

Challenges Of Democratization In Kurdistan Region Of Iraq And The Role Of The Elite 2003-2018





Kurdistan conflict and Crisis Research Center



Challenges Of Democratization In Kurdistan Region Of Iraq And The Role Of The Elite 2003-2018

Rezhwan Tahir



Kurdistan conflict and Crisis Research Center


All Rights Reserved for:

Kurdistan Conflict and Crisis Research Center ©

 www.kurdistancc.com

 kurdistan.kccrc@gmail.com

 facebook.com/kurdistanccrc

 053 - 318 2929

 @KCCRC1

Challenges Of Democratization In Kurdistan Region Of Iraq And The Role Of The Elite 2003-2018

Rezhwan Tahir

ABSTRACT

This article deals with the process of democratization in Iraqi Kurdistan. It aims to critically study the key problems faced by the Kurds throughout the transition of power since the establishment of a new constitution in Iraq in 2005. At the same time, it refers to the efforts of the political leaders and political parties in taking this sequence in establishing a historical and political entity for the Kurds. This article similarly integrated the significance of the elite and political parties in defining their commitment towards the Kurdistan Region. The findings of this study indicate that the main issues output such as pointing out the main challenges facing the process and providing solutions for them. This can contribute to changes in democracy throughout the region of Iraqi Kurdistan. Within the article some interviews are used as a method to collect data regarding the role of elites and the obstacles faced by the democratization process in Iraqi Kurdistan.

Introduction

The Iraqi Kurds had been suffering under Saddam's regime until 1991. The public uprising of the Kurdish people had enabled them to build their own administration as a tiny part of Iraq in the aftermath of the 1992 events. After Saddam's fall in 2003, Iraqi Kurds managed to gain their own autonomy in the constitution. Hitherto, there were two major political parties leading the Kurdish citizens in northern Iraq, and they are still considered the largest parties, namely the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Iraqi Kurds obtained complete autonomy, post invasion of Iraq by the USA and her allies in 2003, when the regime of Saddam was utterly removed. Post dismembering of the Republican Guard of the erstwhile Baath regime of Saddam, the 2005 ratification of the Iraqi constitution further consolidated their autonomy, although there were extreme attempts by the Coalition Provisional Authority (CPA) of Paul Bremer and other regional stakeholders to keep Iraqi statehood united and to prevent any ethnic secessionist movement. On the other hand, citizens of Kurdistan Regional Government (KRG) aim to gain its own autonomy (self-government), in order to ensure stability of the political

situation in Iraq and to circumvent ethnic conflicts. (1)

Iraqi Kurdistan, also known as Kurdistan Regional Government (KRG), is considered as an important land for Kurds which is located in northern Iraq. Although, the efforts and attempts of the Kurds were vitalized until 2003, in the wake of the geopolitical situation of Iraq, the development of a nascent autonomous region enlaced circumvents and challenges due to brutalities impounded by the despotic regime of Saddam Husain. However, the KRG has enjoyed its own autonomy and de facto statehood for over a decade in major stakes of governance including but not limited to the administration, economy, international relations and political freedom. (2)

Due to the superior efforts and determination, Iraqi Kurds were able to establish their own autonomy and making it the most peaceful territory in the Iraqi Federation. Therefore, there have been numerous Iraqi Arabs travelling from their respective abodes to KRG to dwell in a safe and peaceful region accompanied with better quality of life. Many Iraqi citizens recently came from the south of Iraq such as Baghdad and other provinces like Ambar and Diyala, during the sabotage regime of the ISIS. (3)

The Democratization Process

Internal Factors

The Political Elite's Role and the Challenges front of the process

In an analysis of the impact of political leaders on regimes in Western countries

since their consolidation after 1500, Higley and Burton (4) demonstrate the significance of the political leader's centrality which makes perfect sense to the Western political record, so that it may clarify prospects for similar results in contemporary developing countries. This argument supports the assumption that the Kurdish political elite have a similar role in the founding of a democratic system. The Kurdish political elites hold what Sartori (5) called a fundamental consensus that a given community holds the same principles and traditions in its whole which is distinct from the rest of Iraq and a significant aspect that promotes success in finding a formal consensus on the rules for the democratic game, or the dispute resolution framework under which it will be in disagreement. A progressive political agreement intended to create a democratic society in Kurdistan, beginning with the founding of the Iraqi Kurdistan Front (IKF) in May 1988. The former alliance between the KDP and the PUK exposed vulnerabilities due to regional political turmoil. The increasing involvement of neighboring nations inside Kurdish relations as a result of the chaotic situation, and the residue of the old conflict on the foundations of their leadership within the Kurdish nationalist movement. For example, the 5050/ method was initially intended to deal with a transient problem but has been a tool for aggressive inter-party animosity. This training, however, enriched their awareness of how to properly address the political conflicts

through the negotiations. The final KRG union deal pleased almost every Kurd. While the Washington Treaty was the foundation of the modern Kurdish-Kurdish understanding, it was the union treaty which supplemented it in a very crucial period to decide the framework for Kurdistan's political future.

