

# كسر القوالب Breaking the mold

#Breaking\_The\_Mold

## Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Iraq

### Iraqi Civil Society: Its History and Present (A Brief View)

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Since the emergence of its modern state in 1921, and pursuant to Law on the Formation of Organizations issued on February 7, 1922, Iraq<sup>1</sup> has known diverse types of civil society associations characterized by their various interests, fields and orientations in terms of liberalism, leftism, nationalism and religious<sup>2</sup>, which designates the active presence of civil society since the beginning of the Iraqi state, and its continuity after the issuance of the Constitution 1925. This constitution founded the principles of the constitutional monarchy in Mesopotamia, during which, and during the eras of the Republic after 1958<sup>3</sup>, civil society was set into a frame of legislations that organized its work, i.e.:

- Law on the Formation of Organizations issued on February 7, 1922 (the royal era).
- Associations Law No. 63 of 1955 (the royal era).
- Law No. (1) in 1960 (the republican era).
- Law of Establishment of Associations No. 34 of 1962 (the republican era).
- Associations Law No. (13) in 2000 (the republican era).

- Order (45) of 2003 on non-governmental organizations (the civil governor of the occupation).

- Law of the Non-Governmental Organizations No. (12) in 2010 (the republican era).

There is no secret that the civil society was radically different during the monarchy between 1921 and 1958, from its extension through the successive republics starting from 1958 until the American occupation in 2003, when the military governments (which adopted the one-party system to govern) restricted the work of the civil society organizations, which weakened its activity to the lowest levels.

In the aftermath of the second Gulf War in 1991, Iraq witnessed the withdrawal of state institutions from the northern governorates of Iraq, i.e., the autonomous region of Iraqi Kurdistan - as it was called at the time, now is known as the Kurdistan Region-, the increase of humanitarian needs in it as the rest of the Iraqi regions suffered from the war, the international economic blockade and the firm implementation of the provisions of Chapter Seven of the United Nations Charter. As a result, many organizations came into existence due to the growing need for them, especially on the relief, health and educational levels, as the experience of civil society in Kurdistan in Iraq preceded its Iraqi counterparts by more than a decade and a half ago, and it remained independent in its performance and promulgation of its laws that derive its legitimacy from the region's independence from the rest of civil society in Iraq, even after the promulgation of the Non-Governmental Organizations Law No. 12 in 2010.

<sup>1</sup> Especially during the monarchy era (1958-1921).

<sup>2</sup> Such as the Scientific Institute 1921, the Chaldean Discipline Forum 1922, Al Eslah Association, the Al-Nahda Women's Club 1923, the Women's School Alumnae Association 1926, in addition to the Association to Combat Illiteracy 1933, whose members had a crucial influence in the history of Iraq, and other various associations that indicate the active presence of the Iraqi civil society of a long legacy since a century ago.

<sup>3</sup> The term era was used for many military coups during the republican rule, starting with the 1958 coup that ended the monarchy and declared the Republic of Iraq, the 1963 coup, and then the 1968 coup.

After the occupation of Iraq in 2003, many civil society organizations were established outside the framework of a direct state control, whose institutions ceased to function after the war ended and the existing political system was toppled<sup>4</sup>, according to Order No. 45 of 11/25/2003 issued by the civil governor, Ambassador Paul Bremer. The country also witnessed the invasion of many institutions such as the United States Agency for International Development, the British Department for International Development, organizations of the European Union, Arab and Asian countries, and the United Nations and its institutions that dealt with non-governmental organizations directly, after they had dealt with state institutions exclusively in the pre-occupation period<sup>5</sup>.

Moreover, the civil society movement did not exert pressure enough to confront human rights violations, environmental and water suffering, and damage against cultural heritage and the academic and scientific community. These associations' political contribution was also weak when Law of Administration for the State of Iraq for the Transitional Period was issued in 2004, and even when the Constitution was drafted in 2005. However, organizations established in that period were almost 9 thousand organizations registered with the Ministry of Planning and Development Cooperation.

