service, civil society institutions, unions and etc.

Figure # 34: Corruption Perception Index (2010)

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[163] See Barzani's announcement (in Kurdish) at: http://rudaw.net/kurdish/news/6515-1025.rss

2010 CPI Score

Very Clean	9.0 - 10.0
	8.0 - 8.9
	7.0 - 7.9
	6.0 - 6.9
	5.0 - 5.9
	4.0 - 4.9
	3.0 - 3.9
	2.0 - 2.9
	1.0 - 1.9
Highly Corrupt	0.0 - 0.9
	No data

RANK	COUNTRY/TERRITORY	SCORE
1	Denmark	9.3
1	New Zealand	9.3
1	Singapore	9.3
4	Finland	9.2
4	Sweden	9.2
6	Canada	8.9
7	Netherlands	8.8
8	Australia	8.7
8	Switzerland	8.7
10	Norway	8.6
11	Iceland	8.5
11	Luxembourg	8.5
13	Hong Kong	8.4
14	Ireland	8.0
15	Austria	7.9
15	Germany	7.9
17	Barbados	7.8
17	Japan	7.8
19	Qatar	7.7
20	United Kingdom	7.6
21	Chile	7.2
22	Belgium	7.1
22	United States	7.1
24	Uruguay	6.9
25	France	6.8
26	Estonia	6.5
27	Slovenia	6.4
28	Cyprus	6.3
28	United Arab Emirates	6.3
30	Israel	6.1
30	Spain	6.1
32	Portugal	6.0
33	Botswana	5.8
33	Puerto Rico	5.8
33	Taiwan	5.8
36	Bhutan	5.7
37	Malta	5.6
38	Brunei	5.5
39	Korea (South)	5.4
39	Mauritius	5.4
41	Costa Rica	5.3
41	Oman	5.3
41	Poland	5.3
44	Dominica	5.2
45	Cape Verde	5.1
46	Lithuania	5.0
46	Macau	5.0
48	Bahrain	4.9
49	Seychelles	4.8
50	Hungary	4.7
50	Jordan	4.7
50	Saudi Arabia	4.7
53	Czech Republic	4.6
54	Kuwait	4.5
54	South Africa	4.5
56	Malaysia	4.4
56	Namibia	4.4
56	Turkey	4.4
59	Latvia	4.3
59	Slovakia	4.3

RANK	COUNTRY/TERRITORY	SCORE
59	Tunisia	4.3
62	Croatia	4.1
62	FYR Macedonia	4.1
62	Ghana	4.1
62	Samoa	4.1
66	Rwanda	4.0
67	Italy	3.9
68	Georgia	3.8
69	Brazil	3.7
69	Cuba	3.7
69	Montenegro	3.7
69	Romania	3.7
73	Bulgaria	3.6
73	El Salvador	3.6
73	Panama	3.6
73	Trinidad and Tobago	3.6
73	Vanuatu	3.6
78	China	3.5
78	Colombia	3.5
78	Greece	3.5
78	Lesotho	3.5
78	Peru	3.5
78	Serbia	3.5
78	Thailand	3.5
85	Malawi	3.4
85	Morocco	3.4
87	Albania	3.3
87	India	3.3
87	Jamaica	3.3
87	Liberia	3.3
91	Bosnia and Herzegovina	3.2
91	Djibouti	3.2
91	Gambia	3.2
91	Guatemala	3.2
91	Kiribati	3.2
91	Sri Lanka	3.2
91	Swaziland	3.2
98	Burkina Faso	3.1
98	Egypt	3.1
98	Mexico	3.1
101	Dominican Republic	3.0
101	Sao Tome & Principe	3.0
101	Tonga	3.0
101	Zambia	3.0
105	Algeria	2.9
105	Argentina	2.9
105	Kazakhstan	2.9
105	Moldova	2.9
105	Senegal	2.9
110	Benin	2.8
110	Bolivia	2.8
110	Gabon	2.8
110	Indonesia	2.8
110	Kosovo	2.8
110	Solomon Islands	2.8
116	Ethiopia	2.7
116	Guyana	2.7
116	Mali	2.7
116	Mongolia	2.7

RANK	COUNTRY/TERRITORY	SCORE
116	Mozambique	2.7
116	Tanzania	2.7
116	Vietnam	2.7
123	Armenia	2.6
123	Eritrea	2.6
123	Madagascar	2.6
123	Niger	2.6
127	Belarus	2.5
127	Ecuador	2.5
127	Lebanon	2.5
127	Nicaragua	2.5
127	Syria	2.5
127	Timor-Leste	2.5
127	Uganda	2.5
134	Azerbaijan	2.4
134	Bangladesh	2.4
134	Honduras	2.4
134	Nigeria	2.4
134	Philippines	2.4
134	Sierra Leone	2.4
134	Togo	2.4
134	Ukraine	2.4
134	Zimbabwe	2.4
143	Maldives	2.3
143	Mauritania	2.3
143	Pakistan	2.3
146	Cameroon	2.2
146	Côte d'Ivoire	2.2
146	Haiti	2.2
146	Iran	2.2
146	Libya	2.2
146	Nepal	2.2
146	Paraguay	2.2
146	Yemen	2.2
154	Cambodia	2.1
154	Central African Republic	2.1
154	Comoros	2.1
154	Congo-Brazzaville	2.1
154	Guinea-Bissau	2.1
154	Kenya	2.1
154	Laos	2.1
154	Papua New Guinea	2.1
154	Russia	2.1
154	Tajikistan	2.1
164	Democratic Republic of the Congo	2.0
164	Guinea	2.0
164	Kyrgyzstan	2.0
164	Venezuela	2.0
168	Angola	1.9
168	Equatorial Guinea	1.9
170	Burundi	1.8
171	Chad	1.7
172	Sudan	1.6
172	Turkmenistan	1.6
172	Uzbekistan	1.6
175	Iraq	1.5
176	Afghanistan	1.4
176	Myanmar	1.4
178	Somalia	1.1

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Source: http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

Fourth:

The commission in all its different names stayed away from what it vaguely defined as Agrarian Reform Law, and consciously excluded all claims of abuse of property rights stemming from Agrarian Reform law. The choice of the word law, instead of laws, suggest that the intent is to lump all laws concerning ownership and possession of agrarian land together and shield them all together from any legal pursuit of restitution.

This lumping includes irreconcilable agrarian policy directions of land reform landmark laws of 1958 and 1970 along with the contra-land reform laws since 1983.

If any laws could be counted as a direct assault on possession of state-owned land by generations of farming families, then the law #35 of 1983 and the following laws in its spirit are exactly that. Hundreds of thousands of farming families from then on where asked to produce within a certain quota or loose their possession during an ongoing devastating war and economic hardship. The most productive members of these families were either fugitives for refusing enlistment in the army, actively participating in the war, or victims of the war; dead, maimed for life or POWs.

By the end of Iraq-Iran war 38.3% of all agrarian reform land were repossessed and redistributed in large areas to tribal leaders, business people related to the ruling party and Arab foreign investors. After nearly two decades, much turmoil, the collapse of the regime and new post-occupation political process, in 2008, that percentage is now 87.6%. See the following table:

Table #20: Repossessed and Redistributed Agrarian Land in Iraq, According to Law No. 35 of 1983 by Provinces (1989 and 2008)

Province	Area in 1989 (in Dunnums)	Area in 2008 (in Dunnums)
Ninawa	636,069	1,552,263
Salah ad-Din	316,390	1,495,219
At-Ta'mim	368,000	465,437
Diyala	275,956	833,241
Baghdad	1,706	233,948
Al-Anbar	83,517	642,248
Babil	194,691	454,522
Karbala'	22,457	173,281
An-Najaf	68,468	380,819
Al-Qadisiyah	556,756	875,418
Al-Muthanna	94,855	317,276
Dhi Qar	226,226	381,884
Wasit	175,399	1,612,515

Maysan	267,438	604,549
Al-Basrah	67,953	341948
Dehuk	5,195	
Erbil	295,153	
Sulaimaniya	4,575	
Dismantled State Farms (in Multiple Provinces)	158,000	Included above
Total Re-rented	**4,529,704**	**10,364,568**
%Change	**%128.8**	
Total State-owned and Administered by Land Reform Authorities in 1979	**11,824,800**	

Source: Republic of Iraq. Central Organization for Statistics. Annual Abstract of Statistics. 1990 and 2008-2009

The only abuse of property rights that the CPA saw in this package of laws was the exclusion of non-Arab investors from long-term below market-value rents of the repossessed agrarian land in Iraq, and made sure that abuse was urgently corrected.[164]

As for the Iraqi partners of the CPA; the Iraqi Governing Council, who were victims on a personal or family level of the kind of property rights abuse that was amply addressed by the way the commission was structured, were also competing for the support of the tribal leaders that benefited from the application of the 1983 law, and therefore could not address, on a national level, the abuses of the law.[165]Yet, as I will attempt to demonstrate

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[164] See, for the presentation of law # 35 of 1983 to the US congress in the Congressional Research Service report:
- U. S. Congressional Research Service. Iraq Agriculture and Food Supply: Background and Issues (RL32093; June, 7, 2004), by Randy Schnepf. Text in:
(http://www.nationalaglawcenter.org/assets/crs/RL32093.pdf) .p 18.
And for the description of CPA negotiations with Iraqi Governing Council, see:
- James Dobbins [et al.], Occupying Iraq: A History of the Coalition Provisional Authority. Santa Monica, CA: RAND Corporation, 2009. pp. 212-16.

[165] In a paper presented to the U.S. State Department at a symposium on Post-Conflict Property Restitution in 2007, the author Peter Van der Auweraert, makes this critical observation on how the IPCC was limited by the personal experience and interest of the influential Iraqi politicians. See:
(http://www.nrc.ch/8025708F004CE90B/%28httpDocuments%29/48FF3C144E17CBBCC12573DB00500 C96/$file/Property+Restitution+in+Iraq+-+Peter+Van+der+Auweraert.pdf) p.4

later, they were and still are heavily involved and invested on case-by-case bases as the cases fit their ethno-sectarian identity politics.

In practice, and as a result of lumping all laws and regulations and orders concerning possession of Agrarian land under the title of "Agrarian Reform Law" the special courts of IPCC, CRRPD, and then PCC have denied thousands of cases in Kirkuk area where the repossession of agrarian reform land, or outright takeover of land from rightful Tapu holders from the Kurdish ethnic community and redistributing it to Arab farming families resettled in the area for the purpose of denying the Kurdish insurgency movement safe havens in the rural areas close to Kirkuk oil fields.

In an interview published in 10/25/2011 by Gulan, a Kurdish news magazine and website, the director of Kirkuk branch of Agriculture administration, Mahdi Mubarak, estimated that there are close to 1,200,000 dunums that are subject to conflicts and grievances. Of those, are 900,000 dunums that cannot be addressed by the existing committee and require political will to address them. Most of those grievances, as Mr. Mubarak puts them, stem from "five orders from the Leadership Council of the Revolution issued in 1975-1980 to repossess agrarian reform land from Kurdish and Turkmen farming families to redistribute them later to Arabs who lived in the area and other Arabs who we brought to settle there."[166]

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[166] See (in Kurdish): http://www.gulan-media.com/t_detail.php?section=1&id=4608

In Kirkuk I interviewed two representatives of the Kakaiy family.[167] They used to be among top 10 biggest land owners in Iraq prior to the 1958 agrarian reform, with a total of 191,039 dunums owned by the head of their extended family. They were subject to all agrarian reform laws and kept the maximum allowed by the second agrarian reform law of 1970. According to documents they presented in the interview, the Ba'ath regime took over vast areas of their estate prior to the implementation of the 1970 land reform and according to a takeover decision number 824 issued by the Revolution Leadership Council in 1976. The decision # 824,[168] is one of a host of decisions to repossess agrarian regardless of ownership in the areas of Kirkuk with high concentration of Kurds and Turkmen, not for public benefit or strategic economic projects, but to re-distribute to Arab farming families.[169]It is worth noting that as of 5/26/2009 the appeal court has denied their restitution request on the ground that their case is related to agrarian reform law.