Based on the circumstances in which the Kurdish political elite settled down, it was found what has been observed to be compatible with other examples: firstly, the presence of external threat: which had significantly affected the form of elite settlements. External challenges pressured the Kurdish leadership to preserve or continue working for internal solidarity and co-operation irrespective of their political views. As Lijphart (6) and Burton (7) noted, that all consociational regimes was either introduced or significantly improved during periods of international crisis. Therefore, external challenges may also have a beneficial impact on reinforcing the relations between mass-level subcultures, members and their followers. As stated, the regime changes in Iraq brought immense pressure on the KDP and the PUK leaders to tackle the new threat, mainly from the Kurdish people, who were aware of the intensity of the conflict. Second, in the outcome of a war in which both sides suffer heavy casualties, highly fractured leaders appear to be more willing than they would otherwise have been to pursue solutions. That is inevitable because no one side has resolved the battle and

there is no better option but to confront the possibility of working together because in these circumstances' leaders are deeply aware that prolonged combat will cost the elite's positions. It is less probable that a large set of elites would be able to achieve such a consensus, so that the language would be supremacy rather than compromise. (8)

In his research Burton (9) found that the form of the elites that arose in the progression of nation-state creation existed for very long periods of time in the modern era, irrespective of the numerous modifications in the social order, socio-economic status, political culture, and other variables. Democratization only tends to happen under unusual situations and take only a few forms. In addition, the beginning of democracy in 1992 in the region, was a result of the reactions of the political elite against Saddam's regime which was dictatorial. (10)

The elite group that has been formed in Iraqi Kurdistan at the commencement of the Kurdish national revolution, comprises of Talabani, the Barzani family, and other main players, which still dominate Kurdish politics. These particular political players remain politically active as a new generation of the families has now arisen within this sphere and holds the most critical roles in decision-making. According to Dr. Rebwar Karim (11) the concept of the political elites in the KRG is yet to be definite, whether they are regarded as some political figures in the political parties or some political observers. In any case, they are some political leaders

which had significantly contributed on establishing institutions within a democracy such as, introducing a multiparty system, establishing civil community organizations, media, and the electoral system. However, in terms of the quality of existing democracy, obviously, all political elites agree that there is not a perfect embodied democratic system in the region. For instance, there is a lack of institutionalized government and respect for opposite views. (12)

In the transition process towards democratization, the relative autonomy possessed by democratic insiders become a significant element in allowing them to engage in covert talks. This dimension could be absent from an already developed society where leadership is unmistakable by the current internal political arrangements of influence and support. The high level of freedom enjoyed by the Kurdish elites allowed them the unusual privilege of making clandestine and public dealings without being subjected to the public oversight or formal regulation; Therefore, the result of the talks will be in the form of written treaties between leaders as it provides the different sides a kind of assurance that both parts must obey the privately signed points of the deal. Additionally, the information and interactions have a part to play in whether a transaction would be successful. When seasoned, well-established, and professional leaders take part, chances for having successful agreements are better. Accordingly, one significant aspect is who joins

an international alliance. To what extent can the establishment show the potential and ability to follow a system that will undermine the protection of their privileges and the existing mechanism of institutionalization and reveal certain privileges to the game of democracy?

Despite the egalitarian essence of the negotiations, the political elite include antidemocratic activities as they curtail the spectrum of democracy, demobilize new social players and delimit the domain of popular engagement in order to preserve the dominance of the political class and safeguard their vital interests. Elite actors manage, in an extraordinary case, the alternation of power between themselves irrespective of the election result. (13) Nevertheless, it is rare to find individuals with significant political leverage outside of Kurdistan's party organizations, and addressing the concerns posed would lack its persuasive capacity by having the wider perspective that Kurdish political groups are participating in the cycle of democratic evolution.

On the other hand, the main challenge front of the political elite is nepotism that prevalent in the KRI region, (14) with over forty legislative ministers earning high salaries, grants, and privileges as well as, giving, and accepting support from the political elite. There were numerous corruptions can be seen throughout the nine cabinets since 1992, while most of the citizens still suffering with the lack of basic facilities of life such as, public serves, electricity and equality. In the

regional government of Kurdistan prime ministers, president, and foreign ministers are the relatives of the leaders in power. They must have a long record of service to the Barzani or Talabani families for those who have no family in government to be able to become a minister. It is indispensable that anyone in high position, should necessarily get involve with the KDP's or the PUK's families, otherwise could not be considered for high positions. For instance, the deans of the universities and schools, and the ministries, even in many private sectors have close relation with KDP or PUK's families. (15)

This patronage scheme corrupted the welfare state because political leaders used it to assist families by awarding governmental contracts to pay disproportionate amounts for minimal work. As this, government funding and spending should be made accessible to the public and the results of which should be carefully scrutinized, and any anomalies reviewed in the best possible manner. (16)

The Role of the Political Parties in Democratization

Huntington (17) states that authoritarian leaders or military forces can fill a power void as a temporary solution even though, it will never be an eternally stabilizing influence as the role of national parties in organizing their governments. Political groups are usually essential to the competition of government forces. Their involvement

makes it easier for many individuals to organize across party lines. These are the key actors and instruments for the political expressions of social classes in a democratic system. Political parties are one of the few avenues for players in democratic politics to have access to elected offices. Parties are therefore among political organizations which form the democratic political landscape. Not only do they symbolize the socio-economic system, but they also lead to its development. (18) Their position is clear, particularly in the democratic consolidation process, in which all subsequent leaders are chosen via party channels. (19)

The transitional phase of democratization is critical in the development of political game rules for various parties to have their own role in. The ambiguity and uncertainties that surround the transition process can only be minimized by recognizing the democratic protocol. The assumption that voting returns are the only legitimate representation of victorious parties which gain decision-making positions places the idea of democratic consolidation at the core of political parties. (20) On the other hand, it has also the possibility which leads to subsequent political changes as not all parties may have a place in the legislative body and are therefore will not be able to join the processes. In order to render the constitutional election, the right basis for the continued establishment of government, it must be honestly administered, correctly arranged and publicly challenged, and its findings

cannot be either too arbitrary or representative of the real distribution of the electors' preferences. (21) The competitive essence of political parties' actions serves as an assurance that control is not automatically dominated.

