



Subverting Peace: The Origins and Legacies of de-Ba'athification in Iraq

Shamiran Mako

To cite this article: Shamiran Mako (2021): Subverting Peace: The Origins and Legacies of de-Ba'athification in Iraq, Journal of Intervention and Statebuilding, DOI: 10.1080/17502977.2021.1937467

To link to this article: <https://doi.org/10.1080/17502977.2021.1937467>



Published online: 07 Jul 2021.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)



Subverting Peace: The Origins and Legacies of de-Ba'athification in Iraq

Shamiran Mako 

Pardee School of Global Studies, Boston University, Boston, MA, USA

ABSTRACT

Lustration, as an instrument of transitional justice, determines the extent to which members of the former regime or combatant groups can be reintegrated into a democratizing state. This article examines the effects of de-Ba'athification in the lead up to and following foreign-imposed regime change in Iraq. I demonstrate that exclusive and unconstrained lustration created an institutional mechanism that targeted and excluded key segments of the population as perceived regime collaborators, which subverted peacebuilding during the transitional period of the occupation. I conclude by illuminating the enduring effects of exclusionary lustration on subsequent attempts at state-and peacebuilding in divided, post-colonial societies.

KEYWORDS

Iraq war; lustration; de-Ba'athification; transitional justice; peacebuilding

Introduction

The American invasion and occupation¹ of Iraq proceeded with an almost entire institutional reformation of the state. As a comprehensive occupation (Edelstein 2004, 54), external statebuilding sought to maintain regional and international stability while, simultaneously, reforming the country's political and economic system toward a neoliberal democratic model. As a critical juncture in Iraq's political development, peacebuilding attempted to transform the political landscape to accommodate previously excluded majority and minority groups by allotting them a stake in governance through the *muhasasa* (ethnic elite pact) system (Dodge 2020). Ba'athism posed a systemic dilemma for democratization and statebuilding in the pre-war planning stage of the invasion and following the occupation. Lustration was envisaged as a mechanism for institutionalizing transitional justice and national reconciliation by purging the upper echelon of the Ba'ath party. Consequently, Iraq's transition under the tutelage of the [Coalition Provisional Authority \(CPA\)](#) following the 2003 invasion hinged largely on rooting out Ba'athists from governance as a precondition to democratization. In analogous post-conflict settings, lustration structures the institutional, legal, and political parameters that determined the extent to which members of the ousted regime are prosecuted, reintegrated, or excluded from post-conflict governance.

Between 2003 and 2004, the CPA issued 100 orders, 17 memoranda, 12 regulations and 12 public orders dismantling various Ba'athist state structures and institutions as part of

the American-led statebuilding effort (Coalition Provisional Authority). This article assesses the effects and enduring legacies of CPA policies and orders relating to de-Ba'athification on Iraq's post-2003 transition by tracing its origin and evolution from an instrument of transitional justice and peacebuilding to its institutionalization as an instrument of exclusion. This article argues that the disproportionate influence wielded by a narrow circle of Iraqi exiled elites in the lustration process made it susceptible to ethnic elite capture resulting in its politicization and de-institutionalization as an instrument of transitional justice. It demonstrates that unconstrained lustration through de-Ba'athification created the political opportunity structure for institutionalizing exclusion of key stakeholders from governance at the onset of the critical phase of the post-Ba'athist transition. Relying on primary and secondary data and elite interviews with Iraqi and American policymakers, it identifies two processes that subverted the application of de-Ba'athification as a remedial institutional tool during the crucial transitional phase of the 2003 occupation. First, the extensive reliance by American policymakers on a narrow circle of previously excluded expatriate elites impeded the design of an autonomous and multi-layered legislative and judicial institutional vetting process, resulting in the ubiquitous purging of former Ba'athists across various ranks. The disproportionate impact this had on Iraq's Sunni-Arabs signaled that their status had been relegated to that of *personae no gratae*, which crystalized the community's intransigence toward accepting the emergent political order. Second, the absence of parallel, cross-communal national reconciliation and peacebuilding initiatives intensified interethnic distrust of foreign-imposed democratization, which heightened fractionalization and exclusion at the onset of the transition.² Far from being an instrument of transitional justice, de-Ba'athification became a jurisdictional tool for institutionalizing discrimination by previously excluded Shia and Kurdish expatriate elites and the neoconservative architects of the invasion, which markedly impeded cross-communal cohesion and reconciliation. This article contributes to ongoing debates about the limits of adopting one-size-fits-all institutional engineering practices within the extant literature on transitional justice, peacebuilding, and resilience in war-torn societies (Juncos and Joseph 2020; Mako and Edgar 2021).

The article proceeds as follows. The first section situates de-Ba'athification within the extant literature on lustration as an instrument of transitional justice and post-conflict peacebuilding in democratizing states. The second section focuses on the origins of lustration in Iraq through a systematic analysis of the role of expatriate elites in exile, and inside Iraq, in shaping the scope and extent of Ba'athist lustration. The third section analyzes the application of exclusive lustration through de-Ba'athification under the CPA to contextualize its effects on post-invasion statebuilding during the formative months of the occupation. Relying on elite interviews with Iraqi and American policymakers and official policy and intelligence reports, the fourth section illuminates the effects of exclusive lustration during the critical phase of the transition. It concludes by highlighting the impact of unconstrained lustration on conflict protraction to elucidate the pitfalls of adopting one-size-fits-all institutional engineering prescriptions following foreign-imposed regime change.

Peacebuilding and transitional justice: framing the politics of lustration

Commonly deployed as institutional toolkits for external intervenors, peacebuilding and transitional justice offer policy prescriptions for addressing injustice in post-conflict

spaces (Baker and Obradovic-Wochnik 2016, 282). This overlap reflects complementary and often mutually inclusive processes for ensuring peace, security, and stability in democratizing states. Whereas peacebuilding attempts to remake a state's governing institutions, security forces, and economic arrangements to avert the resurgence of violence (Bertram 1995, 389; OECD 2011, 21), transitional justice denotes the articulation and conceptualizing of justice during periods of 'political change characterized by legal response to confront the wrongdoings of repressive predecessor regimes' (Teidel 2014, 49). Addressing crimes committed by members of the predecessor regime in states transitioning from authoritarian rule poses a key conundrum for establishing accountability, reconciliation, and rule of law (Huntington 1991, 211–28; Szczerbiak 2002). Since state-building alters the balance of power between social groups and challenges the interests of members of the former regime, institutional design during the transitional phase often structures the politics of inclusion and exclusion from state power (Lake 2016, 91).