Despite the above mentioned severe limitations on the type of claims that can make it to the property restitution committee, hundreds of thousands of Iraqis accepted it as a mean for bringing forward their grievances. As of end of September 2011, a total of 178,234 cases were filed by Iraqis who felt safe enough to come forward with their grievances. The following graph presents the geographical distribution of the claims:

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[167] Personal Interview with Ahmad and Naaim Kakaiy (Names are not real) in Kirkuk May 26, 2009. Copy of original deeds and correspondence were provided by interviewees.
[168] For the full text of this order/decision in Arabic, see: http://iraqilaws.dorar-aliraq.net/?p=12375 .
The order instructs the agriculture ministry to takeover the land with the same procedures mentioned in the agrarian reform law # 117 of 1970, without stating any reason for this extraordinary takeover.
[169] The Revolution Leadership Council decisions are: 369 in 1975, 824 in 1976, 949 in1977, 1065 in 1978 and 189 in 1979.

Figure #35: Property Rights Abuse Claims Received by Property Restitution
Committees in Iraq from 2004 to 9/30/2011
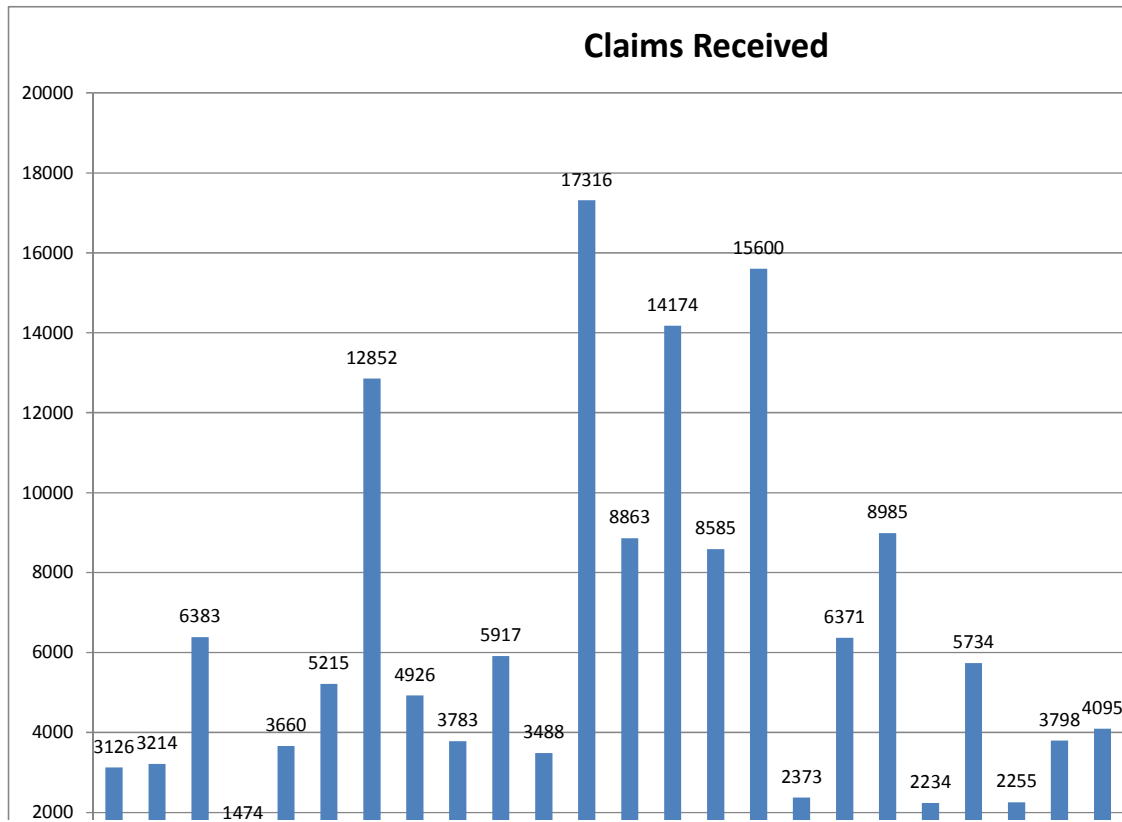
The geographical distribution suggests the highest concentration of claims to be in the
areas of Iraq where Arabization policies have been practiced for decades against the other
ethnicities in Kirkuk (five offices), Khanaqin, Al-Tooz, Erbil and Ninawa areas. The
second highest concentration is in Baghdad, the capital city (represented by six offices),
where most wealthy high profile political activist victims of Saddam's regime owned
properties. As mentioned before, the claims and their geographic distribution are

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representative of only the narrow segment of property rights claims and grievances that the committee was designed to handle.

After seven years of the existence of the committee and its court system, only 71.82% of the cases were viewed by the lower courts. Most of the processing occurred just recently, after the long-time head of the committee was dramatically ousted and charged with corruption. In 2009, the percentage of the cases processed by the lower courts by then was only 44.27%. See table #7.

A closer look at the decisions handed down by the lower courts provides a unique look at the nature of those cases and their fates:

Figure #36: Property Restitution Claims in Iraq That Have Been Processed by Lower Courts According to Type of Decision (As of End of September 2011)
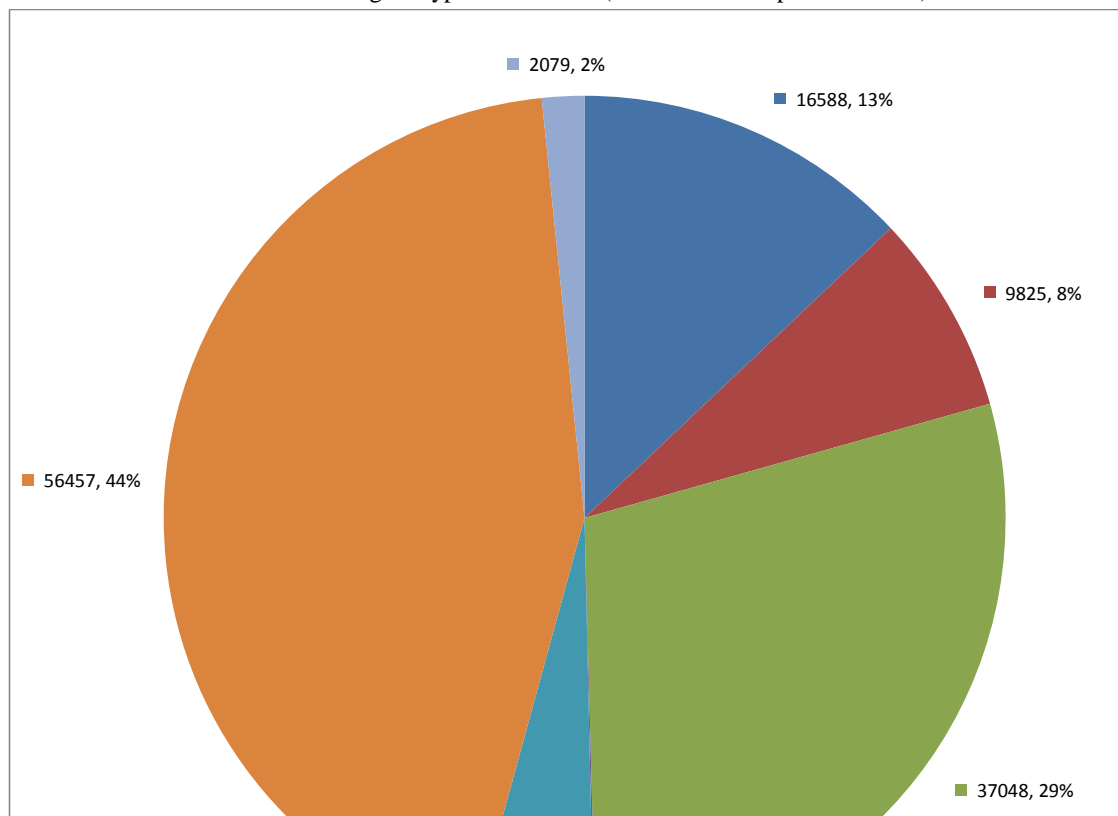
In the largest portion of the cases, the lower court decision was to nullify a state action that only restricted the property rights where the owner/possessor kept tangible connection to the property, provided temporary privileges/access to state-owned property to influential individuals or the decision to take over the property was made but never exercised. This could be the typical freezing of assets practice to punish and keep an on-going pressure on political dissidents that only required lifting the limitations. Or privileges generously given to influential persons in the former regime that no longer have them since the disintegration of the regime itself.

The second largest portion of the lower court decisions is rejecting the claims, and most likely these are claims that the court interpreted to be outside their jurisdiction due to the limitations imposed on their mandate.

As for the 4% of the cases that were withdrawn, I was able to put a face on one of those cases with Foad Slewa (a fictitious name), an Assyrian from Kirkuk, whose family-owned a peace of agrarian land in the outskirts of the city of Kirkuk, and was taken over by an influential Arab Ba'athist since the 1980s. After and with the disappearance of the Arab abuser, a powerful Kurdish militia leader took over the land since. After extensive communications and arrangements for an interview, I went to Kirkuk in May 26, 2009 to meet Mr. Slewa. But an hour before the interview he sent a child with a message to where I was staying and informed me that he withdrew his case and received compensation from the Kurdish militia leader, yet does not feel safe to go ahead with the interview!

In 13% of the cases, where the return of the property was physically possible, the lower courts sided with returning the properties to the original owners and when such return was not possible, the lower courts ruled that the plaintiffs should get financial compensation in 8% of the cases. Yet, as of end of September of 2011, only 21.51% of these compensation orders were confirmed by the appeal court, and actual funds were delivered to the plaintiffs. As shown in the following table:

Table #21: Comparison between the Iraqi Property Restitution Committees'
Processing of Claims in 2009 and 2011

	2009		2011	
Received Claims Cases	153,181		178,234	
Of That…	#	% of Total Claims	#	% of Total Claims
Cases Decided in Lower Courts	67,815	44.27	128,009	71.82
Cases Appeal Finalized	31,925	20.84	39,444	22.13
Appeal Approved Lower Court Verdict	7,486	4.89	21,447	12.03
Finalized Cases with Restitutions Paid	1,054	0.68	2,114	1.18
Beneficiaries of Paid Restitutions	3529		6805	

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Source: Ibid.

The above table demonstrates that even this inherently limited venue of restitution for the complex and compiled modern history of property rights abuse in Iraq, and after seven years of experience and cumbersome paperwork was not able to process and finalize more than 22.13%   of the total cases submitted to it.

It is worth noting that In the case of claims processed in the Kurdistan region, The Kurdish authorities insisted that the defendant to be the ministry of finance in the Kurdistan region government in all the cases that the state was the accused side. Both

lower and upper courts rejected that notion, and ruled the Kurdistan region ministry of finance to be irrelevant in the cases presented. Therefore the financial compensations were made out from the central government's finance ministry to the plaintiffs directly. As of end of May 2009, and because of the struggle between the two finance ministries over the right to distribute the funds, no funds that were allocated for plaintiffs were actually distributed and were sitting in the regional banks.[170] This clash between the Kurdistan regional authorities and the central government is reflected in the comparatively low percentage of cases finalized from Kurdistan region because of the additional burden of determining who the defendant is and who is irrelevant to the case. See the following table that presents the geographical distribution of the claims in different stages of the process:

Table #22: Cases Processed by the Iraqi Property Restitution Committees (Different Names, Same Structure), by Geographical Regions, and as of End of September, 2011

Regions		Baghdad	Kurdistan	North 1	North 2	Al-Furat Al-Awsat	South	Iraq Total
Claims Received		44633	26721	49595	23324	15629	18332	**178234**
Cases Decided by Lower Court (by Defendant)	**Total**	36551	10524	29251	21405	12735	17543	**128009**
	% from Claims Received	81.89%	39.38%	58.98%	91.77%	81.48%	95.70%	**71.82%**
	Defendant: State	26424	8709	28009	21058	11090	15101	**110391**
	% from Claims Received	59.20%	32.59%	56.48%	90.28%	70.96%	82.38%	**61.94%**
	Defendant: Individuals	7127	1815	1242	347	1645	2442	**14618**
	% from Claims Received	15.97%	6.79%	2.50%	1.49%	10.53%	13.32%	**8.20%**
Finalized by Appeal Court (by	**Total Appealed**	11899	2345	8119	8670	4914	3497	**39444**
	% from Claims Received	26.66%	8.78%	16.37%	37.17%	31.44%	19.08%	**22.13%**

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[170] This information was confirmed by the head of Sulaimaniya's branch of then CRRPD.