(22)

Schmitter (23) illustrates the roles that the parties will play as follows:

a- The position of electoral structuring (24), by nominating candidates for office, hiring and encouraging people to engage effectively in campaigns; b-Symbolic incorporation to perform tasks; (25), by presenting proposals and values in order to improve people's understanding about how governance is done and making them feel part of the process; c- The legislative role where the winning parties are able to wield executive authority.

Moreover, according to Mainwaring (26), a political structure is not institutionalized until these three conditions are met: a- stability of patterns in democratic rivalry between parties; b- strength of political histories in parties. C- the creation of a party organization. Fully clear elections necessarily require a specific process for determining the laws, and the main players required to interpret them.

In 1992 (27) Kurdistan had its general elections (founding votes) and it was ruled as free and equal (28) (29) Holding elections as a way of electing leadership in such aggressive political conditions was a major challenge in itself, particularly as elections were viewed as an unusual political occurrence in the Middle East. Two crucial things are

to be discussed here: firstly, the Kurdish political leaders have been reluctant to compose their own constitution (30) to coordinate their political authorities' future. Alternatively, the IKF laws were being implemented as guidelines regulating the interaction between the different political and administrative authorities and have been seen as a fully independent constitution. (31) Nevertheless, the minimalist requirement for democracy is a certain level of institutionalization. That includes a written constitution that separates the nation's three powers. (32) A written constitution may have a big effect in promoting and organizing Kurdistan's political progression. The Deputy Chief Justice of Kurdistan determined that the separation of the three authorities has not yet been defined as a signed constitution. (33) The lack of a written constitution in Iraqi Kurdistan can not be compared with the British case, as first and foremost the Kurds, unlike Britain, did not have any political governance abilities and therefore the ultimate authority stayed in the possession of party members. (34) (35)

The second argument is the reluctance of the PUK to support the democratic resistance after the KDP secured much of the votes in 1992. Sharing power through the way that it occurred and continued today has created a democratic system that is practically devoid of any form of constitutional opposition that is perceived to be a required prerequisite for democracy. Although the pre-election of 1992

was able to create certain principles of the democratic political system, the wrong methods adopted by the winning parties to negotiate with their critics have proven to be problematic. These tactics have not been calculated and it almost entirely focused on the security and interest of tribal leaders. It thus became an open-ended operation, rather than ending the transitional stage of democratization. One-party rule in Kurdistan has become complicated to enforce, but it has become a fact by splitting the region of Kurdistan from two independent mini-governments that have introduced each-party rules in the respective provinces. On 30th January 2005 the elections to the Assembly took place to coincide with the elections to the Iraqi National and Regional Councils, in which all the Kurdish parties established a common political coalition defined as a common Kurdish list (DPAK), while the two mini-governments existed until 7th May 2006. There is a strong correlation between the 1992 and 2005 Kurdistan National Assembly (KNA). The number of seats in Parliament was divided evenly between the KDP and the PUK in which each party occupies 41 seats. In 1992, the change was that neither Barzani nor Talabani had taken any official position in the government. In the former, the parties had to meet a level of 7% in order to enter the KNA, whereas in the latter they were focusing on a closed party-list proportional representation. In 2005, citizens opted for a list of candidates from a faction rather than a single

nominee. Throughout the year 2005 the minorities who lacked the requisite number of votes to join the KNA, were retained with 11 seats, while in 1992 they were 5 seats. (36)

In addition, it is reasonable that the present KNA will focus on the creation of the KRG. Most of the political parties attempted to have a part in the new united administration. The large alliance forming the cabinet is an outcome of Kurdistan's diverse people. (37) To others, this system of administration has been seen as a rare example of representative democracy in the area as it virtually incorporates all components of society. Also, Kurdistan's special political condition requires such union to address common challenges. The four main ministries which continued independently with the KDP and the PUK are: The Interior, the Financial, Judiciary and Peshmerga (Defense) forces. (38)

All the KDP and the PUK share administrative and managerial positions in the Kurdish condition. The parties were in authority, but they do not have the ability to undermine the control of the hegemonic parties or the chance of behaving independently. On the other hand, Luther (39) claims that the Austrian case is considered as an almost archetypal case of constant consociates democracy. Moreover, although the outcomes of the 1992 elections show that the dialectal lines did not clearly describe the political climate accordingly, it was still a significant component in deciding its outcomes. (40) The PUK was evicted

form Erbil and Duhok, while the KDP was evicted from Sulaymaniyah and Halabja. This geographical division of the KDP-PUK electorate reduces the significance of party policy's centrality in attracting partisans.