Lustration is promoted as a legal and political tool for addressing past injustices within the context of establishing accountability and human rights in democratizing states. As a policy prescription for reforming governing institutions following authoritarian collapse, lustration 'can effect radical change when it distributes power explicitly on the basis of the new ideology' (Teidel 2000, 149). Lustration denotes 'the examination of certain groups of people, especially politicians, public officials, and judges, to determine whether they had been members or collaborators of the secret police, or held any other positions in the repressive apparatus of the totalitarian regime' (David 2003, 388). Reforming an authoritarian state's institutional architecture requires a comprehensive overhaul of key sectors of the state, in particular, coercive and security institutions, previously dominated by members of the *ancien régime*. Lustration law, as a component of a lustration system, connotes a special public employment vetting system that 'regulates the access of members of the former repressive apparatus to public positions in the new democracy' (David 2006, 350). From its prior applications in post-war Germany, the post-communist transitions of Eastern and Central Europe, South Africa, and the South American transitions in Chile and Argentina, four lustration systems – exclusive, inclusive, reconciliatory, and mixed determine the extent to which members of the former regime can be reintegrated in the emergent democratizing order (David 2006, 353). The scope and intensity of a given lustration system is highly contextual, with variation within and across regions. For example, in the post-communist transitions of Eastern and Central Europe, the Czech Republic, Hungary, and Poland adopted more comprehensive and sufficient lustration systems; Bulgaria, Slovakia and Albania were insufficiently lustrated; and, in Estonia, Latvia, Romania, Ukraine and Belarus, lustration laws were never implemented (Horne 2012, 419–21). When deployed, lustration is often predicated on devising context-specific vetting programmes in conjunction with oversight mechanisms delineating its implementation and application during the critical transitional phase. Such parallel institutional checks and balances can mitigate tensions stemming from what Jarstad (2008, 21) calls a horizontal dilemma for determining which groups should be included and represented during the processes of peace and democratization.

Two factors distinguish de-Ba'athification from lustration in the Eastern and Central European contexts where some form of vetting and purging programmes were implemented. First, lustration laws specified targeted measures and varied in scope and intensity and were context specific. The Czech Republic adopted the most

comprehensive lustration which included multi-level vetting programmes, the expansion of police vetting, and increased transparency measures by 2007 (Horne 2012, 422). In Hungary, narrower lustration laws targeted the president and parliament with some laws expanding to include removals from public office, and limited public truth telling commissions (Ibid). Although Poland adopted lustration laws, the process was subject to political manipulation by various elites resulting in a more limited vetting and purging process (Horne 2012, 422). In contrast, lustration in Iraq was much broader in scope resulting in the wholesale dismantling of key security and governing institutions of the state, which diminished state capacity and intensified resistance to the foreign-imposed transitional government. Moreover, Iraqi expatriate elites and American policy-makers adopted an exclusive lustration system that prevented public officials associated with the Ba'ath party from holding certain positions in the new administration (David 2006, 353). Modelled after de-Nazification in post-war Germany, de-Ba'athification became the policy prescription for addressing Ba'athist purges in post-occupation Iraq (Zeren 2017). The proceeding section examines the history and role of Iraqi expatriate elites in formulating exclusive lustration through de-Ba'athification to illustrate the conditions that led to its delegitimization as an instrument of transitional justice and post-conflict peacebuilding.

Expatriate elites and Ba'athist lustration in Iraq

In June 1999, the United States Central Command sponsored the Desert Crossing Seminar to identify and assess risks, threats, opportunities, and possible outcomes of an American invasion of Iraq (National Security Archive 1999). Participants outlined significant weaknesses in the Iraqi exile opposition and questioned the potential, legitimacy, capabilities, and popularity of external opposition groups inside Iraq (ibid). Although the First Gulf War set the path for regime change in Iraq, the U.S. became increasingly reliant on prominent Shia and Kurdish expatriate elites, and their neoconservative allies, in the lead up to 2003. The territorial protection allotted to Iraqi Kurds under Operation Northern Watch following the First Gulf War and the creation of a no-fly zone beyond the 36th parallel facilitated the formation of the Iraqi National Congress (INC) comprised of Iraqi expats and opposition groups led by Ahmad Chalabi, a proponent of regime change with links to American neoconservatives and intelligence agencies, along with Ayad Allawi's Iraqi National Accord (INA). Chalabi's calls for American support for Iraqi opposition groups to overthrow the Ba'athist regime following the First Gulf War under George H. W. Bush directly shaped U.S. foreign policy toward Iraq under the Clinton and Bush administrations (Chalabi 1991).

Backed by financial and material support from the U.S. Congress and intelligence agencies, Chalabi and Allawi became prominent advocates for regime change in Iraq by the late 1990s (Roston 2008, 118–120). By 1992, the INC and the INA and the two leading Kurdish opposition groups, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), organized two Iraqi opposition conferences in Vienna in April and later, on October 27 in Salahuddin in the Kurdistan region of Iraq (Allawi 2007, 53–63). Chalabi's INC became a key intelligence asset for linking Saddam Hussein to terrorism and weapons of mass destruction, securing an estimated \$59 million from various U.S. governmental and intelligence agencies, including \$20 million from the CIA, \$33

million from the State Department, and \$6 million from the Defense Intelligence Agency to bolster the 2003 war narrative (Roston 2008). By the late 1990s, Iraqi expats and their neoconservative allies succeeded in lobbying the Clinton administration in passing the Iraq Liberation Act of 1998. As a blueprint for regime change, the Act allocated over \$100 million of financial, humanitarian, and military assistance to vetted Iraqi opposition groups ‘committed to democratic values, to respect for human rights, to peaceful relations with Iraq’s neighbours, to maintaining Iraq’s territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime’ (United States Congress, Iraq Liberation Act 1998).