Ruling Stayed	7927	1231	3055	4238	2761	2235	**21447**
% from Claims Received	17.76%	4.61%	6.16%	18.17%	17.67%	12.19%	**12.03%**
Ruling Rejected	3972	1114	5064	4432	2153	1262	**17997**
% from Claims Received	8.90%	4.17%	10.21%	19.00%	13.78%	6.88%	**10.10%**

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Source: Ibid.

It is important to note that only 8.2% of the cases processed by lower courts in all Iraq are against individuals. And if we look at the geographical distribution of those cases, we would find out that they are relatively less in Kurdistan and even lesser in both Kirkuk and the rest of the northern region. My explanation is that in general these cases are concentrated around the abuse of public property by powerful individuals in the Ba'ath regime, because it is very hard to prove coercion in property purchase contracts between theoretically equal sides, or to prove that intimidation was behind giving up rent contracts by renters. And, since former abusers of public property from the Arab communities in the geographical areas under the jurisdiction of both the North1 and North 2 regional offices are fairly represented in the political power structure in their areas where ethnic tensions are very high between Arabs on one side and Kurds, Turkmens and Assyrians on the other side, the percentage of cases against individuals in those two regional offices that are processed by the lower courts are as low as 2.5% and 1.49% of the total cases received in their areas. As for the Kurdistan region, after two decades of the practical non-existence of any power emanating from connection to Saddam's Regime, since Saddam lost direct control over the region in 1991, it is odd to have such a relatively high percentage of cases where individuals are accused of Saddam-era abuse of public

property. But the fact is, many of former abusers of Saddam-era were able to quickly penetrate the new power structures in Kurdistan, taking advantage of the computation between the two dominant parties. Only in the political atmosphere of post American-occupation that public persecutors were able to break the grip of the dominant parties and start moving forward against abusers of public property that were shielded for two decades from any persecution.

Identities for Hire!

The consistency of the limitations imposed on addressing property restitution in post-American-occupation Iraq, from direct CPA rule to the Iraqi Governing Council to the Iraqi parliament, provides a unique insight to the perceptions of all involved parties about the prevailing political discourse and the mechanisms by which they can affect the outcomes of the system to their advantage.

All involved parties found out very early in the post-occupation political process that the CPA is ideologically inclined to support the post 1983 legal structure of agrarian land possession despite the fact that, in most cases, it was a blunt annexation of land. They also found out, even before the fall of Baghdad that the revived post-1990 tribalism in Iraq, was there to stay. Therefore, the tribalist structures that benefited from post 1983 restructuring of Iraqi agricultural sector, as primordial market driven mode of production, were going to be viewed through the ideological lenses of state vs. private sector on one hand and loyal vs. hostile dichotomies in the post-Ba'ath era.

Add to the above, the limitations on identity politics imposed since Salahaddin meeting of the, then, Iraqi opposition in 1992, where access to foreign, especially US and regional, support became contingent on adopting a single-identity as a base for political mobilization, and the outcome will always be rechanneling the struggle over possession of land through the available single identity-based ideological framework.

Sides of local conflicts over possession of land, and other wealth generating assets, found that with the collapse of the Ba'ath regime came new possibilities of change in local power dynamics, actual change of local demographics, no national pathway for addressing multi-faceted grievances, and single-identity political outlets with varying coercive capabilities competing for expanding local dominance in multi-identity communities with multi-identity individuals. Although certain aspects of grievances held by local sides of conflicts where not addressable in the prevailing national political discourse, they became addressable on the local level when presented within the single-identity struggle framework.

Pre-1983 contractors on state-owned land were suddenly able to gain political support from, Shi'a militias of a certain participant party in the national political process when they were framing their struggle as the return of persecuted and displaced Shi'as to their homes.[171] And never mind the fact that many of them could be mixed-marriage Sunni and Shi'a families.

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[171] See a vivid example of this political discourse, in reported quotes from regional and international media about the tragic events of Al-Madaen, south of Baghdad in April 2005, presented later in this dissertation.

In the same way, post-1983 Sunni Arab contractors in Kirkuk suddenly realized that Shi'a militias could be their local allies if they frame their struggle as fending off Kurdish domination of oil-rich territories. Meanwhile, it became possible for Shafi'i Sufis to realize, as they are after all Sunnis, and could use help from Salafi militias to fend off a Kurdish or Shi'a invasion,[172] and never mind the fact that, to a Salafi, a Sufi is as infidel as a Shi'a.

In the previously mentioned interview with the Kurdish kakaiy sheiks, Ahmad and Naaim (Names are not real) in Kirkuk (May 26, 2009), they explained that their case was re-appealed by the finance ministry after the legal period for appeals expired. The appeal was this time was based on the claim that the lands mentioned in their case were subject to land reform, and therefore not under the jurisdiction of the property restitution commission's special courts. The brothers elaborated that they met with local leaders of dominant Kurdish political parties and with the Kurdish judge on the appeals court to ask for their support in making the case that the state took-over 13,750 dunums of land, in Sekani and BanShakh of Daquq district, owned by the two brothers and more than 30 other major owners of their relatives, **after** the land reforms. The decision to take-over the land, the kakaiy brothers claimed, was explicitly for the purpose of changing the demographical composition of the area by forcing their Kurdish contracting farming families out and bringing in Arabs in a contracting relationship with the state.

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[172] The logistic cooperation between Sunni Arab tribesmen who are traditionally followers of Sufi orders, in the areas stretching from Nainawa to Al-Kut provinces, with active Wahhabi insurgency is an example this discourse.

Naaim and Ahmad expressed their disappointment with the Kurdish parties and the Kurdish judge who did not support them, simply (according to Naaim and Ahmad) because after the collapse of Saddam's regime hundreds of Kurdish families moved back into rural areas of Kirkuk, claimed possession of lands left by the Arab families, including their lands, and refused since to acknowledge that some of them were owned by Kakaiy sheiks and their extended families. Simply put, the Kurdish political parties were not ready to bring their narrative on the legitimacy of the of Kurdish repopulation of rural Kirkuk under question.

"The only way we get respect in Baghdad (with members of appeal court and ministry of agriculture), is because we don't talk as Kurds at all! We present ourselves as Kakaiy Shi'as" said Ahmad, referring to the common believes among Shi'as that Kakaiy is one of the extremist Shi'a religious orders that have been mixed with pre-Islam religious elements in the region.

In another interview in Kirkuk, I met Jabbar Towfiq (not his real name), the elder of a Kurdish village near Kirkuk city, named Kilkashqan. Surrounded by many of his sons and grand sons, Jabbar showed me documents to prove that his extended family owned close to 600 dunums. He claimed that half of that 600 dunums was irrigated by the Zangana River, despite otherwise mentioned in the documents. Their lands and their village were repossessed by the state for public benefit in 1975 to build a cement factory. Their water rights were diverted to a nearby village. He and many other owners refused to accept what they deemed be a below-market-value compensation.

The Kalkashqanies claim that the factory was assigned more land than it needed for buildings, installations, and mining. They claim that the motive behind the location of the factory and land allocation for it was to uproot as much as Kurdish villages as possible in a widespread effort to Arabize the whole oil-rich region. Their main argument for the excessive repossession of land is that after they were displaced, the Iraqi government turned around and distributed much of the possessed land to Arab families who were brought to the region from outside Kirkuk province. Yet, he acknowledged that the state made some of the land available for agriculture after the international embargo on Iraq in 1990, as producing food became more strategic than cement, and as all industrial production came to halt as a result of the embargo.

In the interview, Jabbar expressed his frustration with the property restitution commission's process, as he and his extended family have been waiting for a final decision from the commission for four years.

It became apparent through the interview that the Kalkashqanies have already reasserted their possession of all the land and were actually farming there at the interview. Jabbar explained that they already have built 10 permanent housing units so far, and they want the return of all the land to them, regardless of the needs of the cement factory. They also want compensation for their destroyed village and the portion of their land that was mined by the cement factory. Finally, and perhaps most importantly, Jabbar made it clear that they want, through regaining all the land, their former share of Zangana River,

because of the enormous difference it makes in terms of agrarian production yield in an area where adequate rain is not guaranteed.

As for their attitude towards the factory, it could be explained by what is going on not too far from them in the areas controlled by the Kurdistan regional authorities where oil companies and privately owned factories are buying their access to the land through negotiated settlements with the local communities regardless of the legal status of the land. The Kalkashqanies are actually hoping that the Kurdistan region model will eventually be the norm in their areas too. But, for now, for all that to happen, they have to frame the existence of the factory not as public industrial project, but as an elaborate plan to uproot Kurds from the region.

Faces of the Beneficiaries from Post-1983 Land Re-reform:
The Sheik, the Beg/ Brigadier General, and the Professor!

Sheik Mahdi Abu Tubra[173]
An Arab sufi sheik from the Qadiri order. He is alleged to have been a personal friend of Izzat Ibrahim Al-Duri, Saddam's deputy and the new leader of the, now, underground Ba'ath party after the occupation of Iraq. Abu Tubra was one of the well connected "tribal leaders" who benefited from a combination of the post 1983 agrarian policies, the renewed wave of Arabization of Kirkuk after the 1991 uprising and a new irrigation project in Daquq-Kirkuk area, named after Saddam that brought surface irrigation water to hundreds of thousands of dunums in the area.

I interviewed Sabaah Kakaiy (name is not real) on May 26, 2009 in a residence in the Arab neighborhood of Kirkuk. He talked about his encounter with Abu Tubra. During the 1990s arabization wave. Sabaah's family was considered a low risk to the regime. "Some of our fellow Kurds now tell us that we were part of the past era," Said Sabaah.[174] His family bought a 300 dunum piece of land in 1994 from a Kurdish owner who knew he was going to be a victimized by the Arabization process and loose his land anyway. The kakaiy family registered the land in their names formally. They soon found out that

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[173] All information about this person is based on allegations and charges brought forward by his accuser as part of his case against ministry of finance and ministry of agriculture to the property claims court.
[174] Personal interview with Sabaah Kakaiy (not a real name), a land owner from Kirkuk – Iraq, 5/26/2009.

Abu Tubra was promised the land for his followers in a meeting he had, as part of the Arabization campaign, with the leadership of the northern region of Ba'ath party. Under the constant pressure of Abu Tubra there was a barrage of actions taken by authorities to nullify the Kakaiy family's contract. First, there was a request from the agrarian administration branch to the office of real estate registrar, asking to nullify the purchase contract. The office of the registrar requested a court order. Representatives of the ministry of agriculture went to court to claim that they have the authority to nullify the contract according to article 4 of Law 42 in 1978 that allows state take-over of any agrarian land that are located in the vicinity of a strategic irrigation project. [175] The court rejected this claim and referred to article 6 of the same law that requires re-appropriating the same land (if possible) to the owners after the deduction of their portion of the project expenditure and compensation for any damaged land, buildings and/or vegetation and trees. This is where Abu Tubra allegedly used his influence and brought the office of the leadership of the northern region of the Ba'ath party into the picture and got the office to issue an order for a takeover of the land anyway. With this interference, Sabaah and his family were served the evacuation orders and lost the land without any legal explanation. Soon after, Abu Tubra's followers were settled there.

Sabaah told me that after 2003 Abu Tubra and most of his followers went underground and could not stay in the area, because of what alleged to be their abusive short-lived history there. "I got the lower court in 2006 to order the return of the land to my family, but the appeal court just recently rejected the lower court's decision "on the ground that it is a land reform dispute that is not within the property restitution courts' jurisdiction." said Sabaah.

I asked Sabaah who controls the land now, and he said "powerful people of this new era. But the good thing is that I know, and they know, that they have no legal claim to the land and they are benefiting from it only temporarily."