Furthermore Mainwaring (41) argued that devotion and correction between the grab-all political groups is insufficient and that the electoral elites exercise patronage by providing jobs to the public as well. Resources for those who are ready to sustain them and suppressing adversary's government incomes. In the 1990s, the KDP-PUK rivalry effectively institutionalized the partnership of patronage and clientelism within the group, which was the only feasible choice for several urban individuals. This relationship remains unbalanced because it is not grounded on the affiliation of the person with a group, but on temporary profits. (42) A common trend was switching sides between various parties in the 1990s as consumers sought greater benefit from another. Clientelism is the most desirable way of generating support from the public in the lack of an appropriate unified government bureaucracy. Furthermore, electoral mobilization focuses on mobilizing vertical social systems, particularly through encouragements and payoffs given to people at the underside of those structures and hence, personal interests are fundamental in terms of social engagement. (43)

On the other hand, the KDP and the PUK were the main players in Kurdistan's politics that continues to strengthen

their influence in several ways. For example, they use their position in the nationalist struggle to maintain their authority through wide patronage structures, paramilitary forces and close international associates. (44) The huge obstacle in fully consolidating democracy in the region is the military and security forces which are not controlled by the civil authority like the government. Contrarily they are owned by both main political parties, in which they can utilize and mobilize these forces anytime, obviously for their benefits in order to keep their power. (45) Additionally, both main parties and even other existing political parties have not been able to apply democracy in their parties. So, how will they be able to implement democratic principles in the wider framework, especially in their administration, even when they have the authority to do so. In other words, they are not yet ready to face the challenges of applying a democratic system with their parties. (46)

The Kurdish parties held elections on 19th May 1992 which ends with an alliance between the Kurdistan Democratic Party (KDP) and the Kurdistan Patriotic Union (PUK). The alliance later ended in 1994 at the lucrative Ibrahim Khalil-Habur customs post on the Turkish border due to some disagreements on issues related to revenue embezzlement and tax appropriation. The following civil war destroyed and displaced thousands of people and created a political dispute between PUK and KDP. (47). Therefore,

that weak democratic system, which was built in 1992 became weaker and weaker, due to the ideological background of the Kurdish leaders who came out with the revolution in 1991 that was communism and Marxism which are basically against democracy. Similarly, revolutionary background of the Kurdish leaders also obstructed in further pursuing democracy. (48)

In the election that was conducted in Kurdistan on 30th January 2006, the KDP and the PUK «were on the same list» which implies that they did not vote against each other in a proportional parliamentary democracy. Hence the outcome, was actually predetermined. According to a pre-deal, they would share power which established a «unified, but powerless, parliament». (49) The 2006 unification of the KPD and the PUK described a duopoly in which both political leaders had «controlled communications, manufacturing, and trade». (50) True decision-making has always been performed by political leaders, behind locked doors, and not by local or legislative commissions. (51)

Nevertheless, the KDP and the PUK may have come together to create a coalition, even though, the competing groups «never united entirely». (52) The key organizations which involved the Peshmerga force and significant financial markets, continue under the governor of the KDP. Token concessions of ministerial posts were given to the PUK, and later the Gorran party, but it became clear that the real force resided in the KDP. According to a report in

2012, «Jalal Talabani dissociated himself from the Kurdistan Regional President Masud Barzani (53). In 2015, there was a power struggle between the KDP and PUK for the next presidency to demonstrate this opposition. This resulted in «hundreds of angry civil servants demanding their delayed pay» at roadblocks in Sulaymaniyah because several of them were not being paid within three months. (54)

Furthermore, the KDP's alliance was more interested in other political parties. This is because the PUK leader is allegedly a very «unreliable ally for the KDP,» and the KDP claims that the PUK and its leader «lack diplomatic skills» (55). There were also some significant strains and pressure in ties between the KDP and the latest political parties, as the Kurdistan National Security Council Chairman posted on Twitter, one of the KDP members wrote «Gorran intended to organize a plane in order to incite hatred and abuse among the people». As a result, four Gorran ministers were removed from the cabinet by the KRG president and the leader of the KDP (56) A resident political observer in Iraqi Kurdistan observed that the focus of the political parties was not to their constituents' needs but rather to behave as if they controlled the towns. (57)

The External Factors

Political scientists have accepted that external element is a significant factor for a country's progress or failure to democratize but is one of

the least investigated in the field. (58) Reviewing the external aspect of democratization whether by using military, coercion through power, or economic opportunities to reform and move to democracy. That means first and foremost stressing the position of American influence, particularly after the end of the Cold War. (59)

There are three key methods of fostering democracy: a- by contagion (60), b- By regulation, or coercion by either hard or soft power, b- by agreement, that would be described, c- by a dynamic series of relationships between foreign and local players. (61) According to Karl and Schmitter (62) and Schmitter (63) the outcome of battle and the development of the global order are the most significant factors influencing the probability of success or failure of democratization at a specific location. Involving in an ineffective war may help to make a repressive political government exposed to international pressure to democratize, or can contribute to obvious military action, likely with the assistance of minority parties and local pro-democracy individuals. Iraqi territorial wars with surrounding nations and their own population also undermined their position as a powerful power in the area and decreases their own defense capability. Another important external force effecting democratization is the transition in the international community. Global waves are the automatic consequence of these significant events within the international order. For instance,

decolonization and the end of the Cold War.