The Ba’ath party’s decades-long grip on Iraq’s socio-economic and political institutions made lustration an important accountability and reconciliation measure for addressing citizen grievances. A joint taskforce between the State Department and 17 U.S. federal agencies created the Democratic Principles Working Group of the Iraqi Opposition. The group looked to lustration in Eastern and Central Europe and post-war Germany in formulating de-Ba’athification, noting that ‘the liberation of Iraq from a regime which is totalitarian in its nature will not be complete or effective without dismantling the structures of control exercised by the Ba’ath Party, as an institution as well as an ideology, over Iraqi society’ (Democratic Principles Working Group 2003, 24–25). The Working Group recommended the adoption of a mixed lustration system (David 2006, 353) to abolish key governing and coercive institutions that had sustained the regime’s survival. These included the Ba’ath Party, the Revolutionary Command Council, the Ba’ath Regional Command, the National Assembly, the Special Republican Guard and Special Security and state militias and paramilitary organizations. Citing potential logistical, administrative, and security risks of adopting a more stringent lustration scheme, the Working Group concluded that:

de-Ba’athification cannot mean dismissing from their jobs all two million Iraqis who belong to the Ba’ath party, or conducting witch hunts based on rumors and allegations. If nothing else, summary dismissals will deprive the Transitional Government, and the country, of valuable skills, historical knowledge, and experience. Because Ba’ath membership is highest among government employees, such a draconian measure will decimate the entire civil service, educational system, and other essential institutions’. (Democratic Principles Working Group 2003, 24–25)

Moreover, the Democratic Working Group warned against wholesale purges beyond a targeted vetting scheme for upper echelon members, noting that ‘In general, the Transitional government must try to preserve as much as possible the rank and file and ‘middle management’ classes of government officials for the sake of continuity and efficiency while providing stages of oversight and avenues of appeal for abuses’ (ibid, 26). The group acknowledged that Iraq’s well established bureaucratic structures and civil service was a ‘store of experience and knowledge of the intricate machinery of government and society’ (ibid). Furthermore, a carefully designed lustration system would maintain the institutional knowledge of vetted Iraqi technocrats and elites, which would have strengthened the statebuilding and democratization process.

Problematizing de-Nazification as a blueprint for de-Ba’athification

American statebuilding efforts in post-war Germany shaped Iraq war planning among American policymakers and the Iraqi opposition in exile. In the lead up to the invasion

and following the occupation under the CPA, policymakers keenly focused on drawing parallels and applying lessons of de-Nazification in Germany to Iraq due to America's experience with statebuilding in post-war Germany (Feldman 2004, 1–2). Iraqi elites in exile consulted experts on German de-Nazification to devise a comparable lustration policy as a key component of the post-Ba'athist transition (Boehling 2006, 154). Thus, American institutional engineering during the transitional phase of the occupation, the establishment of the CPA, and the Green Zone in Baghdad (like the American Zone in Germany), resembled post-war planning and reconstruction of Germany (Plischke 1947, 807). However, de-Nazification was ratified under the Potsdam Agreement and signed by Allied Powers after WWII and subsequently revised by German policymakers to serve as an instrument of rehabilitation rather than retribution (Taylor 2011, 281–82). Moreover, once de-Nazification was handed over to vetted federal and local authorities under the Law of the Liberation from National Socialism and Militarism of 1946, its framework and structure was reformulated to facilitate greater integration into more localized governing institutions (Taylor 2011, 301). By 1951, Law 131 established a parallel process to rehabilitate and reintegrate former Nazi public servants according to rank and complacency. This endogenized the vetting, purging, and reintegration process of technocrats from the Third Reich given their experience in managing the bureaucratic and administrative functions of the state (Kritz 1995, 28–29).

However, even in the case of a multilayered and adaptative lustration process, de-Nazification fell short of instituting comprehensive reforms across various sectors of German society, including the judiciary, the economic and industrial sectors, education, and governance. As succinctly noted by Herz (cited in Kritz 1995, 40), 'a process that had begun with wholesale incriminations turned in the direction of wholesale exemptions and then ended in wholesale exonerations. Denazification, in the end, meant not purge but rehabilitation.' Even with a mixed record, de-Nazification was seen as a blueprint for vetting and purging members of authoritarian regimes within the parameters of transitional justice and peacebuilding. However, modelling de-Ba'athification after de-Nazification as a 'best practices' formula failed to account for key distinctions between Germany and Iraq that produced starkly different transitional outcomes. These include positive socio-economic development in Germany in comparison to laggard development in Iraq, particularly under the sanctions era; Nazi aggression against Western states in contrast with the absence of a clear and imminent threat from Iraq; the legality and international multilateral support for the occupation of Germany in comparison with the lack of international support for the 2003 invasion; and a largely homogenous society in Germany versus a heterogenous and deeply divided society in Iraq (Zeren (2017, 285–289).

Contrary to the recommendations of the Democratic Working Group Of the Iraqi Opposition, the State Department, and the CIA that de-Ba'athification should be limited to Ba'athists who committed crimes and those at the top of the command structure, Under Secretary of Defense for Policy Douglas Feith and Ahmad Chalabi pursued a wider de-Ba'athification programme (Chandrasekaran 2006, 69–70). As will be illustrated in the proceeding section, expansive and exclusionary lustration circumscribed the critical transitional phase in two ways. First, the dismantling of the state's coercive apparatuses, governing institutions, and bureaucracies produced a security vacuum that fuelled the ensuing insurgency after the occupation. Second, de-Ba'athification limited the scope

of inclusion and integration of Sunni Arabs into the emergent political order by previously excluded exiled elites who captured the state and its emergent order. Lustration in Iraq differed from other comparable post-war contexts given that the overreliance on expatriate elites defined its scope, while the absence of independent judicial oversight enabled elites to politicize its mandate and application.