Fattah Beg of Jaff

A retired brigadier general from the Iraqi army, a former head of the agrarian administration in Kurdistan region in the Ba'ath regime (a position equivalent to minister in state bureaucratic hierarchy), a patriarch of the Jaff tribal alliance (one of the largest, formally semi-nomadic, Kurdish tribes). During the Iraq-Iran war in the 1980s he became a so-called advisor for the Iraqi army and headed what was known as light brigades, tribal paramilitary groups working under the command of the Iraqi army for the Ba'ath regime. These groups were locally known as the *Jack Asses*. Fatah Beg commanded an active force of 5000 Kurdish Jaff tribesmen and is alleged to have participated in the Anfal genocide campaigns. After the 1991 uprising and Saddam's withdrawal of most areas of Iraqi Kurdistan, Fattah Beg fled to Baghdad and stayed there until the collapse of the regime in 2003. [176] He was later indicted by the Iraqi Supreme Criminal Tribunal, along

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[175] For the full content of the Law no. 42 in 1978, in Arabic, see: http://iraqilaws.dorar-aliraq.net/?p=10320
[176] Most of the information mentioned is self-introduction by Fattah Beg in an interview with Awene, a Kurdish newspaper and website. The rest is information he did not deny in the interview.

with 264 other high ranking Kurdish advisors who led the light brigades and actively participated in the Anfal campaign.[177] He is now living in the town of Kalar under the protection of the dominating Kurdish political parties in the Kurdistan region.[178]

Fattah Beg's extended family was at the top of the list of the biggest agrarian landowners in Iraq before the land reforms. They collectively owned 539,333 dunums in Sulaimaniya, Diyala and Kirkuk.[179] By the beginning of the 1980s, and after 3 major land reform laws and the natural expansion of their family, their individually owned land diminished significantly. Yet after the Anfal campaign and especially after the implementation of the international embargo on Iraq in 1990, he received, along with a another Jaff leader, a total of 112,000 dunums in Kalar administrative unit according to instruction number 2534 from Saddam's office in 1990,[180] that gave them the above mentioned area free of rent as an exception to the Revolution Leadership Council decision # 364 in 1990, which is in turn an exception to Law # 35 of 1983.[181]

Fattah Beg gave a rare interview in 11/13/2010 to Awene newspaper, an independent Kurdish website/newspaper from Sulaimaniya – Iraq, and told the interviewer, Goran Halabjaiyi, that he became a (Jackass) leader at the request of his tribesmen to protect them from the war and from serving under other jackass leaders from different tribes and regions, by providing them with a way to serve in their own areas and under the name of their own tribe. He also claimed that he sought the job of the head of agrarian administration in Kurdistan region, during the rule of the Ba'ath regime, only because his tribe had to be represented in that governmental structure. As for his role in the Anfal campaign, he claimed that he warned the population in the area under his command to evacuate their villages to the barb-wired and so-called modern towns, months before the Anfal campaign. Fattah Beg suggested that those who were smart enough to heed his warnings survived and those who didn't perished in the campaign.

It is worth noting that Fattah Beg's rhetoric on representing his tribe coincides with

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[177] For the list of co-indicted and wanted former Kurdish leaders of light brigades and special security forces, requested by the Iraqi Supreme Criminal Tribunal for their role in the Anfal campaign, see: http://www.chaknews.com/kurdish/news.php?readmore=2785

[178] In the interview with Awene, Fattah Beg acknowledges that he is wanted by the Iraqi Supreme Criminal Tribunal, but suggests that he was not going to submit to the court unless compelled by the Kurdistan region authorities, the only law enforcement authorities in the town of Kalar where he resides.

[179] See: Hanna Batatu, Old Social Classes, op, cit., p.58.

[180] See: Alan Noory, Problems of Agricultural Ownership, op, cit., p.121.
Also, it is worth noting that according to Mr. Bakhtiar Baban, who is an authority on Sulaimaniya branch of agrarian administration's archives, a list of the names of all beneficiaries from Instructions # 2534 is available in the archives. See: Bakhtiar Mustafa Baban, op, cit., pp. 67-8.

[181] For the full content of the Law no. 42 in 1978, in Arabic, see: http://iraqilaws.dorar-aliraq.net/?p=13208

[182] In a press release issued in 12/1/2008, the Kurdistan Regional Government condemned this effort and defined it as an attempt to "enlist these people into forming groups that support the Prime Minister in the disputed areas." The press release pointed out that the support councils "are tribal councils directly affiliated with the Office of the Prime Minister of the federal government. The Office has been contacting people in the Kurdistan Region, and in the so-called disputed areas. The people being contacted include former collaborators who were closely linked to the security and intelligence agencies of the defunct regime of Saddam Hussein." For a the full content of the press release, see: http://www.krg.org/articles/detail.asp?lngnr=12&smap=02010100&rnr=223&anr=26811

recent attempts by Iraqi PM's communications with former Jackass leaders to form military and political structures similar to the Sons of Iraq and the Awakening Councils to use them in the power struggle against the dominance of the Kurdish political parties in much of the disputed areas of Kirkuk, Diyala and Nainawa provinces. Other former Jackass leaders announced these communications to the Kurdish media as a way to pressure the Kurdistan region authorities not to expedite them to the Iraqi Supreme Criminal Tribunal for their role in the Anfal campaign.[182]

In the Awene interview, Fattah Beg claimed that the agrarian lands owned by his ancestors were taken over by farming families. Only few months ago, he started paying off farmers to reclaim his ancestral land. It is not clear from the interview if he means the land that he legally owns as a result of implementing land reforms or the land that used to belong to his family prior to the reforms and he regained control over for one season in 1990 with the help of special instructions from Saddam's office.

Dr. Salih Al-Mutlag

A former Ba'athist who is specialized in agronomy. He held high ranking positions in many state-run academic and scientific institutions. After the 1983 laws, he rented vast areas of agrarian land from the state, especially after the crushing of the Iraqi uprising against the Ba'ath regime and the displacement of hundreds of thousands of farming families. His holdings stretched throughout the mid sector of Iraq, from Al-Anbar province all the way to Diala and Al-Wasit provinces.[183]

In an interview with Nada Bakri, a New York Times reporter, He explained how he became a major investor in agriculture in Iraq, by recalling his encounter with Saddam in early 1980s when the later visited his farm. Bakri's account for Mr. Mutlaq's recollection is that Saddam was so impressed with his farm that he wanted the state to take it over without compensation. But, three days later, Saddam "reconsidered, returned, and this time made Mr. Mutlaq and his partner a generous offer, he recalled." wrote Nada Bakri and then quoted Mr. Mutlaq saying: "I think he felt that he wasn't being fair to us," [184]

  Mutlaq joined the post-occupation political process and assisted with drafting the latest Iraqi constitution. Joined a self-identified centrist secular coalition and became a member of the Iraqi Parliament after the 2005 elections. He was the poster child for the De-Ba'athification efforts and was accused of being the front man for Saddam's wife's business dealings and the informal spokesperson for the underground Ba'ath party later. Despite his opposition to ethno-sectarian quotas in political institutions in Iraq, he is now Iraq's deputy prime minister, representing the Sunni Arabs, in a negotiated quota.

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[183] See his biography on the Arabic version of Wikipedia (last edited on 12/28/2011).
http://ar.wikipedia.org/wiki/%D8%B5%D8%A7%D9%84%D8%AD_%D8%A7%D9%84%D9%85%D8%B7%D9%84%D9%83
The information there is mainly accurate except for his connection to the Ba'ath party, which follows the official storyline but is disputed by his opponents who believe he was formally fired from the party to allow him to transition to a other roles given to him by the state's secret police.
[184] See Bakri's article at: http://www.nytimes.com/2010/01/19/world/middleeast/19sunni.html

In an interview with Asharq Al-Awsat, an Arabic news paper, Mutlaq denied having any business dealings with Saddam's wife. He was quoted in the article saying: "My agrarian investments were ten times larger than hers. Would someone in my position be an agent for someone else who has such small holding, compared to mine? I never rented from her or even met her."[185]

I interviewed Mr. Wathiq Hussein Ali, the first post-Saddam head of agriculture administration in Diyala province, where Salih Al-Mutlag had most of his agrarian holdings, and asked him if he met with Mr. Mutlaq. He told me that he contacted Mr. Mutlaq in early 2004 to ask him about his intentions and plans for his holdings in the province. Mr. Wathiq Ali Husain's recollection of Al-Mutalq's answer was that even in Saddam's time, with all the might of the state behind him, he have had trouble asserting his right to the vast areas he rented from Iraqi government according to the 1983 laws, and have ended up paying off or crop-sharing with the former holders. Therefore, after the collapse of Saddam's regime, he has lost control over his holdings. Yet, as far as he was concerned his lease contracts with the state were valid as long as the state's incapacity to provide security was the reason why he could not fulfill his side of the contracts.

Many of the former holders of the vast areas leased to Mr. Mutlaq in the province were political dissident or former PWO from Iraq-Iran war who lived in Iran and were able to return after the collapse of Saddam's regime. Therefore, it is only natural that most of the political rhetoric of Mr. Mutlaq is about the "dangers of the Iranian invasion."

The Slaman Pak Tragedy:
A Land Conflict through the Lenses of Ethno-Sectarianism

On 16/4/2005, major news organizations reported a mass exodus of Iraqi Shi'a families from an agrarian town on the Tigris River, 15 miles south east of Baghdad, called Al-Madaen.[186] Fleeing families interviewed in the city of Al-Kut, further to the south east of Baghdad confirmed that their Hussainiya (a religious/social activities center for the

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[185] See: http://www.aawsat.com/details.asp?section=4&article=342915&issueno=9907 (In Arabic, translation is mine).

[186] A town formally, and locally known as Salman Pak. It was named after Salman Al-Farsi, one of Muhammad's disciples and a prominent Shi'a, who is believed to be berried in the town. It was also the capital city of the Sassanied empire prior to their defeat by the Muslim army in a 11 year war that ended in 624 D.C.

Shi'as) was leveled to the ground with explosives. An unnamed source in the interior ministry claimed that as many as 80 members of the community were taken hostage in the besieged town by armed Sunni militia.

The estimates for the number of hostages quickly jumped to 150 by a spokesperson for the Supreme Council of the Islamic Revolution in Iraq (SCIRI) [187] one of the major Shi'a groups that are actively participating in the political process since the toppling of Saddam's regime. [188]

The events took a dramatic turn when, according to police records, sixty floating bodies were recovered downstream in the nearby town of Suwayrah. Two women and Two Children were among the recovered bodies. Throats of five of the victims were slit and 2 others were beheaded.[189]

Despite the gruesome details of this tragic event, it could have been just another terrorist incident that, since the occupation, Iraqis have grown to expect every now and then. Yet a shift in the national political atmosphere allowed it such exposure to international media and investigative tools that were not afforded to any similar incidents. This provided a unique insight to how local conflicts interact with the dominant single-identity political mobilization structures on the national level.

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[187] They claimed later that they based their number on an unnamed official from the Iraqi army, who was also sourced by many news agencies.
[188] The leadership of SCIRI dropped the Revolution from their party's name and changed it to the Islamic Supreme Council of Iraq (ISCI) in May 2007.
[189] See Jim Muir's report for the BBC at: http://news.bbc.co.uk/2/hi/middle_east/4470803.stm

This tragic incident coincided with the first participation of what was known, within the confines of single-identity based political process, as the Sunni-Arabs in the national elections campaign for parliament.

For the first time, Sunni-Islamists became integrated in the political process and were expected to strongly enter the parliament in the next election that was scheduled for the end of 2005. They were, therefore, capable of influencing possible parliamentary allies without being in the parliament yet.

On the other hand, the traditional rivalry between the Al-Hakim, and Al-Sadr families led the Sadrist fraction of the Shi'a movement to adapting more anti-occupation, nationalistic rhetoric that was more consolatory towards the Sunni-Islamists, based on the tragic events of both Fallujah and Najaf that closely followed each other in 2004. The Sadrists were also expected to forcefully participate in the next elections and were expected to form a solid block in the new parliament.