Concerning the degree to which the US can prosper or struggle to make democracy viable in Iraq is a problem that desires to be more discussed as there is no single articulated hypothesis that can be generalized to all cases of external impacts on internal democratization, such as winning the war and reforming the system. However, preserving stability and being willing to create a political structure is entirely different. It can be demonstrated by the reality that the ability of the United States to do so differs widely from one situation to another, and from area to area on the basis of political, cultural, socio-economic, historical and other factors. (64) In the case of Iraq, establishing a peaceful area and a successful democracy did not occur. In other words, the establishment was built rather poorly. In addition, the goal of the Wider Middle East project, which if Iraq progresses, will lead to further regime change or at least place pressure on some countries to open their regimes to democratic involvement and democracy. Hence, the picture for the leaders of the region's non-democratic countries is clear. They are conscious that the advancement of democracy poses significant challenges to their presence and therefore, hence, they opted to work alone or in collaboration with other like-minded governments to hinder any democratic development in Iraq.

Nevertheless, Iraqi government has routinely preserved the Kurds

much worse than any foreign enemy. However, the Kurds have never been given an enough chance to live in stability and security which is a simple condition that could support the creation of trust connection and a nation of unity with the administration. For example, the brutal attack of 1988 and destroying hundreds of Kurdish villages. There has been no formal connection since 1991 between the Iraqi government and the self-built Kurdish authority, although KRG was officially part of Iraq. The strategy that has been fragmented for more than a decade has contributed to a wave of new generation of Kurds who do not choose to get together with the rest of the Iraqi citizens. Since 1991 to until now, the Kurdish relations with Bagdad have largely vanished and have been replaced by a new Kurdish national character. As stated, the Kurdish citizens projected their political elites to be independent from Bagdad after change of government. The reality is, however, that they would stay with Iraq due to the Turkish hostility to be used against them. The evidence is that time the political position of Iraqi Kurds was not strong enough to claim the independence. It is also another cause why this report views Iraq as an external influence.

LEGITIMACY AND ACCOUNTABILITY (THE RULE OF LAW)

Confidence and honesty must be built between the government and

the citizens. Trust is established once the authority performs its activities in a right way and is prepared to be responsible and responsive to scrutiny. (65)

The source of legitimacy of a government is extracted from the recognition of the current laws by the people. Legitimacy is an essential prerequisite for the viability and the continuation of a democratic government. (66) However, in the early stages it does not have to be a determinant aspect in the performance of a democratic regime. (67)

Holding these believes are crucial to the democratic regime Lipset (68) describes credibility once the political system is capable of producing and maintaining the belief that the current political institutions are the most appropriate alternatives for society. The changes in Iraq's regime had increased public hopes of addressing longstanding problems and prejudice that were connected to the authoritarian government. According to Valenzuela (69) the difference between these demands and the possibility of obtaining them, it may unbridgeable. Therefore, it is more beneficial if the politicians have less popular preconceptions while, pursuing their policies that produce results beyond their own rhetoric. Within a democratic setting, this is not as simple as it appears to be, because democracy should provide transparency, knowledge, and access to issues that could normally develop through media conversations and other forms of policy discussion. For the

Kurdish situation, though, it is special as those in government today widened the difference between the Kurdish aspirations of a better existence and their expectations and/or desire to achieve them. For example, the government fails to achieve what the officials consistently promise regarding combating corruption and enhancing the everyday public facilities without persuasively justifying why they fail to do so. The best evidence for that is the case of electricity, in which the government has not yet provided it perfectly and creating job opportunities for graduates which are the basic duty of any governments. Consequently, if the gap between aspirations and possibilities and discrimination increase, diffused help in our situation is likely to demise. Maintaining a positive attitude towards democracy amongst people is also a significant feature of democratic consolidation. (70) Consequently, a government's degree of democratic institutionalization, efficiency, and efficacy defines its long-term legitimacy. (71) As the emergence of democracy is followed by an eruption in aspirations, citizens believe that democracy is intended to decrease inequalities of income. (72) (73) Moreover, democratization offers freedom in voting as well as social change for most voters and thus political parties must be able to limit their desires to the interplay of democratic structures. (74) Furthermore, in order to validate and reinforce their power after restructuring of government, the elected Kurdish leaders opted not to

show their performance but to create a strict contrast with the previous government and other undemocratic national governments. However, many citizens, believe that the current system is the best choice of the political supports.

As stated, the political structure must be changed to improve its efficiency and efficacy. As stated, the usage of aggression is an antidemocratic action. The occurring threatens the political progression as well as doubt the integrity of the government. Two violent events which occurred in 2005 and strongly disapproved. The first was on 6th December 2005, when four people were killed by an assault on the Kurdistan Islamic Union (KIU) (75) Dohuk offices, among them a top KIU official. (76) The officials of the KDP also denied the incident being organized by a group that governs the town, but such an interpretation was not removed by a Western diplomat in Kirkuk who examined the incidents. (77) The second incident occurred at city in Halabja, managed by the PUK administration. On 16th March 2006, on the anniversary of the gas attack, people expressed their indignation over the city's poor infrastructure by attempting to obstruct the officials' entrance into the event. However, it ended up in brutality. As a 17-years old high school student was murdered by the police. (78)

The rule of law is the fundamental driving principle of the KRG. It is above any individual. Laws are written in a contemporary manner and are

based on the values of democracy and human rights. (79) That is all written theoretically but practically is not implemented as a democratic system demands. Another example can be seen on how the rules are not implemented on those who are in high positions in the authority when they breach the rule. For instance, many innocent journalists were murdered by some powerful groups in the authority, even they are not taken to the court to be charged.