Lustration under occupation: the CPA and de-Ba'athification

Lustration was deemed an important policy prescription for addressing the legacies of Ba'athist rule in Iraq, which had effectively captured state and society since the Party's takeover in 1968 and following Saddam Hussein's presidency between 1979–2003 (Isakhan, Mako, and Dawood 2017). The encapsulation of the state by the Ba'ath regime and its diffusion in society was sustained by mandatory state-wide party membership as a mechanism of control and subversion. The expansion of state bureaucracy following Saddam Hussein's rise to power in the 1970s was maintained by the deployment of state resources to sustain a complex patronage system based on a restrictive circle of associates linked through kinship or personal trust (Tripp 2000, 224). Facing internal and external threats following the First Gulf War, the regime embarked on an extensive Ba'athification campaign in the 1990s that expanded party membership, as illustrated in Table 1. Membership carried substantial economic benefits including a \$250 monthly stipend for section members at a time of economic and currency collapse under the sanctions era (Sissons and al-Saiedi 2013, 5). Moreover, the amalgamation of Ba'athism with Islamism under the 'Faith Campaign' enabled Hussein to co-opt and encapsulate Islamists under Ba'athist tutelage (Helfont 2018).

Although Ba'ath party membership varied considerably across Iraq's regions, membership tended to be higher in Sunni-majority areas and lower in Shia majority areas,³ and Sunnis were disproportionately represented in the party's patronage and cooptation networks and occupied both rank-and-file and lower echelons of party ranks (Blaydes 2018, 164). For example, Sunni provinces in central Iraq were the largest beneficiaries of the 'Friends of the President' designation and members of Saddam Hussein's tribal base in and around Tikrit disproportionately benefited from the 'Badge' reward programme given to a subset of individuals with the longest standing service to party (Blaydes 2018, 164). Moreover, 'higher-order benefits associated with the Ba'th Party disproportionately went to individuals who came from the geographic regions closest to Tikrit, as they served as the regime's loyal core' (Ibid, 165). Consequently, the dismantling of the

Table 1. National Ba'ath Party Membership, 1986–2002.

Branch Rank (highest to lowest)	1986	2002
Bureau Members or Secretary Generals	82	76
Branch Members	234	1,027
Section Members	1,179	6,128
Division Members	6,235	45,537
Active Members	32,655	223,622
Apprenticed Members	20,347	254,081
Supporters	589,004	1,113,211
Sympathizers	987,708	2,328,080
Total	1,637,444	3,971,762

Source: Sassoon 2012, 52.

security sectors of the state, the dissolution of the Ba'ath party, and the adoption of exclusive lustration through de-Ba'athification created a security dilemma for the Sunni-Arab community that obstructed their integration into the post-Ba'athist state.

As the sole political and civilian governing institution, the CPA acted as an international supervisory authority with full legislative, executive, and administrative powers from 2003–2004 (Dobbins et al. 2009, xiii). Led by Paul Bremer III, who was directly appointed by George W. Bush with no prior experience in Iraq or in conflict and development, and lacking proficiency in Arabic, Bremer was 'widely viewed as having both the diplomatic polish and the neoconservative credentials to win support from both the State Department and the Pentagon' (Dao 2003). As an occupying governing authority, the CPA initiated the transitional process, set the rules and executed Iraq's transition absent endogenous support (Guttieri and Piombo 2007, 5).⁴ Bremer issued two critical orders within two months of the occupation. On May 16, 2003, the CPA Order No. 1 mandated an extensive purge and dissolution of the Ba'ath Party and its entities that had ruled Iraq for over three decades. Pursuant to order No. 1, Order No. 2 dissolved all Ba'ath party entities, party structures, financial institutions, leaders, and leadership positions, that led to a systematic and direct cleansing of individuals and technocrats deemed to be party supporters, including key bureaucratic, political, security, and intelligence institutions, as illustrated in Table 2.

Although all CPA orders were dissolved after the transfer of sovereignty to the Interim Iraqi Government in June 2004, de-Ba'athification was re-established under Law No. 10 of 2008 as the *Law of Supreme National Commission of Accountability and Justice* to 'dismantle the system of the Baath Party from the Iraqi Society, state institutes and civil society organizations ideologically, administratively, politically, culturally and economically' (Mallat and Chodosh 2012, 951). Article 3 attributes six core functions to the Commission centered around preventing the resurgence of the Ba'ath party, abolishing Ba'athist entities, and facilitating the establishment of a victims' compensation fund (Ibid, 953-54).

While precise figures are difficult to ascertain, de-Ba'athification resulted in the purging of an estimated 20-120,000 Iraqis, including doctors, teachers, and other technocrats.⁵ The dissolution of the army left an estimated 500,000 Iraqi soldiers armed, unemployed, and

Table 2. Institutions Targeted for de-Ba'athification.

Governing Institutions	Military Institutions	Paramilitary Units	Other
The Presidential Diwan/Council; the Presidential Secretariat; the National Assembly; Ministry of Information; Ministry of State for Military Affairs; the Iraqi Intelligence Service; Revolutionary, Special, and National Security Courts; the National Security Bureau; the Directorate of National Security (<i>Amn al'am</i>); the Special Security Organization; <i>Murafaqin</i> (Saddam's companions/bodyguards); <i>Himaya al-Khasa</i> (Special Guards)	Ministry of Defense; The Army; Air Force; Navy; the Air Defense Force; the Republican Guard; the Directorate of Military Intelligence; the <i>al-Quds</i> Force; Emergency Forces (<i>Quwat al-Tawari</i>);	Saddam Fedayeen; Ba'th Party Militia; Friends of Saddam; Saddam's Lion Cubs (<i>Ashbal Saddam</i>)	The Youth Organization (<i>al-Futuawah</i>); National Olympic Committee

Source: Ehrenberg et al. (2010, 186-88).

without pension until a vetting process was put in place a few months later that reinstated selective pension payouts (Special Inspector General Iraq Reconstruction 2009, 75; Ucko 2008, 343–44). Although Order No. 2 excluded the Iraqi federal police, rampant corruption, looting, and the failure to devise a plan to integrate the force prior to its disbursement severely constrained post-invasion security provision (Special Inspector General Iraq Reconstruction 2009, 124–25). Perceptions toward Sunni Arabs as rejectionists and Saddamists by American policymakers obstructed their integration during the formative years of the transition. This was reflected in George W. Bush's 2005 National Strategy for Victory in Iraq, noting that:

Rejectionists are the largest group. They are largely Sunni Arabs who have not embraced the shift from Saddam Hussein's Iraq to a democratically governed state. Not all Sunni Arabs fall into this category. But those that do are against a new Iraq in which they are no longer the privileged elite ... Saddamists and former regime loyalists harbor dreams of reestablishing a Ba'athist dictatorship and have played a lead role in fomenting wider sentiment against the Iraqi government and the Coalition ... we judge that few from this group can be won over to support a democratic Iraq, but that this group can be marginalized to the point where it can and will be defeated by Iraqi forces. (White House, National Strategy for Victory in Iraq 2005)

Exclusive lustration in Iraq contributed to the Sunni Arab community's hesitance toward accepting the post-2003, fuelled the Sunni insurgency and the ensuing civil war of 2007, and obstructed the application of post-conflict transitional justice and reconciliation. While the Sons of Iraq (Sol)⁶ Awakening of 2006–2007 mobilized the Sunni Arab community against al-Qaeda and other Sunni extremist groups and transformed the communication and exchange networks between the Sunni community, Coalition forces, and the Iraqi government (Lynch 2011), financial rewards incentivized recruitment into the Sol. An estimated 100,000 members of the Sol were recruited by the Multinational Force (MNF) from 2005–2010 following an agreement between the MNF and then PM Nouri al-Maliki to integrate the force into military and civilian employment. By 2008, an estimated 51,000 Sol members received \$300 per month, for a total sum of \$16 million per month from the U.S. government (Bruno 2008). The MNF programme cost an estimated \$370 million between 2007–2009 (Office of the Special Inspector General for Iraq Reconstruction 2011, 1). However, by 2009, only 18,000 Sol were absorbed into various sectors of the Iraqi government (Rayburn and Sobchak 2019, 470). Payment delays coupled with al-Maliki's growing authoritarianism and characterization of the Sol as Sunni insurgents and terrorists amplified the community's distrust of the state, leading to desertions and its eventual collapse (ibid, 536–38).

Subverting peacebuilding: assessing de-Ba'athification and its outcomes

Three conditions shape conflict between groups and governments in divided societies – if representatives of an ethnic groups are excluded from state power, particularly if that group experienced a recent loss of power; if aggrieved groups have high mobilizational capacity; and, if groups have experienced conflict in the past (Cederman, Wimmer, and Min 2010, 88). In Iraq, the history of ethnic elite capture of state institutions shaped patterns of exclusion since the time of state formation (Mako 2016). Given that Sunni-Arabs controlled governance prior to 2003, the change in power dynamics following foreign-imposed regime change in 2003 altered the balance of power between contending

ethnic groups in favour of those previously excluded from governance. Whereas the *muhassasa* system undermined state capacity and hampered cross-communal cohesion (Dodge 2020), unconstrained de-Ba'athification likewise subverted cross-communal engagement and made lustration an instrument of retribution. As noted by Al-Marashi (2021), the dissolution of the armed forces without engaging in security sector reform post-2003 produced a weak and fragmented army incapable of claiming monopoly over the legitimate use of force and one reliant on militias to outsource security. Moreover, vast purges alienated and undermined Iraq's wealthy and well-established technocrats and created a crisis of governance (Jabar 2004, 5). Efforts to reform de-Ba'athification to redirect punitive measures toward only high-ranking officials while allowing low-ranking members who had not committed crimes to return to their jobs and receive pensions had become the single most important legislative issue for national reconciliation by 2007 (Wikileaks 2007, Cable 07BAGHDAD451). With vast powers anchored in patronage and little oversight over its scope and application, the Commission pursued mass purges during the formative years of the transition (Lafourcade 2012, 190). These processes manufactured and reinforced a 'diabolical enemy image schema' of the Sunni-Arab community sustained by an exclusive ethnic elite pact (Dodge 2012).

Interviews with Iraqi officials and former members of the Ba'ath party illustrate how exclusionary lustration subverted transitional justice and inclusionary governance in the emergent state. Hekmat Dulaimi, a member of the Anbar Provincial Council from 2009–2013 who also served as the secretary general and policy adviser to the Anbar government and a spokesperson for the Anbar Awakening between 2006–2009, illuminated the discrepant ways lustration was applied between Shia and Sunni members of the regime, noting:

de-Ba'athification was based on eliminating loyalty to the regime, but the influence of Dawa, Saddamists in the Commission helped integrate Shia members into governance and many acquired government positions, but the Sunnis who didn't have powerful connections and parties to count on, were affected the most. As a result, those who suffered were mostly Sunni. The Commission disproportionately targeted high-ranking Sunnis, but high-ranking Shias were integrated into main Shia parties easily. They were given an opportunity to join Hizb al-Dawa, Saddamists, and others and thus acquire new livelihoods. (Author interview with Hikmat Dulaimi 2021, Erbil and Boston)

Similarly, Faisal Isawi, a member of the Provincial Council in Anbar, explained that 'from the beginning, when the Kurds and Shias met with the Americans to devise the post-2003 order, Sunnis Iraqis didn't agree with the invasion. The system that came to be instituted and especially under de-Ba'athification equated Sunnis with Ba'athists and terrorists and ostracized the community from the state ... there was little chance for Sunnis to be integrated like Shia and Kurds' (Author interview with Faisal Isawi 2021, Anbar and Boston). Dr. Mouayad al-Windawi, who served as a director of the Research and Development Center at the Ministry of Interior prior to 2003 and later a political affairs officer for UNAMI between 2005–2011, reiterated the arbitrary and retributive ways in which de-Ba'athification was used to ban candidates from Sunni areas from running for national, provincial, and local elections, only to have their status reinstated six-months following the election and prevented those affected from forming or joining civil society organizations (Author interview with Dr. al-Windawi 2019, Amman). For Dr. al-Windawi, 'de-Ba'athification wasn't only about justice and accountability, it was to secure the interests, seek revenge, and protect the interests of those who took power in 2003' (ibid).