For the Ultra-Islamist insurgency movements, the chance to control Al-Madaen was a prize that they could not pass. Control over Al-Madaen meant control over a strategic highway connecting Baghdad to Iran, in an area with high-density vegetations where they could evade aerial surveillance and set up training camps and supply depots.

In response to the initial disturbing news, Iraqi and American forces isolated Al-Madaen and blocked all its entrances. On 17/4/2005 The Iraqi/American forces entered the town

and regained control. This is where the consensus narrative, on all levels of Iraqi political establishment, ended, and each fraction went on to telling its own narrative.

Riza Muhammad Taqi, a SCIRI leadership spokesperson, painted for the media an image of a peaceful Shi'a community being driven away from their homes for no reason other than being Shi'as.[190] Aiyad Allawi, the outgoing prime minister went as far as accusing the Iraqi version of Al-Qaaida of taking over the town and committing the atrocities.[191]

Yet, from the beginning of the crisis, the Sadrist movement, represented in the media by Abdul Hadi Al-Darraji, rejected the validity of the news about sectarian tensions in Al-Madaen and claimed it to be propaganda war against the Iraqi people.[192]

As the Iraqi and US forces recaptured the town, without any resistance, facts started to drip; Qasim Dawd, a national security advisor to the Iraqi government dismissed an earlier statement by the spokesperson of the Defense Ministry suggesting that the Iraqi and American joined forces freed 15 Iraqi Shi'a hostage families, but confirmed finding 7 cars rigged with explosives and what appeared to be an insurgent training camp in the town.[193] Other news sources confirmed the detention of 40 suspects, all local residents, for interrogation.[194] Major General Adnan Thabit from Interior Ministry was also quoted that a very limited number of hostages were found and freed, and confirmed that their

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[190] See Al-Jazeera's report (In Arabic): http://www.aljazeera.net/news/archive/archive?ArchiveId=112582
[191] See Free Iraq Radio's report (In Arabic):
http://www.iraqhurr.org/archive/news/20050417/1093/1093.html?id=1646549
[192] See Aljazeera's report (In Arabic): http://www.aljazeera.net/news/archive/archive?ArchiveId=112318
[193] See BBC's report (In Arabic):
http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_4452000/4452777.stm
[194] See Aljazeera's report (In Arabic): http://www.aljazeera.net/news/archive/archive?ArchiveId=112582

initial investigation suggested a tribal feud case, and nothing more.[195] Then, President

Jalal Talabani suggested to the press that 60 bodies found in the river were the hostages,

and they were killed just before the Iraqi and American forces entered the town.[196] Yet,

BBC reports confirmed that police statistics were the total of all bodies found in the river

in the area downstream from Al-Madaen, and their discoveries were mostly prior to the

mass displacement of the families from Al-Madaen. In fact, the BBC's sources confirmed

that only 6 of the bodies were found after the fleeing of the Shi'a families from Al-

Madaen and the rest were from as early as February.

On 4/18, Dr. Adnan Al-Dulaimi,[197] the head of Diwan Al-waqf Al-Sunni,[198] stated that

the conflict was a tribal dispute over agrarian land previously owned by the state, and

later this assertion was supported by President Talabani, who only dropped the previously

and asserted state ownership of the disputed lands. On the same day of Al-Dulaimi's

statement, another newly appointed national security advisor to the Iraqi government and

a former member of the Iraqi Ruling Council, Dr. Muwafaq Al-Rubaaiyi,[199] told the

media that the conflict arise from Sadddam's policy to build a Sunni security belt around

Baghdad after the 1991 uprising by settling Sunni families around the capital city.[200] The

counter argument to this "imported Sunni families" theory came from the Imam of the

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[195] See the previous report at: http://www.aljazeera.net/news/archive/archive?ArchiveId=112582
[196] See Bloomberg's report:
http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a0DFOUrNzhZ8&refer=us
[197] He is among the first leaders of Iraq's branch of the Muslim Brotherhood in the 1960s. He worked in academia in Saudi Arabia and Jordan prior to his return to Iraq in 2003. He is also a tribal figure with kinship relations to the Sunni side of the conflict in Al-Madaen.
[198] This is the Sunni version of the dissolved Ministry of Religious Estates (Awqaf) and Religious Affairs that used to administer the state's involvement in maintenance and development of all religious Estates and other forms of state-involvement in religious affairs of all religions and sects in Iraq. In post 2003 Iraq each main sect and religion has its own Awqaf administration.
[199] A physician by profession lived in England 1979-2003.
[200] See Ahmad Faruwq's report for Al-jazeera (In Arabic):
http://www.aljazeera.net/news/archive/archive?ArchiveId=112494

Sunni mosque of Al-Madaen who blamed Iran for "exporting" 300 "Iranian" families led

by a person named Karim Mahood in to the area and claimed that these families that

practiced thuggery and terrorized the residents with armed robbery and vandalism. The

Imam, Sheikh Ibrahim Al-Hadhaari, claimed that the leading figure in area for these acts

is also someone who came from Iran after 2003 and claims to be a Said (descendent of

the prophet Mohammad) and was affiliated with the Badir Force, the armed militia of

SCIRI, called Uddai Al-Saaidi.[201]

The next day, this Iran connection statement was echoed in a press conference by

Brigadier General Salih Imran from the intelligence services in the ministry of interior,[202]

and later in the day by the minister of interior.[203]

A month later, the Association of Muslim Scholars in Iraq (AMSI), a Sunni Islamist

political organization and a semi-participant in the political process then, presented a very

detailed investigation report[204] focusing on the conditions and events, prior to 4/16/2005,

that led to the eruption of violence between the Sunni and Shi'a communities in Al-

Madaen, an area where families from the two sects coexisted and intermarried for

generations.

The report confirms that the source of the problem was changes in demographics of the

town since the collapse of Saddam's regime, and blames it on Shi'a families coming from

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[201] See Aljazeera's report (in Arabic): http://www.aljazeera.net/news/archive/archive?ArchiveId=112367
[202] See Mufakirat Al-Islam's report (in Arabic): http://www.hdrmut.net/vb/t178869.html
[203] Ibid.
[204] For the full document (in Arabic), see: http://www.alarabnews.com/alshaab/2005/02-09-2005/n8.htm

nearby areas in Diyala. Then, as it lists the locations of kidnapping and murder incidents,

the report provides a very different picture of the economic resources that were subject of

contention. It is, certainly, a picture that is very different from just agrarian lands that

were previously owned by the state. We learn, from the report, of the kidnapping of 12

shepherds of cattle and private security guards of fishery farms, 4 workers in a modern

slaughter house and meat processing facility, and a private security officer in a consumer

electronics assembly plant producing products designed by AKAI, a Japanese founded,

Singapore headquartered Asian multinational company. These highly lucrative economic

enterprises were all located on the "agrarian land owned by the state".

Then the report lists 27 families and 4 individuals, by names, that were forced to leave

the area, as late as February 2005, and mentions 17 more without naming them. All of

these displaced families, the report claims to be Sunni Arabs and most of them from the

Dulaim tribe. The report suggests that their homes were looted and that the perpetrators

were local followers of the previously mentioned Sheikh Uddai Al-Saaidi, militia forces

belonging to a political party and uniformed police forces along with national guards

from the Province of Al- Wasit (Kut). The latter is a neighboring province, not within

Baghdad, which has administrative jurisdiction over Al-Madaen.

The report lists the names of 160 residents of Al-Madaen that were detained in Al-Kut

prisons and claims the total, as of February of 2005, was 409. The report claims that all of

the detained experienced various forms of torture and mentions five by names that did not

survive the interrogations. Among those who didn't survive there were a Dulaimi tribal leader and his son who perished during interrogation in February 2005.

Another interesting aspect of the report is its effort to explain the non-sectarian nature of the root of the conflict by providing a contrast between the positive impact of the evolvement of another Shi'a leader in the region, Sheikh Abdul Hadi Al-Jazairi who run another Hussainiya nearby in Jisr Diyala area. According to the report, he negotiated a sustainable communal peace in good faith, unlike Uddai Al-Saaidi, who, according to the report, turned his Hussainiya into a detention/interrogation facility.

The report also suggested identity shopping by Mr. Uddai Al-Saaidi. It mentions that, during the initial communal negotiations, Uddai Al-Saaidi claimed that his Hussainiya was one of the Sadrist Movement offices in the region, but according to the report, the (AMSI) contacted the Sadrist Movement, and received a confirmation from their spokesperson, Abdul Hadi Al-Darraji, that the Hussainiya had no affiliation with them. This is when, the report alleges, Saaidi began affiliating himself with another competitive Shi'a movement.

All these conflicting narratives about the Al-Madaen tragedy reveal:

- In 1991, there was a massive displacement of participants in the 1991 uprising from the area to Iran. The choice of Iran, as a destination, was geography-based. Chased by merciless Saddam-loyalist troops, fleeing Iraqis were exiting the country by hundreds of thousands from every possible route.

300 displaced families from Al-Madaen and the neighboring areas came back from Iran as soon as Saddam's regime collapsed in 2003. Returning displaced families from Iran, to the Baghdad-Diyala- Al-Wasit triangle, is a familiar occurrence that coincides with the ranking first, second and sixth in number of estimated internally displaced population by provinces respectively. Oddly, both Al-Wasit and Diyala have seen a surge of more than double the average yearly growth in population in Iraq's provinces despite shedding population, as the high numbers of internally displaced population, from these two super-growth provinces, indicate. See the following figure that juxtaposes internal displacement and annual rate of growth in Iraq's provinces for an overall picture:

Figure#37: Internally displaced Persons and Average Rate of Growth of Population in Iraq's Provinces, as of 2007
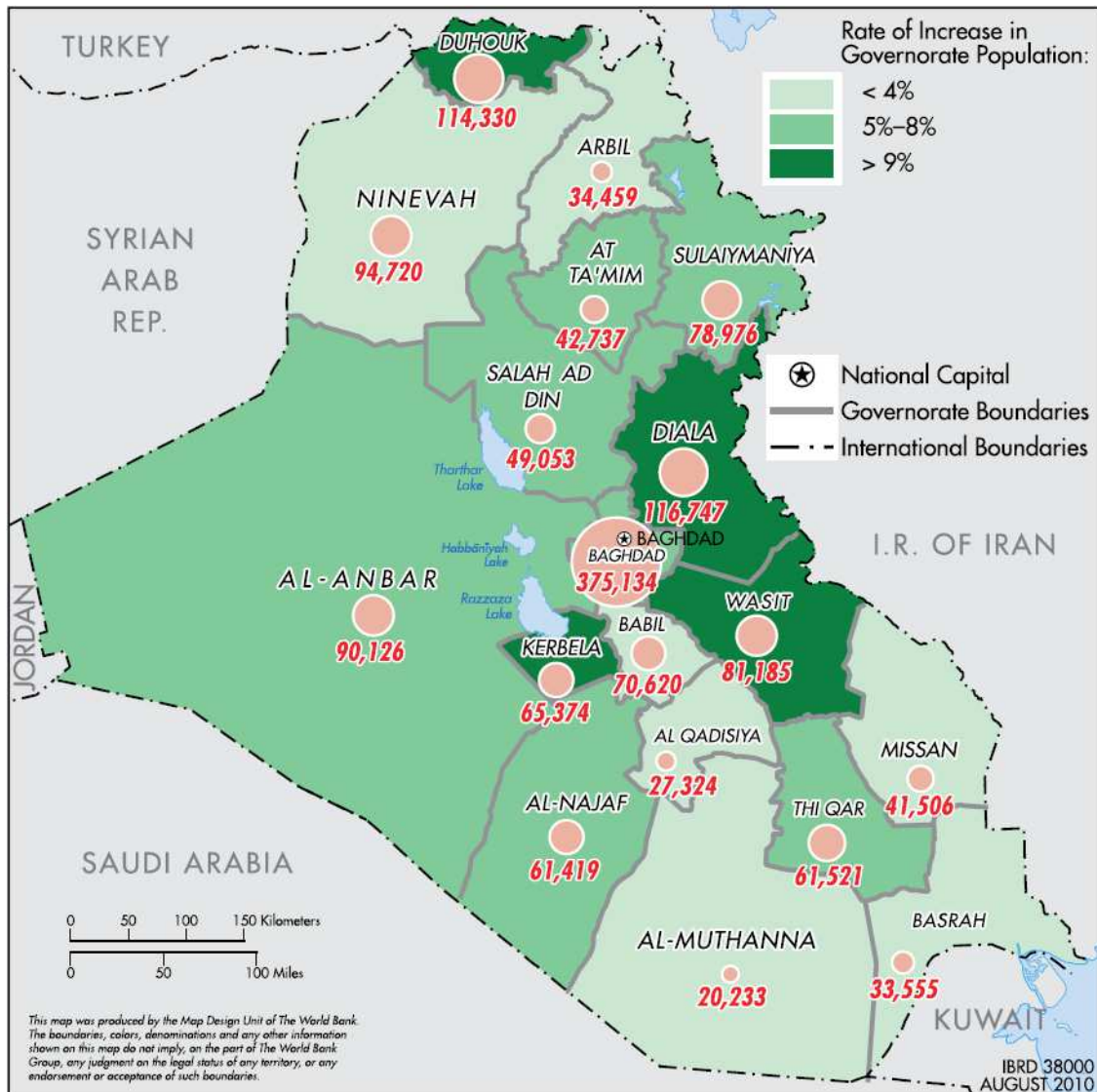
Source: IBRD. Op, cit., p.30