Implementing the concept of the rule of law in Iraqi Kurdistan is still vulnerable and poor due to the political system in which the political parties could dominate all the political decisions. At the same time, lacking a written constitution allowed the political parties leaders, even the small leaders to practice their role in the out of law and regulations. while increasingly limiting the usefulness of existing laws. Moreover, in this case, the independence of judiciary is not entirely respected and protected, as it absents of the constitutional guarantees against interference by the major parties and high position individuals, and thus becomes incapacitated and disabled in order to fulfill its basic role of delivering a framework for the conciliation of arguments in the community between all citizens and enabling people to protect themselves from the country and its administration. (80) (81) Recani (82) states that, due to the lack of constitutional protection, the judicial system is not yet independent and, as a result, the political leaders in

the main parties are virtually legists. It stresses that both of KDP and PUK could have their own jails, which protect political criminals outside the courts and administration. Boussard (83) claims that when the judiciary is not completely independent, will come out with a lot of negative consequences in which there will not be sanctions for those abuse the power.

CONCLUSION

Since 1992 some of the Kurdish leaders have attempted to provide a democratic system by establishing institutions, providing election, granting freedom of expression to vote and introducing some evident some democratic principles. Additionally, formatting some political parties such as the Kurdistan Islamic Union (KIU) which was inspired by Salahuddin Bahaadin, the Islami Group that was founded by Ali Bapir and the Changes (Goran) which established by Naushirwan Mustafa had somehow claimed to implementing democratic system. However, as stated through the chapter, there have been many challenges front of the process, especially in 1994 when the civil war started then diving KRG on two main political parties, the KDP and the PUK. Regardless, the external supports have not been enough yet to contribute to fully embodying the democratic principles especially, the regional countries were seen that never supported the Iraqi Kurds in this case. This can be realized through their supports to both the KDP and the PUK's dictatorships.

References

- 1- Goldstein, Eric. (1992). Endless torment: The 1991 uprising in Iraq and its aftermath. Human Rights Watch.
- 2- Erdal Soylemez, (2013). An Analysis of Kurdistan Regional Government's Economic Policy Between 2003 – 2013, 19.04.
- 3- Soderberg, Nancy E., and David L. Phillips. (2015). «State-Building in Iraqi Kurdistan.» Institute for the Study of Human Rights.
- 4- Higley, J., & Burton, M. G. (1989). The elite variable in democratic transitions and breakdowns. American sociological review, 1732-.
- 5- Ibid
- 6- Lijphart, Arend. (1969). «Consociational democracy.» World politics 21, no. 2, 207225-.
- 7- Burton, M. G., & Higley, J. (1987). Elite settlements. American Sociological Review, 295307-.
- 8- Ibid
- 9- Ibid
- 10- A part of personal interview with Krmanj Othman, a Kurdish advisor at Independent Commission for Human Right and a lecture of Salahuddin University in Iraq, Erbil in the international law department in 3, 6, 2020.
- 11- One of the current members of Parliament of Iraq that I have done an interview with him.
- 12- A part of my personal interview with Dr. Rebwar Karim, the current member of Parliament of Iraq in 1, 6, 2020.
- 13- Karl, T. L., & Schmitter, P. C. (1991). Modes of transition in Latin America, southern and eastern Europe. International Social Science Journal, 128(2), 267282-.
- 14- Qadir, Kamal Said. (2007). «Iraqi Kurdistan's Downward Spiral.» Middle East Quarterly”
- 15- Ibid
- 16- BBC News. BBC, (2008), 10 Jan. Clark, Kate. «Corruption in Iraqi Kurdistan.»
- 17- Huntington, S. (1968). Modernisation and Corruption ‘in Political Order in Changing Societies, Yale University Press, New Haven.
- 18- Mainwaring, S., & Scully, T. (1995). Building democratic institutions: Party systems in Latin America. Stanford Univ Pr.
- 19- Valenzuela, J. S. (1989). Labor movements in transitions to democracy: A framework for analysis. Comparative Politics, 21(4), 445472-.
- 20- Ibid
- 21- O'donnell, G., Schmitter, P. C., & Whitehead, L. (2013). Transitions from authoritarian rule: Latin America (Vol. 2). JHU Press.
- 22- Mair, P. (1993, September). How, and why, newly emerging party systems may differ from established party systems. In paper to conference on The Emergence of New Party Systems, Centre for Mediterranean Studies, Bristol University (Vol. 12).
- 23- Schedler, A. (2001). Measuring democratic consolidation. Studies in comparative international development, 36(1), 6692-.
- 24- That makes this move believable is that groups ought to show they are presenting the electorate with alternate