Yonadam Kanna, an Assyrian member of the Iraqi parliament and a prominent figure in the Iraqi opposition in exile prior to 2003 who served on the first de-Ba'athification Commission, noted that the capture and politicization of the Commission from its inception led to widespread purges of low-ranking division (*firqa*) members out of universities and hospitals (Author interview with Yonadam Kanna 2017, Baghdad). Kanna went on to note that,

Unfortunately, the Commission was badly abused by the people in power. It was politicized as a tool to exclude people by powerful Shia parties, and opposition groups like Sunnis were kicked out and prevented from running in the elections. It was either as a tool to exclude them or as a tool to make money-to pay money to reinstate status, leading to some members of the former regime to make alliances and friendships with al-Qaeda and ISIS. Most high-ranking ISIS members in Iraq were former regime members or victims of sectarianism and people who were unhappy and felt excluded, whose bread and livelihoods were cut off. Iraqis who were in this Commission didn't do a good job at administering it. It became the reason for strong opposition against the new government. (Yonadam Kanna interview with the author, 2017, Baghdad)

De-Ba'athification's impact on Sunni Arabs reverberated throughout the formative months and years following the occupation. By 2006 over 450 teachers, 17 Tikriti university professors, 86 healthcare professionals, 4 judges, 330 police officers, and hundreds of local technocrats were out of work in Salahdin province with its capital Tikrit, Saddam Hussein's tribal base (Wikileaks 2006, Cable 06BAGHDAD745). The impact of this on local grievances was reflected in an American diplomatic cable by Ambassador Zalmay Khalilzad in December 2006:

In the Baathist heartland of Salah ad Din (SaD), the effects of de-Baathification and dismantling of the former Iraqi Army are causing SaD Sunnis to resist engagement in the political process ... over 1,300 former Baathist professionals, all of whom are Group members (Firqas) or below, believe they have properly completed applications for exceptions, but have reportedly not received notice of action on their cases from the HNDC. Many more government retirees and former IA officers have been disallowed from receiving their pensions. SaD Sunnis have largely accepted that de-Baathification will remain in place, but they do want to see the regulations relaxed, a HNDC that functions efficiently when reviewing files, and Sunni representation on the HNDC (by which they mean a Sunni who was in the country during Saddam's regime) ... we fear that if the changes to the de-Baathification regulations do not allow the SaD Sunnis to return to work and to participate in government, then we will see those individuals become more supportive of insurgent elements. (Wikileaks 2006, Cable 06BAGHDAD745)

The banning of an estimated 500 politicians (mostly Shia but including prominent Sunni-Arab candidates) with alleged ties to the Ba'ath Party from the 2010 election, was viewed by prominent Shia PM Iyad Allawi as a 'gross failure' and a cover for concealing governing inefficiencies (Abbas and Mohammed 2010). Although initial analyses overestimated the link between former Ba'athists and the Islamic State (IS) (Barfi 2016; Whiteside 2017), nineteen of the twenty known top IS leaders, including cabinet members, members of the war office, and the IS governors of Iraqi territory, were Ba'athist loyalists from the Men of the Army of the Naqshbandia Order (Patel 2015, 3).

American policymakers made little effort to constrain its overreach once the CPA disbanded in 2004, which heightened the Sunni-Arab community's security dilemma following regime change. By his own admission, Paul Bremer III acknowledged that 'I certainly made a mistake in how I allowed Iraqi politicians to be responsible for the implementation

of de-Baathification. It might be that if we had done that better, it would have helped certainly at the margins I'm not sure it would have made a major difference in where things stand today' (Author interview with Paul Bremer III 2013, Vermont). While the purge affected Shia and Sunnis, Sunnis were disproportionately affected given that there was 'less of a willingness to overlook Ba'ath Party membership at level four for Sunnis than there was for Shia' (ibid). Paul Wolfowitz, U.S. Deputy Secretary of Defense from 2001-2006, and a neoconservative architect of the occupation and proponent of de-Ba'athification in its most severe form and an ally of Ahmad Chalabi in the lead up to the war, acknowledged that Chalabi discriminated between Shia and Sunni members of the former regime undergoing lustration, noting that 'if you were a Shi'a Ba'ath you were accepted but if you were a Sunni Ba'ath then it was an issue' (Author interview with Paul Wolfowitz 2018, Washington, D.C.).

On an operational and strategic level, the dismantling of Iraqi security sectors led to discord between the civilian arm of the occupation and the American military – namely, CENTCOM, the Combined Joint Task Force for Iraq and the Coalition Forces Land Component Command, given that the latter planned to retain large components of the Iraqi army to aid with security and reconstruction immediately after the invasion. This failure is echoed by Rayburn and Sobchak (2019, 140) in noting that 'U.S. officials made a series of decisions that dramatically expanded the invasion's impact on the Iraqi state and society, precipitating a governance vacuum at all levels in Iraq.' American military leaders operated under the assumption that beyond toppling the regime, key security apparatuses of the state would remain intact because it 'put an Iraqi face on the conflict' given that Iraqi troops could provide indispensable situational awareness and local intelligence that coalition forces lacked and could thus assist with maintaining security (ibid 2019, 340). The U.S. military cautioned against dismantling the Iraqi army precisely because 'its dissolution created a large population of seasoned military men who suddenly had no livelihood. Ignoring warning signals from Jay Garner, the Director of the Office for Reconstruction and Humanitarian Assistance of Iraq that an expansive purge of Iraq's security sectors and governing institutions would produce catastrophic outcomes, Bremer wanted to reassure Iraqis that the U.S. was committed to eradicating "Saddamism"' (Chandrasekaran 2006, 70). The strategic impact of de-Ba'athification on U.S. operations following the invasion was echoed by General David Petraeus, the Commander of the Multi-National Force in Iraq between 2007-2008:

These two orders essentially cut our legs out from underneath us. In many respects, these orders created fertile fields for the planting of the seeds of Sunni insurgency and extremism ... the firing of the military without telling them what their future was (for five long, increasingly violent weeks until a stipend program was announced and it was de-Baathification down to level for and de-Baathification without an agreed reconciliation process to give some hope to those cast out of their jobs, their homes, their status in communities, and their lives as they knew them. (Author interview with General David Petraeus 2018, New York)

Inadequate coordination between the DoD and the State Department obscured tactical and political cooperation and administration of the post-invasion transition. The dismantling of Iraq's key security sectors by the CPA produced a security vacuum that fuelled the insurgency months following the occupation. As noted by John Nixon, the first CIA officer to interrogate Saddam Hussein up on his capture:

We went from a period where Sunnis were helpful to where they were hostile, even with no Shia insurgency, there was an emerging Sunni insurgency, and certainly the de-Baathification order is very much a market point a watershed moment to when the hostility begins to grow ... The return of these emigres who had political agendas to advance and realization that everything was up for grabs and that the Sunnis were almost completely being shut out of this. This perception was mild in the beginning but grew more so and one of the key perceptions that helps erupt the sectarian violence in 2004 onward. (Author interview with John Nixon, 2018, Washington, D.C.)