Despite the slow path of the Iraqi civil society during the occupation, which coincided with many crises, failures, and deteriorating security conditions, the international organizations' recovery helped civil society continue. Later on, Law No. 12 was promulgated in 2010, which is considered one of the most progressive laws regulating non-governmental organizations' work in the Arab region. However, it did not give civil society the necessary competencies to organize its work mechanisms through establishing an independent higher council to regulate the work of organizations, appoint its members and develop them in the fields of training, management, organization, efficiency and financial capacity, which made the relationship with the state vertical and governed by submission, instead of being a horizontal and participatory relationship, in accordance with the work mechanisms of democratic systems committed to the principles of good governance<sup>6</sup>. In addition, and according to Law 12, civil society organizations were active in relief, women, children, legal aid, good governance, public policies, and parliamentary organization. The most prominent contribution of civil society in influencing political decision-making in Iraq could be its effective participation in the Political Parties Law No. 39 in 2015, particularly in terms of approving the sections tackling parties' finance with different content what is included in the bill.

Furthermore, and after the terrorist operations in Mosul in 2014, the civil society movement is the most prominent in its entire career, especially after the government and the international institutions were unable to deal with a humanitarian disaster that the United Nations High Commissioner for Refugees described as the largest relief operation in its history. That explained clearly

4 Studies tackling the Iraqi civil society in that era indicate that the coalition authority funded many emerging organizations, given the occupation forces' need for the support that these organizations could provide, especially that the majority of their founders were Iraqis living abroad.

5 Despite the underdevelopment of the legal, economic and political structures and compositions that separated, whether before or after the occupation, the citizen, their rights and freedoms.

6 The Iraqi civil society still faces many challenges, such as: Being an emerging society that operates in several fields, but it is far from important sectors such as health, environment, agriculture, water and heritage. His urgent need to govern itself. The reflection of weak funding on its performance, effectiveness and activities. The attempts to politicize, limit or dominate some organizations by some political forces, which make them lose their independence, make them suspicious regarding the citizens, and lead to a loss of confidence in them, reduce their productivity, and thus, paralyze their movement.



the disproportionate capabilities of the United Nations and the relevant international agencies with the scale of the disaster, which caused exceptional burdens on the Iraqi civil society organizations that were more aware of the particularities of people and their conditions and the closest to them than the citizens of other countries. (Omar, 2014, The humanitarian catastrophe highlights civil society organizations' role: the Iraq file).

Practically, the majority of civil society organizations in Iraq rely on external grants for their funding after the Iraqi government stopped funding them. The private sector did not depend on working with civil society, as the good governance triangle lost many of the reasons for its recovery and its participatory nature between the government, the private sector and civil society, which only experienced low initiatives to finance it from taxpayers or private sector institutions (banks and chambers of commerce), most notably supply assistance rather than a contribution to the actual work of civil society (Hamid, 2010, p. 46).

In another context, the 2005 Constitution guaranteed public freedoms and the work of civil society organizations. Although it did not provide them with all the requirements for work in the public sphere that Habermas<sup>7</sup> focused on, similar to the South and totalitarian regimes' countries in the first steps of their transformation towards democracy (Abd al-Rahman, 2018, What is the public sphere?). However, it allowed them to be active in many important fields, such as the media sector, without implying a strong relationship between the Iraqi civil society and the media, according to the Journalistic Freedoms Observatory<sup>8</sup> that indicates that communication is lost between the two sides. It requires mutual efforts to restore their relationship to serve public freedoms and achieve a change in society.

In the end, it is evident that the Iraqi civil society is at a critical point, promising a better role in the future.

7 According to Habermas, the public sphere is independent from the administrative apparatus of the state of an interventionist and disciplinary nature, and independent from family control and tribal systems.

8 The Observatory believes that civil society organizations are skeptical concerning the competencies of media professionals and do not provide them with sufficient access to the files. However, the media professionals consider that civil society organizations are not attentive to them, and accuse them of showing off, attempting to boast about them and being biased to the donors.

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## BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

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The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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