- representatives. Political parties take this task seriously as it gives the winners within them the right to come to power (Schmitter 2001: 72).
- 25- Mainwaring, S. (1998). Party systems in the third wave. *Journal of democracy*, 9(3), 6781-.
- 26- Dahl, R. A. (1966). Some explanations. *Political oppositions in western democracies*, 34886-.
- 27- At the 1992 elections, HRW observed that although Middle East Watch, like other parts of Human Rights Watch, won't take a stand on the political question of self-determination, it reported that elections to the Iraqi Kurdistan Provincial Parliament, held in May in the midst of great popular enthusiasm, were generally regarded as free and fair by international observers. One of the official foreign observers accompanying Pax Christi Foreign (Pax Christi International NEWSLETTER No. 15 July 1992 p.15) was Piet Muller.
- 28- O'Leary, C. A. (2002). The Kurds of Iraq: Recent history, future prospects. *Middle East Review of International Affairs*, 6(4), 1729-.
- 29- McDowall, D. (1994). *Iraq since the Gulf War: prospects for democracy*.
- 30- The Kurds were worried about the concerns about progress in Iraqi Kurdistan that neighboring countries had. The leadership of the IKF took charge of their strategic actions. They became mindful that a written constitution should be a symbol of commitment and a wish for democracy.
- 31- Stansfield, Gareth RV (2003). *Iraqi Kurdistan: Political development and emergent democracy*. Routledge.
- 32- Valenzuela, J. S. (1990). *Democratic consolidation in post-transitional settings: notion, process, and facilitating conditions* (Vol. 150). Helen Kellogg Institute for International Studies, University of Notre Dame.
- 33- Mirza, Imad M. (2007). «Democratization in southern Kurdistan. An analytical study of the prospects for democracy.» Master's thesis, Universitetet i Tromsø.
- 34- O'Leary, C. A. (2002). The Kurds of Iraq: Recent history, future prospects. *Middle East Review of International Affairs*, 6(4), 1729-.
- 35- While some powerful PUK cadres, headed by Nawshirwan Mustafa, called for PUK to recognize the results and join the opposition party, the PUK followed a radical line and would compete in the new assembly, rather than becoming an opposition party (Stansfield 2003: 146).
- 36- Stansfield, Gareth RV. (2003). *Iraqi Kurdistan: Political development and emergent democracy*. Routledge.
- 37- Paya, Ali, and John L. Esposito, eds. (2010). *Iraq, democracy and the future of the muslim world*. Vol. 18. Routledge.
- 38- Ibid
- 39- Gunter, M. M. (2008). *The Changing Dynamics in the Kurdistan Regional Government of Iraq*. In *The Kurds Ascending* (pp. 3557-). Palgrave Macmillan, New York.
- 40- Luther, K. R. (1999). *Austria: From moderate to polarized pluralism?. Changing party systems in western*

- Europe, 118142-.
- 41- Leezenberg, Michael. (2006). Urbanization, privatization, and patronage: the political economy of Iraqi Kurdistan. Na.
- 42- Mainwaring, Scott. (1999). Rethinking party systems in the third wave of democratization: the case of Brazil. Stanford University Press.
- 43- Leezenberg, Michael. (2006). Urbanization, privatization, and patronage: the political economy of Iraqi Kurdistan. Na.
- 44- Diamond, Larry, and Richard Gunther. (2001) «Types and functions of parties.» Political Parties and Democracy, Larry Diamond & Richard Gunther (Eds.). 339-.
- 45- Levitsky, S. R., & Way, L. A. (2012). Beyond patronage: Violent struggle, ruling party cohesion, and authoritarian durability. *Perspectives on Politics*, 10(4), 869-889-.
- 46- Part of a personal interview with Abdulstar Majid, the high-ranking member of the famous Islamic political party (Komali Islami) on 16th March 2020. And with D. Abubakr Karwani, the Iraqi Kurdish political activist and the high-ranking member of The Kurdistan Islamic Union (KIU) in 16, 3, 2020. D. Muthanna Amin the current Kurdish member of Iraqi parliament in 17, 3, 2020, all interviews were via online.
- 47- A part of personal interview with Srdar Abdulla, the former member of Iraqi parliament, at the same time, political author in 23, 4, 2020 via online.
- 48- Qadir, Kamal Said. (2007). «Iraqi Kurdistan's Downward Spiral.» *Middle East Quarterly*.
- 49- A Part of an interview with D. Abubakr Karwani, the Iraqi Kurdish political activist and the high-ranking member of the Islamic Union Party (Yagrtu) in 16, 3, 2020, and Masud Andul khalq, the famous Kurdish political observer in 21, 5, 2020.
- 50- Ibid
- 51- Ibid
- 52- Romano, David, and Mehmet Gurses. (2014). *Conflict, Democratization, and the Kurds in the Middle East: Turkey, Iran, Iraq, and Syria*. Springer.
- 53- MacDiarmid, C. (2015). Kurds rail against government corruption as protests turn violent in Iraqi Kurdistan. *International Business Time*. <http://www.ibtimes.co.uk/kurds-rail-against-government-corruption-protests-turn-violent-iraqi-kurdistan-1523915>. Accessed, 21.
- 54- The Kurdistan Tribune. Abdulla, Mufid. «KDP and PUK - end of the love affair?», (2012). 51 *International Business Times UK*. MacDiarmid, Campbell. «Kurds rail against government corruption as protests turn violent in Iraqi Kurdistan.», (16, Oct 2015).
- 55- The Kurdistan Tribune. Abdulla, Mufid. (2012). «KDP and PUK - end of the love affair?».
- 56- *International Business Times UK*. (16, Oct 2015). MacDiarmid, Campbell. «Kurds rail against government corruption as protests turn violent in Iraqi Kurdistan.».
- 57- Ibid
- 58- Narizny, Kevin. (2006).