Expedient and incongruent planning in the lead up to and following the invasion affected the statebuilding effort and fundamentally altered the balance of power between contending social forces. According to Ambassador Robert Ford, a senior adviser to the CPA between 2003-2004, inadequate planning before March 2003 crippled the post-invasion transition. Whereas Shia and Kurdish leaders dominated the post-invasion transition, little to no effort was made to contact and include Sunnis Arabs as key stakeholders in the statebuilding process, noting that CPA officials lacked the linguistic and cultural experience and ‘were over their heads because a lot of expat Iraqis were Shia and Kurds, who were good about telling us what we wanted to hear ... the Americans working on these issue didn’t have the experience to triangulate what was being told to them’ (Author interview with Ambassador Robert Ford 2021, Maine).

Conclusion

This article examined the impact and enduring legacies of de-Ba’athification on transitional justice and peacebuilding in post-2003 Iraq by illustrating the perils of political and institutional engineering through foreign-imposed regime change. The literature on lustration shows that, depending on the scope, extent, and level of institutionalization, lustration can act as an instrument of transitional justice and national reconciliation in post-conflict settings. As cases of lustration in post-war Germany and in the East and Central European communist transitions illustrate, targeted vetting programmes with multi-layered judicial oversight mechanisms can produce conciliatory outcomes and foster transitional justice and peacebuilding in states transitioning from authoritarian rule. In all four cases Iraq was compared to post-war Germany, the Czech Republic, Hungary and Poland, initial lustration laws were amended to reflect heterogenous elites demands and broader judicial and legislative oversight as mechanisms for safeguarding democratic transitions (Williams, Fowler, and Szczebriak 2005).

In contrast with the aforementioned cases, lustration in Iraq was myopic and prioritized immediate institutional overhaul over gradual, inclusive, and cross-sectoral reform, which delegitimized its scope and mandate. Moreover, the disproportionate reliance on a narrow circle of expatriate elites previously excluded from state power, primarily Shia Arabs and Kurds, led to indiscriminate purges and reconstituted the boundaries of exclusion of Sunni Arabs from the spoils of governance. The incoherent application of exclusive lustration particularly under the occupation between 2003–2004 created the opportunity structure for the ethnification of the statebuilding process. The comprehensive dismantling of key governing and security institutions of the state obstructed counterinsurgency efforts and contributed to the decline in trust of the statebuilding process, which undermined governance and stability. Thus, although de-Ba’athification was envisaged as a tool of transitional justice for demilitarizing Iraqi state and society by dismantling the regime’s

institutions and networks of control, its failure is an outcome of two interlinked processes. First, weak rule of law and the absence of judicial autonomy made lustration in Iraq susceptible to ethnic elite capture and politicization. Ingrained patronage empowered dominant political parties, which facilitated its overreach by the executive branch of government controlled by powerful communal party blocks. Second, the comprehensive dismantling of key governing institutions came at the expense of excluding Iraqi technocrats with the institutional knowledge to shepherd the transition. These factors contributed to the de-institutionalization of de-Ba'athification as an instrument of transitional justice and peacebuilding.

External statebuilding and peacebuilding in Iraq failed to foster the conditions that reinforce social and political cohesion alongside structural and institutional reforms (Lemay-Hébert 2009). The origin, formation, and execution of de-Ba'athification illuminates the hazards of unconstrained lustration as a remedial tool for addressing the past. Pervasive purges impeded national reconciliation and subverted peacebuilding by excluding key segments of the population from the exchange networks that bind a state to its society and propelled excluded groups to resist the new order, creating a struggle 'over who has the right to rule' (Wimmer 2013, 15-16). The case of Iraq demonstrates the complex challenges of devising inclusive political institutions while addressing transitional justice and reconciliation in divided, post-colonial states. Institutional choices matter precisely because they set the rules of the game and determine the path by which subsequent elites govern the state and distribute the spoils of governance. The application of exclusive lustration and dismantling of key institutions of the state by expatriate Iraqi elites and American policymakers at the onset of the 2003 transition impeded and limited the scope and implementation of coherent transitional justice and peacebuilding mechanisms as tools for bolstering national reconciliation and fostering inter-ethnic cohesion. Iraq thus serves as a cautionary tale of adopting one-size fits-all institutional engineering practices and, specifically, the design and implementation of lustration programmes, in divided societies transitioning from authoritarian rule.

Notes

1. Occupation refers to 'the temporary control of a territory by another state that claims no right to permanent sovereign control over that territory' (Edelstein 2004, 52).
2. Political exclusion denotes the 'denial of political rights to specific ethnic or ethnoregional communities, most notably the right to vote, organize political parties, freely contest elections, and thus become full participations in the political life of their country' (Lemarchand 2004, 66).
3. Two reasons explain higher Iraqi Shias Ba'ath party membership noted in works by Sassoon and Blaydes, First, Shia over representation in Ba'ath party membership is reflective of their majority demographics as they constitute the largest communal bloc in Iraq. Second, membership was mandatory for employment in state and civil service positions, which contributed to the overrepresentation of Shias as the country's demographic majority. These two factors offer a political economy explanation for higher Shia Ba'athist membership rather than an entrenched alignment of Shia Arabs to Ba'athist ideology.
4. For a concise literature on the role of the CPA see, (Jabar 2004; Diamond 2004; Barakat 2005; Special Inspector General-Iraq Reconstruction 2009, 78–85; Dobbins et al. 2009; and Cooper and Catchpole 2009).
5. Estimates fall within the noted range-see, (Phillips 2005, 145). Rayburn and Sobchak place the estimate between 30,000-50,000 Iraqis including senior civil servants, military leaders, and university professors (Rayburn and Sobchak 2019, 141).

6. The Sol were local recruits from predominantly Sunni regions who provided intelligence regarding insurgent locations, enemy combatant weapons caches, acted as a force multiplier for the Iraqi and American armies, and limited insurgent recruitment (Special Inspector General for Iraq Reconstruction 2011, 5).