- After 1991 and prior to 2003, previously distributed and repossessed state-owned agrarian lands, were appropriated to powerful Dulaimi tribesmen with such easy rent conditions that Dr. Adnan Al-Dulaimi thought they were "previously" owned by the state, and a statesman/national security advisor to the government, Dr. Muwafaq Al-Rubaaiyi, thought of it as a state-induced settlement of Sunni tribesmen to build a Sunni security belt around Baghdad, This is an indication of long-term leases with no

rent, that the Saddam's regime bestowed upon those who accepted leasing problematic pieces of land. These were lands that the state nullified their original, decades old, contracts with local farming families who no longer met their contracts with the state, by the virtue of being displaced by the state! This suggests the most extreme version of the 1983 re-reform package, similar to what was common in the Kurdistan region after the Anfal campaign.

- During 1991-2003 the new contractors invested heavily in the "lands", taking advantage of their proximity to Baghdad's mega market. By 2005, the lands were no longer just lands. They were modern agro-business projects.

- As explained earlier in this chapter, there was no legal recourse for the alleged 300 families to regain possession or receive restitution for the loss of their lands. The special courts were simply barred from addressing these cases by the legal framework that established them. Yet, the returning families soon found out that when their case is presented as returning persecuted Shi'a refugees to a strategic area that used to be part of a Sunni security belt, they suddenly had an opening. All they had to do was to offer barter; militant support for the ideological cause in return for logistic support and national narrative cover for a violent tribal solution for what was essentially a conflict over possession of wealth-generating assets. The solution was: Expel the Nawasib[205]!

- The Sunni families, who were mostly from the Dulaim tribe, found that, despite the fact that the post-2003 national political and economic echo-system was heavily biased towards the beneficiarriesof 1983 re-reform legal structure, they were not

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[205] Al- Nawasib, plural for Nasibi, is a Shi'a term for those who publically and viciously show animosity towards Imam Ali, the fourth Caliph and Mohammad's cousin, his family and his descendents.

protected. Furthermore, they were viewed by the locally dominant political party as a security threat. They found that this political party, not only built a patronage relationship with the returning former possessors in Al-Madaen, it (the party) was able and willing to make state and militia resources available to the returning families in their quest to retake their possessions. For the post 1991 investors, the only available avenue was to take this conflict out of its local boundaries in the hope of finding the support they were missing locally. Against the background of Al-Madaen being the historic symbol of the defeat of the Sassanid Persian Empire, by the Muslim conquest, and decades of state instigated paranoia about the returning Persians to claim their lost crown in Iraq, what can be better than the fact that the former possessors were refugees in the Persian Iran "crossing the boarder" to reclaim something they used to possess?

- The takeover of Al-Madaen for few days, and the immediate surrender to the American, and the non-local Iraqi army troops is as far as can be from the typical diehard Islamist insurgency that was on display in Al-Fallujah just months ago (April-December, 2004). As gruesome as the Al-Madaen tragedy was, for the perpetrators, it was a desperate cry for protection from an otherwise protected socio-economic group, that was threatened on the local level. An action that became the norm of post-occupation Iraq.

All Politics Are Local: The Iraqi Version

How come the issue of the fundamental injustice of the 1983 package of laws was never part of a national dialogue in the post 2003 political system, even after such a high profile tragedy as Al-Madean's? Why did supporters of the returning families not attempt to utilize the capacities that governing institutions provide them (parliamentary hearings, law proposals, national reconciliation mechanisms, etc,), the same way they did with making available the coercive tools of the state (the police and the Iraqi national guard) for extra-judicial purposes?

In my interview with the first post-2003 director of Diyala branch of agriculture administration, Mr. Wathiq Hussein Ali,[206] I asked if, during his tenure in agrarian season of 2003-2004, he could infer an overwhelming sectarian or ethnic tone to agrarian land tenure conflicts in his province. His answer was that there were conflicts but not over land. They were, rather, over irrigation water shares. He told me that despite what was on paper, most of the residents of Diyala knew which piece of land belonged to whom, and communities, in general, were respectful of this informal knowledge.[207] He explained, for example, that, on paper, the previously mentioned Dr. Salih Al-Mutlag and his agrarian companies were the largest holders of agrarian land in the province during Saddam's era and continued to be so at the time of the interview. Yet even Dr. Mutlaq himself knew better to assume possession without informal deals with the real possessors who were no longer acknowledged by the state since the 1983 package of laws.

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[206] Personal Interview with Mr. Wathiq Hussein Ali. (Sulaimaniya. June, 26, 2009).
[207] According to Mr. Wathiq Hussein Ali, the detailed archives of 14 out of 17 sub-branches of Diyala agrarian administration were already destroyed and looted when he took the job. The ministry of agriculture had microfilm database of most essential archives and they were made available to him.

I rephrased my question to Mr. Wathiq Hussein Ali, and asked if, during his tenure as the head of the Diyala branch of agriculture administration, he found an overwhelming ethnic or sectarian identity to the conflicts over irrigation water shares. He continued to dismiss that assumption and explained that during his tenure, the largest conflict he could recall was a case of violent conflict in the villages of Bani Tamim on the Khresan River, east of Baaquba, the administrative center of Diyala. Residents of these villages almost exclusively belong to the Bani Tamim tribe, and they are almost exclusively Shi'as. A powerful individual from Saddam's era, named Raad Jawad Al-Tamimi, immediately became well connected to the new power wielders of post 2003 era in the region. He controlled the upstream portion of the Khresan River as it entered the Bani Tamim area. This Shi'a person from the same tribe of Bani Tamim decided during the drought season of 2003-2004 that he was going to use the Khresan River to produce rice in his fields, and cut water from the rest of Bani Tami villages, where his own tribesmen lived.

Since Iraqi laws prohibited such intensive use of water resources beyond the pre determined quotas, and rice production was specifically prohibited in that region, Mr. Wathiq Hussein Ali sent irrigation engineers as representatives of his branch to help enforce the laws in response to escalated violence over the water rights. After several rounds of violent encounters that led to murder and forced migration, Mr. Ali explained, that the recommendations of his experts on water rights were ignored and an illegal and informal settlement was reached under pressure from the Shi'a political party that entered a patronage relationship with Mr. Raad Al-Tamimi and made it possible for him to

continue his rice production enterprise.

Figure #38: Map showing the location of Banu Tamim and Salman Pak/Al-Madaen in Diyala and Baghdad provinces, where the outbreaks of communal violence occurred in 2001 and 2005 respectively.

In this regard, even the coalition forces, on the local level, were not an exception. They categorized the population according a hostile/cooperative dichotomy. The legal standing of property claims the cooperative portion of the population was not questioned or challenged. I asked Mr. Ali if the coalition forces upheld the official possession rights reflecting post 1983 law package changes, as they responded to claims of damaged land or crops from their activities in the province. Given the enthusiastic support the CPA showed for those "business-friendly laws", I was surprised to hear that not even once during his tenure, that the coalition forces asked his branch for clarification of official possession rights for the people who filed complaints claiming damages from coalition forces activities in the region. "They (American forces) basically gave money to anyone who came forward claiming any actual damages, and never examined their right to claim in the first place."[208]

So, for a dominant Shi'a political group to preserve its dominance, where it has dominance, in local communities, it needs to maintain patronage relationships with both the (Udday Al-Saaidi)s, and with the (Raad Al-Tamimi)s at the same time. This means that it needs to be with the beneficiarriesof post 1983 legal coup d'état in one place while being against other beneficiarriesof the same change in the legal structure just miles away in the same area.

This attitude was not a Shi'a political parties' trade mark. Their dominant Kurdish counterparts in Kurdistan had the same attitude. When the farmers, in mid 1990s,

[208] Ibid.

forcefully returned to their destroyed villages and retook their farming lands from the

Mirawdaly Aghas of Pishdar in Sulaimaniya, the dominant Kurdish political parties

condemned the farmers' uprising. The dominant parties conveniently looked away from

the fact that Mirawdaly tribal leaders were granted the most fertile lands of that region

free-of-rent, as beneficiarriesof the post 1983 legal structure, during Saddam's rule, and

as a reward for their participation in the campaign to destroy those same villages. Yet the

same Kurdish political parties, since 2003 have themselves and openly facilitated the

forceful return of thousands of displaced Kurdish farming families to their lands that

were given to Arab tribal leader as beneficiaries from the post-1983 legal structure.

How do the Iraqi political elite manage to be on the both sides of this issue at the same

time? They do so by keeping the national conversation away from a nationally uniform

economic definition of the sides as beneficiarriesvs. victims of the post 1983 legal

structure. The post-2003 political elite define the sides according to one, among many,

possible ethno-sectarian identities that allows them dominance in the locality, in return

for access to the resources of the political party, their local "governing" institutions, and,

more importantly their coercive apparatus. So the Uddai Al-Saaidis would get support in

the name of addressing grievances of the ethnicity or the sect, and the Raad Al-Tamimis

would too in the name of preserving communal peace and internal harmony of the sect or

ethnicity.

But how do they keep national governing institutions from addressing socio-economic

public policy issues within the uniform terminology of citizenry? They do so by

committing to vaguely defined extreme liberalization of the economy and clogging the agenda of the national debate with issues confined to security and to the power struggle between the central government and the provinces.

In June, 2009, as part of my original research design, I enlisted two members of the Iraqi Parliament, known as the Iraqi Representative Council (IRC), to distribute questionnaire forms to representatives of all political groups in the Iraqi Parliament.[209] The questionnaire was designed to map the public policy positions of the participating parties regarding their evaluation of the history of land tenure laws in Iraq, their vision for the new era, and their practices in addressing land tenure conflicts on the level of local communities.

After the initial distribution of the forms in June 2009, I continued personal contacts with both of my volunteer PMs, redistributed the forms to the headquarters of the political parties via a contractor, who agreed to be paid per forms returned, and hired a coordinator to track the forms while I was back in the USA. By the end of 2010, all I received from the leadership of the political parties and their senior PM members was only two forms!

Over the course of the year that I waited for the forms to arrive, I frequently asked both my distributers for the reasons they were given for not having the forms answered. The most frequent answer I received was that the member of the Parliament found the questions too complex and that they forwarded it to their leadership councils. And this is

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[209] The PM members who volunteered to help with the research were Mr. Akram Qadir Mohammad from the Kurdistan Alliance and Mr. Mufid Mohammad Jawad Al-Jazairi from the Iraqi National List.

where the forms went to die. One member told my distributers frankly that the questions do not conform to his way of thinking.