- «Democratization, Capitalism, and Hegemony.»
- 59- Whitehead, Laurence. (1996) «The imposition of democracy: The Caribbean.» The international dimensions of democratization: Europe and the Americas. 5992-.
- 60- Which means that democracy spreads through neutrality and sometimes unintended networks from one country to another but avoids the oppressive means.
- 61- Whitehead, Laurence. (1996). «The imposition of democracy: The Caribbean.» The international dimensions of democratization: Europe and the Americas. 5992-.
- 62- Karl, T. L., & Schmitter, P. C. (1991). Modes of transition in Latin America, southern and eastern Europe. *International Social Science Journal*, 128(2), 267282-.
- 63- Schmitter, P. C. (1996). The influence of the international context upon the choice of national institutions and policies in neo-democracies. The international dimensions of democratization: Europe and the Americas, 2654-.
- 64- For Latin America, these conditions have become more positive, which strengthens the American role in promoting the reform attempts there. The mutual cultural history shared by EU Member States and Eastern European states has assisted to a large degree to build an environment of trust and embrace a broader EU position in domestic politics, which inevitably contributed to the extension of the EU's boundaries to encompass these new democratic nations.
- 65- (KRG.org).
- 66- Linz, Juan José. (1978). *Crisis, breakdown & reequilibration*. Johns Hopkins University Press.
- 67- Mainwaring, Scott. (1989). *Transitions to democracy and democratic consolidation: theoretical and comparative issues*. Vol. 130. University of Notre Dame, Helen Kellogg Institute for International Studies.
- 68- Lipset, S. M. (1959). Some social requisites of democracy: Economic development and political legitimacy¹. *American political science review*, 53(1), 69105-.
- 69- Valenzuela, J. S. (1990). Democratic consolidation in post-transitional settings: notion, process, and facilitating conditions (Vol. 150). Helen Kellogg Institute for International Studies, University of Notre Dame.
- 70- Gunther, R., Diamandouros, P. N., & Puhle, H. J. (Eds.). (1995). *The politics of democratic consolidation: Southern Europe in comparative perspective*. JHU Press.
- 71- Linz, Juan José. (1978). *Crisis, breakdown & reequilibration*. Johns Hopkins University Press.
- 72- Przeworski, A., Alvarez, M., Cheibub, J. A., & Limongi, F. (1997). What makes democracies endure?. *Lua Nova: Revista de Cultura e Política*, (40)135-113 ,(41-.
- 73- Castillo, Antonio M. Jaime. (2006). «Institutional performance and satisfaction with democracy. A comparative analysis.» comparative

study of the electoral systems plenary, Seville.

74- Przeworski, Adam. (1992). «The games of transition.» In the New Transitions In Latin America: Problems Of Transition and Consolidation. University of Notre Dame Press.

75- Nearly half of the 3,000 to 5,000 civilian demonstrators came from KDP organizations. They chanted «Long Live 730» during the rally 730 is the DPAK's number ballot classification, the protests occurred in.

76- Radio Free Iraq. "Iraq: Kurdistan Islamic Union Responds To Attacks", Radio Free Europe: Radio Liberty, (9 December). (2005). The new can be found at: <http://www.rferl.org/featuresarticle/20059/12/dfdf2b2-3d524-b9b-a56a38d835cbbb33.html>.

77- Jonathan Finer (2005), «For Kurds, A Surge Of Violence In Campaign», The Washington Post, (14, December). The article can be found at: http://www.washingtonpost.com/wpdyn/content/article/200513/12//AR2005121302119.html?nav=rss_print/asection.

78- Worth, Robert F. (16, March,

2006). "Kurds Turn Violent in Protest Against Their Leaders", The New York Times. The article is available at: <http://www.nytimes.com/200616/03//international/middleeast/16cndkurds.html?ex=1176436800&en=3902d1b3ccde28c3&ei=5070>.

79- (KRG.org).

80- Mirza, Imad M. (2007). «Democratization in southern Kurdistan. An analytical study of the prospects for democracy.» Master's thesis, Universitetet i Tromsø.

81- A part of my personal interview with Masud Abdulkhalq, the political observer in 16, 3 2020.

82- 8 Rêkanî, Mohammed (April, 2007). "Law and Justice in Kurdistan", Interviewed by Dilbixwîn Dara with on TISHK TV- Programa 40 Deqîqe '40 minutes'. The interview is in Kurdish and can be seen at: http://www.aveştakurd.net/40_deqîqe_mihemed_rekani.htm

83- Boussard, Caroline. (2003). Crafting democracy: Civil society in post-transition Honduras. No. 127. Lund University.



Kurdistan conflict and Crisis Research Center

About KCCRC

The Kurdistan Conflict and Crisis Research Center (KCCRC) is an independent and not-for-profit organisation based in the Kurdistan Region of Iraq. KCCRC conducts research and produces policy papers regarding Kurdish, Iraqi and related studies. Within this framework, KCCRC focuses its research on the politics and economics of the region at the macro level, and at the micro level, it concentrates on issues surrounding but not limited to the following;

- Ethnic and Sectarian Conflict
- Terrorism
- Islamism, extremism and radicalisation
- Instability
- Internally displaced peoples
- Oil and Gas
- Political Economy
- Ethnic and Sectarian conflict
- International politics

KCCRC delivers for its clients by using its unique geographic position to take advantage of the expertise of local and international scholars to give the most precise picture of Kurdish, Iraqi and Middle Eastern affairs.