Both of the PMs (names will not be mentioned) who returned the forms were ranking members of their political parties. Both claimed to have been with their party throughout their entire political careers. PM1 claimed to have been an active member in his party for the past 50 years, and PM2 for the past 25 years. Both had highest levels of education (Ph. D.), and PM2 was specialized in Law. They both were members in the Kurdistan Alliance bloc.

The only portion of the forms that PM2 completed was his bios and identification of his political party of which he is a member of the political bureau. The only other information he provided was that his party was closest ideologically to the special reforms that were targeted for Kurdistan region only. As for the future, he indicated an ideological support for the elimination of state ownership of agrarian land via sell to farming families.

MP1 claimed that his party was involved in thousands of land tenure conflicts in the provinces of Kirkuk and Diyala to referee or to protect one side against the other. He also claimed that his party, with the help of tribal structures and tribal leaders, ended at least 2500 local hostilities over land tenure in the two provinces. He blamed government authorities for being distracted from land tenure conflicts because of their other priorities. He also claims that the government authorities are too corrupt and lack the resources to

intervene, but more importantly their solutions for land tenure conflicts were not sustainable. When asked about the principles guiding his party's intervention in such conflicts, he mentioned his own party's ideological stands to be their sole guidance, and acknowledged his party's ideological stands do collide with the existing laws.

PM1, suggested, in his answers, that his political party is ideologically close to the Ottoman reforms system, the legal structure that defined the relation between the farmers and owners post-British-occupation (Known as the Law of the Rights and Responsibilities of Farmers), as well as **all** of the land reform laws, including the one that was crafted exclusively for the Kurdistan region, and found that Kurdistan-exclusive law to be applicable to all Iraq too. The only landmarks he did not find his party to be ideologically inclined to support were the Lazma system, both as a traditional form of tribal possession and as it was made into law prior to 1959, and the post 1983 re-reforms.

Other than the apparent lack of logic between being ideologically close to the major landmark reforms in Iraq on one hand and the pre-reform Right & Responsibilities of Farmers Law that was the symbol of everything that the 1959 reform came to rectify, MP1 accepted the Ottoman Tapu system, yet distanced himself from the Lazma Law that was designed to be a Tapu-like system for the tribal areas that did not see the implementation of the Tapu system. Yet, the most noticeable in the answers of both MP1 and MP2 is how alien the post-1983 structural changes are to both of them; yet parliamentary records show no reflection of this ideological stand in opposition to the

continuation of those laws throughout their political parties' experience in governance since 2003.

To explain this seemingly irrational combination of ideological stands we have to look for the ethno-sectarian mindset that is capable of producing these contradictions in a perfect harmony within its own logic. The PMs were not answering an all-Iraq national question. In their political block's frame of reference they find the post -1983 laws objectionable only as they were applied specifically to victimize Kurdish farming families, and more specifically only when the beneficiaries were Arabs. Legislatively, they find their role in drafting the article 58 in the Transitional Administrative Law, and article 140 in the new Iraqi Constitution to adequately address those grievances.[210] The rest of the post-1983 package of laws, simply do not trigger any legislative effort in their mindset. As for MP1's ideological preference for so many ideologically opposite landmarks, he was actually harmonizing his answers with the post-2003 legislative effort in the Kurdistan region regarding agrarian land tenure there. In fact, that legislative effort is a prime example of how the localizing and fragmentizing political mindsets tackle legislation and implementation on trans-local bases.

Kurdistan Region: The Other Iraq Legislates!

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[210] See the full documents and the mentioned articles,(for the Transitional Administrative Law):http://web.archive.org/web/20090423064920/http://www.cpa-iraq.org/government/TAL.html (for Iraqi Constitution): http://www.uniraq.org/documents/iraqi_constitution.pdf

After the tiring years of impasse in the Kurdish civil war, and with the collapse of

Saddam's regime, the two territorial domains of Iraqi Kurdistan; the KDP region and the

PUK region accelerated efforts to unify the administrative and legislative bodies of

"governance" and started addressing agrarian land tenure legislation.

After more than a decade of failed reconstruction of the destroyed villages in Kurdistan,

and by the time the two dominant political parties got to addressing agrarian land tenure

possession, most of rural Kurdistan was already abandoned by farming families. They

preferred the guarantied stream of food rations from the UN-run oil-for-food program in

the big population centers and the adjacent rural counties over returning to remote

villages with no sustainable support system. Yet because they also viewed their

possession, perceived or real, of agrarian land as a potentially lucrative wealth generating

asset in a stagnant economy, they kept their claims of tenure close to their chest no matter

how contested their claims were.

After many Agrarian executive committee meetings and conferences[211] in both party

dominated territories and in the unified ministry of agriculture, the following legislative

agenda became the consensus of the two dominant parties:

- Deep resentment for ending the settlement process of Claims of ownership in 1970,

    and deep resentment for Law No. 90 of 1975; particularly it's lowering the maximum

    limits of agrarian land ownership. This sentiment represents the interests of the pre-

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[211] My special gratitude for Mr. Bakhtiar Baban who provided me with the printed material, and his own notes, for the April, 2006 Agrarian conference, and earlier executive meetings of 1999 and 2000 that took place in the PUK territory of Kurdistan region, and some documentation of the unified conference of the ministry of agriculture in June-July, 2007.

reform social classes that initiated the rebellious movement that evolved into the Kurdish/Kurdistan liberation movement. The leadership of both parties is packed with members of those social classes, or their direct descendents. In ethno-politics language, they resented the ending of settlement process and lowering of maximum limits of ownership for being a form of punishment of Kurdish landlords for their leading role in the rebellious movement against the central government. Never mind the fact the two resented policies led to the largest rate of redistribution of land to **Kurdish** farming families.

- Consensus on dissolving state-ownership of agrarian land, and ideological disposition against small scale production units.

- Mutual efforts by both dominant political parties to legitimize their own distribution of state-owned land to their patrons and party organizations, without regard to their eligibility according to land reform laws on one hand, and their inability to use the post 1983 package of laws because of its association with the genocide of Kurds and the destruction of rural Kurdistan on the other hand. In other words the economic outcomes of the 1983 package of laws were desirable, but their association with ethnic politics was not.

- Consensus on rapid expansion of major cities by making more and more agrarian lands available for residential and urban use, as a major form of sustaining patronage, yet, anticipating problematic transition because of chronic tenure problems.

The result was a series of laws. The most consequential among them were: Law #32 of the year 2007, and Law #1 of the year 2008. The mere act of legislation, in the context of

governance of Kurdistan region, is considered an achievement. For, despite the claims of democratization and modernization, the region has been ruled, since 1994, by a single dominant party in each territory. Each one of them dealt with land tenure conflicts on local bases, motivated only by buying/maintaining patronage and stopping the security threat of advancement of the dominant party from the other territory, as explained in the previous chapter.

But, could the new legislations be evidence for the potential of ethno-sectarian mindset being capable of producing citizenry-based and harmonized laws, rules, and regulations for all localities? A closer look at the structure of the new laws provides evidence for otherwise!

Law #32 of year 2007[212] reopens the door for those who can prove their actual possession and control of any land that its status was not settled, or its court settlement decision did not gain permanent status, **prior to the issuance of Law #117 of the year 1970**, to register the land as owned by the state with control and possession rights granted to those individuals.. Yet, a year later, the same legislative body, and according to Law #1 of 2008[213], gave control rights over the overwhelming majority of the same lands mentioned in the Law# 32 to three types of other people; [214]

- Farming families who met eligibility standards at the time of application, and received the lands as part of the redistribution process of the land reform laws.

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[212] See: Legal Committee of National Assembly of Kurdistan. Collection of Laws Specific to Ministry of Agriculture and Agrarian Land in Kurdistan Region (In Arabic and Kurdish), Series No. 25 Erbil –Iraq: Shahab Printing House, 2008. pp. 109-15.
[213] See: Ibid, pp. 116-24.
[214] See Article One of the law in: Ibid, p. 117.

- Farming families, who met eligibility standards at the time of application, received the lands as temporary contractors and renewed since.

- Individuals and groups who did not qualify for redistribution or temporary contracts, yet still received the lands in accordance to "laws, orders, and instructions that were prevalent in Iraqi Kurdistan."[215]

The only group that the Law #1 of 2008 required to defer to those who have unsettled provable claims are those who assert actual possession and control over the same state-owned land without any contracts.[216]But, if actual possessors of state-owned land without contract control lands that are not in the (claimed but not settled or not finalized) category, then the Law #1 of 2008, allows them to register the lands, after three years of continues use, as owned by the state with possession and control rights granted to them. That is despite the fact that article five of the same law, asserts that "no legal rights can be gained from trespassing on any agrarian land"[217]

Because the two laws promises the same lands to different audiences, it would be logical to assume that Law #1 of 2008, nullifies the key provision in Law #32 of 2007. But the 2008 law does not have a customary concluding article that nullifies any legal text, laws, or decisions that contradict any article of the new law. So, in fact, both laws are considered current and enforceable by design!

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[215] Ibid, same page (my translation).
[216] See: Ibid, p.118.
[217] Ibid, p.122 (my translation).

I obtained[218] the 2008 law proposal as it was submitted by the executive branch, and the report on the proposal from the joint meeting of the committees on Legal, agriculture & irrigation, municipalities affairs, and transportation, that was submitted to the Kurdistan National Assembly under number 115 in 11/27/2007. I found that in both the proposal and in the report of the joint meeting of the select committees of the Kurdistan National Assembly, there was an article that nullified any contradicting laws or regulations, but that article was dropped in the final document that was approved by the national assembly. I looked for the deliberations on the law proposal in the National Assembly on the day that was assigned for this law, and in 50 pages of recorded deliberations, there was a brief mention of the contradiction by PM Abdulrahman Ahmad Riza ,who was a member of the joint committees meeting and signed the report, and suggested that this law does not apply to the lands that have not yet been settled, because those will be dealt with according to the Law #32 of 2007. Nowhere else throughout the 50 pages is there any mention of why a proposed article was dropped.[219]

The minister of agriculture, who was at that assembly session, explained to the PMs that in reality "We are not going to distribute land after the passing of this law, we (the state) no longer control any land. It is all in the hands of farmers and other possessors. All we are doing here is turning contracts into registered control rights. There is on the ground

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[218] My gratitude to PM Shirwan Al-Haidari, the head of the legal committee, who made the documents available to me, as an alternative for my personal meeting with the members of his committee.

[219] See: Iraqi Kurdistan National Assembly. The Transcripts (In Kurdish, The title is translated into: Protocols in Englishon the cover). Vol. 46, Year 2008, Shahab Printing House: Erbil – Iraq, 2008, pp. 145-96.

As for PM Abdulrahman Ahmad Riza's comment on the floor, see: Ibid, p. 175.

reality and we are just registering it. In other words, we are not creating a new thing, we are only granting ownership rights." [220]

What the minister neglected to educate the PMs of, is the fact that his ministry, and the dominant political parties behind them, have two contradicting laws and can pick winners and losers by enforcing one and not the other.

To visualize the size of the problem these contradicting laws create, see the following table that shows that of the 1096 counties in Sulaimaniya province only 49.45% of them have been settled and the rest either had no settlement at all (29.65%), or had partial settlements (20.9%):

Table #23: Status of Settlement of Claims of Control and Possession on Agrarian Land in Sulaimaniya Administrative Units, as of 2008

Name	Total No. of Counties & (%)	Counties With Full Settlement & (%)	Counties with No Settlement & (%)	Counties with Partial Settlements & (%)
Center of Sulaimaniya	150	128 (85.33%)	1(0.6%)	21(14%)
Qaradakh	61	55 (90.16%)	0	6 (9.83%)
Sharbazher	215	36 (16.74%)	133 (61.86%)	46 (21.4%)
Sharazoor	55	48 (87.27%)	0	7 (12.72%)
Rania	95	58 (61.05%)	32 (33.68%)	5 (5.26%)
Dukan	156	88 (56.41%)	21 (13.46%)	47 (30.13%)
Halabja	90	77 (85.55%)	1 (1.11%)	12 (13.33%)
Penjwin	128	36 (28.12%)	38 (29.69%)	54 (42.19%)
Pishdar	146	16 (10.96%)	99 (67.81%)	31 (21.23%)
Total & (%)	1096	542 (49.45%)	325 (29.65%)	229 (20.9%)

Source: Bakhtiyar Mustafa Baban. A Guide to land Settlement in Sulaimaniya Province, with Settlement Related Laws (In Kurdish and Unpublished), Sulaimaniya – Iraq, 2007

The shaded administrative units are where most of the unsettled counties are located in the province. Its worth noting that, for more than half a century, these administrative

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[220] Ibid, p.159 (My translation).

units were also strongholds of the Kurdish rebellious movement against the central governments.

Another controversial article in the new law, that hardly registered any discussion in the deliberation process of the national assembly, was the discrimination against the right of possession and control that the law granted to farming families vs. the same right of possession and control that the legal structure grants to any individual who does not have full ownership, according to Iraqi laws.

Article six of the Law #1 of 2008 addresses procedures for state repossession of the lands that the same law designated as owned by the state with right of possession and control granted to the farming families who received the land as part of the land reform redistribution or as temporary contractors. The article assigns, in case of repossession for public benefits, 3% of the repossessed land to be registered as fully owned by the possessor and takes the rest as owned by the state with no possession or control rights assigned.[221] But, the procedures for any other land that is owned by the state with possession and control rights granted to any individual, as regulated by the same legislative body, is for the individual to keep 12% as fully owned by him/her.[222]This means that if an urban development plan expands the boundaries of a city to include two pieces of agrarian land that are identical in size, one owned by a farmer who has possession and control rights on his piece and the other owned by another individual with the same type of possession and control over his piece of land, then the farmer would get

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[221] See: Legal Committee of National Assembly of Kurdistan, op. cit., p122.
[222] See Article One of Law #5 of 2007 in: Ibid, p.104

a residential zoned piece of land within the new boarders of the city that is ¼ the size of the residential zoned piece of land that the other person would get. The ¼ of value of the land is not because of anything inherent in the land or the type of rights that the farmer enjoys over the land, but because of who he is. This is something that is unprecedented in Iraq' history. It is also unclear, in the law, how the percentage changes if the land was sold by the farmer to another individual and then was repossessed by the state, since the 3% is not tied to the nature of the land or the nature of the rights that the farmer has and is capable of transferee to others.

Yet for a population that has already been separated from their land multiple times in few decades, the chance of getting any type of legally recognized possession and control of the land is a celebrated chance. "Since the issuance of the new laws, departments of agriculture administration in all provinces have been overwhelmed by tens of thousands of current and former farmers claiming original distribution, contracts, chains of sub-contracts or actual possession of the same state-owned lands each one of them is asking to register the possession and control rights in their names" said Mr. Bakhtyar Baban, the resident expert in Sulaimaniya department of agriculture in a personal interview in Sulaimaniya on 5/23/2009, and continued "all we can do is to send their claims to the ministry of agriculture, which in turn is so overwhelmed it is accusing us of attempting to sabotage the law, by sending them so many claims to the same pieces of land."

Mr. Baban showed me, as an example, a folder of more than 100 sworn testimonies of

different people claiming actual possession of only 8 dunums of state-owned land in one county named (53/Zair) in Sulaimaniya.

With the recent laws adding more confusion than they solved, the conflicts of land tenure in Kurdistan are not going to be solved on bases of citizenry and clear unified legal structure, any soon and will continue to be addressed in the (tribal relations offices) of the dominant political parties, and on the bases of patronage and political dominance calculations. In other words, in the foreseeable future, land tenure conflicts in Kurdistan are all tied to dominance of the political party that enforced their settlement. Therefore they are charged and ready for a new round as soon as the map of the political dominance changes.

To their credit, the dominant political parties in Iraqi Kurdistan have shown much greater maturity and statesmanship than all the rest of the ethno-sectarian identity-based participants in the political process in the rest of Iraq. In essence, they represent the upper limits of what the current political system is capable of producing in terms of governance and citizenry-based address of new and ages old conflicts over possession of wealth-generating assets.

Conclusions:

Not Out of the Woods, Yet!

A follower of the US media and official narrative explaining the eruption of violence in Iraq after 2003 can sum it up as a hopping journey from one simplistic shallow explanation to another; A comparative politics application of all the popular so-called explanatory factors to another forgotten civil war that started just a decade away from 2003 in a part of Iraq, show that the collapse of the Ba'ath regime in that part of the country was also followed by a civil war despite the inexistence of all the popular explanatory factors that the US media and officials have been pushing.

The Kurdistan civil war (1994-?) was in a region of Iraq where there were no ethno-sectarian divides between the populations, no Ba'athist dead-enders, no foreign fighters, no national divide over a foreign occupation or any significant vacuum of authority.

Iraq's violent modern political history is closely linked to the structure of possession of wealth-generating assets, especially agrarian land tenure system. A central element to the development of this system is the foreign librators'conception of what constitutes economic liberalization. The British occupation of Iraq legalized and normalized the most outrageous abuses of the Ottoman Empire's Tapu system, and developed a Lazma system that turned tribal land possessions to private property of politically groomed tribal chieftains. They forced a legal political structure that allowed tribal structures to set their own customery rules for criminal conduct, advised the Iraqi government to allow tribal raids and allowed the tribal structure to run supreme over urban populations in adjacent areas to their tribal lands.

After dacades of half-measure agrarian reform the state's official policy shifted dramatically, in 1983 and onwards, from supporting a small farms mode of production to relentless efforts to strip land from farming families and renting it to agrobusinesses that were usually connected to influential individuals within the ranks of Saddam's regime.

Land annexation in Iraqi Kurdistan was coupled with an indiscriminant Anfal genocide campaign against the rural population.

After the international embargo against Iraq for invading Kuwait in August 1990, and faced with the possibility of food shortage, Saddam's regime registered vast amount of lands, in many cases free of rent, to his Kurdish paramilitary leaders in Kurdistan and to any tribal leader or influential Ba'athist who could go against communal opposition of stripping land from previous beneficiaries of land reform .

The three decades of war and embargo from 1980 – 2003 devastated Iraq's economy and drove most of the population to extreme poverty. During this period , the middle income class was on a freefall to poverty, surviving only by selling real estate assets, home furniture and personal belongings. One obstacle to liquidating real estate assets was the rent laws that prohibited evicting renters and rasing the original rent without their consent. On the other hand, war and embargo profiteers found that Iraqi currency lost its function as a storage of value and started looking for real estate to store away their newly made wealth. Both sides of the supply and demand forces found their match with mafia

type, dominant-party-related urban gangs that were able and willing to force renters out to complete the transactions.

With the Occupation of Iraq in 2003 came the opportunity for the return of hundreds of thousands of displaced Iraqis with claims of property rights violations, along with a new wave of displacement and property rights abuse by influential individuals in the new political order, new/old terrorizing mafia groups to uproot renters and owners and make more real estate available in the market.

Despite developing a mechanism for addressing property rights abuse after the collapse of Saddam's regime, this mechanism failed in providing a legal, citizenry-based roadmap for addressing the following:

- Any and all claims of property destruction and/or abuse of property rights prior to the second ascendance of the Ba'ath party to power in 7/17/1968.

- Any and all claims of destruction of property and/or abuse of property rights in areas of Kurdistan region that became out of the direct control of Saddam's regime since the beginning of the 1990s.

- Any and all claims of destruction of property and/or abuse of property rights alleged against the coalition forces, war-related foreign companies, Iraqi de facto authorities and powerful individuals connected to the Iraqi authorities during, after, and as a result of the occupation of Iraq and the following cycles of violence since 2003.

- The mechanism stayed away from what it vaguely defined as Agrarian Reform Law, and consciously excluded all claims of abuse of property rights stemming from Agrarian Reform law. The choice of the word law, instead of laws, suggest that the intent is to lump all laws concerning ownership and possession of agrarian land together and shield them all together from any legal pursuit of restitution. This lumping includes irreconcilable agrarian policy directions of land reform landmark laws of 1958 and 1970 along with the contra-land reform laws since 1983.

The American occupation authorities made the same ill-fated mistake as Iraq's former "liberator" by considering the 1983 package of agrarian land possession laws yet another bold step towards "liberalizing" the economy. The only change the CPA made to the 1983 package of laws was extending to all companies, domestic and foreign, the privileges previously reserved exclusively to Iraqi and Arab companies.

After being displaced by the 1990's popular uprising,,hundreds of thousands of farming families returned to their hometowns and villages. But there they discovered a new political order that shut down claims to their former possessions in the name of upholding the 1983 package of laws.

Displaced farmers soon found out that framing their claims in the language of the dominant political discourse—as returning persecuted Kurds, returning persecuted Shi'as, or Sunni Arabs defending their homeland from Persian or Zionist Kurds'

invasion, gave them, on the local level, an access to the use of actual or potential violence to advance their claims in a way they could not do on a national citizenry-based public policy level.

My 1996 survey of 53 villages in Sulaimaniya province found that resort to violence was the most predictable outcome of any local conflict over possession of land tenure arising from the tormented past since the withdrawel of of Saddam's administration from most of Iraqi Kurdistan, and the inability of the new political order, since then, to come up with citizenry-based unified consensus over addressing the multi-layerd conflicts of agrarian land tenure in the region.

My interviews in Kirkuk and with the former head of the agrarian administration of Diyala province along with reconstructing of media reports on one of the most reported incidents of post-2003 communal violence in the town of Madaen south of Baghdad are further evidence for the above findings.

Despite my failure to accomplish most of my original research design in my 2009 field study, the little response to my questioners to Iraqi political parties represented in the Iraqi Parliament provide further evidence that the current mindset of policy makers in the new political order of Iraq is not capable of advancing citizenry-based public policy. For all practical purposes, these political parties find it more advantageous to address local agrarian land tenure conflicts on a locality bases and thorough the prism of security

threats to their local patronage relationships regardless to how that contributes to more resort to violence in addressing those conflicts.

Kurdistan region, beying the most secure and stable part of Iraq, since 2003, provided another opportunity to examine how the new political order legislates when it does take up the issue of agrarian land tenure , and attempts to unify public policy in addressing the conflicting interests. I followed new key agrarian land laws in Iraqi Kurdistan from their insuption as recommendations to the parliament, their fate in committees and their debate on the floor of the parliament, to conclude that not only the new laws promisse the same land to two conflicting sides and create more irregularities and inaquties than they attempt to fix, but more tellingly, all the problems in the laws go without substantive discustions on the floor of the parliament. Providing evidence yet again, that even when there is consensus the need for citizenry-based unified legislation, the current ethno-sectarian midset of the new political order is prohibitive of such advancement.

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F. Interviews

- Personal Interview with Jabbar Towfiq (not his real name), in Kirkuk 5/26/2009.

- Personal Interview with Wathiq Hussein Ali, in Sulaimaniya. 6/ 26,/2009.

- Personal Interviews with Ahmad, Sabah and Naaim Kakaiy (Names are not real),
  in Kirkuk 5/26/ 2009.

- Personal Interviews with Bakhtiar Baban, in Sulaimaniya 5/25/1996 and
  5/23/2009.

Shopping for Identity:
An Economic Explanation for the Post-2003 Violence in Iraq
Abstract

The American occupation of Iraq revealed intense intra-society violence in Iraq that was not possible to take note of during decades of the state's systematic practice of violence against society and the organized counter-violence in response to it.

The occupation, along with the collapse of a regime without any viable governing alternative, and the historic ethno-sectarian tensions are attractive explanatory factors for the ongoing intra-society violence in Iraq. Yet, they fail to explain another civil war that took place in Iraqi Kurdistan a decade earlier. This forgotten war took place in an almost all Kurd/ all Sunni society, after three years of the de facto rule of a popular alternative to Saddam's regime in the region, without the presence of any occupying forces, or a national divide over their role.

This research is an attempt to investigate the role of modern Iraq's land tenure structure in generating mass violence, and support for identity-based violent political mobilization, .It utilizes a field study that was conducted in Iraqi Kurdistan during the peak of its civil war, to measure the propensity for violent mobilization in rural communities over localized conflicts of land tenure, in an attempt to capture the underling interest-based realities that incubate violence and channel it into identity-based mobilization.