Acknowledgements

I would like to thank the participants at the workshop on peacebuilding and transitional justice in Iraq held at Boston University and the workshop on Religion, Violence, and the State in Iraq hosted by the Project on Middle East Political Science (POMEPS) and the Crown Center for Middle East Studies at Brandeis University, both held Spring 2019. I extend my gratitude to the two anonymous reviewers for their careful reading of the manuscript. Lastly, the editors of the journal, Florian Kühn and Pol Bargaqués, for their support, patience, and feedback during the revision process especially in light of the constraints brought on by the COVID-19 pandemic.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Notes on contributor

Shamiran Mako is an assistant professor of international relations at the Pardee School of Global Studies at Boston University.

ORCID

Shamiran Mako  <http://orcid.org/0000-0002-1617-2734>

References

- Abbas, Mohammed, and Muhanad Mohammed. 2010. "Interview-Former Iraq PM: poll ban risks civil war." *Reuters*, February 8. Accessed January 3, 2018. <https://www.reuters.com/article/idUSLDE617230>.
- Al-Marashi, Ibrahim. 2021. "Demobilization Minus Disarmament and Reintegration: Iraq's Security Sector from the US Occupation to the Covid-19 Pandemic." *Journal of Intervention and Statebuilding*.
- Allawi, Ali A. 2007. *The Occupation of Iraq: Winning the War, Losing the Peace*. New Haven: Yale University Press.
- Baker, Catherine and Jelena Obradovic-Wochnik. 2016. "Mapping the Nexus of Transitional Justice and Peacebuilding." *Journal of Intervention and Statebuilding* 10 (3): 281–301. doi:10.1080/17502977.2016.1199483
- Barakat, Sultan. 2005. "Reconstructing Post-Saddam Iraq: an Introduction." *Third World Quarterly* 26 (4-5): 565–570. doi:10.1080/01436590500127461
- Barfi, Barak. 2016. "The Military Doctrine of the Islamic State and the Limits of Ba'athist Influence." *CTCSentinel: Combating Terrorism Center at West Point*. February. Accessed March 20, 2018. <https://ctc.usma.edu/wp-content/uploads/2016/02/CTC-SENTINEL-Vol9Iss211.pdf>
- Bertram, Eva. 1995. "Reinventing Governments: the Promise and Perils of United Nations Peace Building." *The Journal of Conflict Resolution* 39 (3): 387–418.
- Blaydes, Lisa. 2018. *State of Repression*. Princeton: Princeton University Press.
- Boehling, Rebecca. 2006. "American Occupations: Germany 1945, Iraq 2003-2005." *GHI Bulletin* 38 (Spring): 153–155.

- Bruno, Greg. 2008. "Finding a Place for the 'Sons of Iraq'". *Council on Foreign Relations*. April 23. Accessed 10 September 2019. <https://www.cfr.org/backgrounder/finding-place-sons-iraq>
- Cederman, Lars-Erik, Andreas Wimmer, and Brian Min. 2010. "Why Do Ethnic Groups Rebel: New Data Analysis." *World Politics*, 62 (1): 87–119. doi:10.1017/S0043887109990219
- Chalabi, Ahmad. 1991. "Democracy for Iraq." *Washington Post*. March 12. Accessed April 1, 2011. <https://www.washingtonpost.com/archive/opinions/1991/03/12/democracy-for-iraq/0bf8c281-0639-4bb3-bdee-b5734f33e622/>
- Chandrasekaran, Rajiv. 2006. *Imperial Life in the Emerald City*. New York: Alfred A. Knopf Books.
- Coalition Provisional Authority. <https://govinfo.library.unt.edu/cpa-iraq/regulations/>
- Cooper, Christine, and Lesley Catchpole. 2009. "US Imperialism in Action: An Audit-Based Appraisal of the Coalition Provisional Authority in Iraq." *Critical Perspectives on Accounting*, 20 (6): 716–734. doi:10.1016/j.cpa.2008.12.003
- Dao, James. 2003. "At the Helm in Shattered Iraq; Lewis Paul Bremer III." *New York Times*, May 8. Accessed January 3, 2018. <https://www.nytimes.com/2003/05/08/world/aftereffects-overseer-man-helm-shattered-iraq-lewis-paul-bremer-iii.html>
- David, Roman. 2003. "Lustration Laws in Action: the Motives and Evolution of Lustration Policy in the Czech Republic and Poland (1989-2001)." *Law and Social Inquiry* 28 (2): 387–439. doi:10.1111/j.1747-4469.2003.tb00197.x
- David, Roman. 2006. "From Prague to Baghdad: Lustration Systems and Their Political Effects." *Government and Opposition* 41 (3): 347–372. doi:10.1111/j.1477-7053.2006.00183.x
- Democratic Principles Working Group. 2003. "Iraqi Opposition Report on the Transition to Democracy." *Journal of Democracy* 14 (3): 14–29. doi:10.1353/jod.2003.0051
- Diamond, Larry. 2004. "What Went Wrong in Iraq." *Foreign Affairs*, September/October. Accessed April 1, 2017. <http://www.foreignaffairs.com/articles/60095/larry-diamond/what-went-wrong-in-iraq>
- Dobbins, James, Seth G Jones, Benjamin Runkle, and Siddharth Mohandas. 2009. *Occupying Iraq: a History of the Coalition Provisional Authority*. Santa Monica: RAND Corporation.
- Dodge, Toby. 2012. "Enemy Images, Coercive Socio-Engineering and Civil War in Iraq." *International Peacekeeping*, 19: 461–477. doi:10.1080/13533312.2012.709756
- Dodge, Toby. 2020. "The Failure of Peacebuilding in Iraq: the Role of Consociationalism, and Political Settlements." *Journal of Intervention and Statebuilding* (3). doi:10.1080/17502977.2020.1850036
- Edelstein, David M. 2004. "Occupational Hazards: Why Military Occupations Succeed or Fail." *International Security* 29(1): 49–91. doi:10.1162/0162288041762913
- Ehrenberg, John J, Patrice McSherry, José Ramón Sánchez, and Caroleen Marji Sayej. 2010. *The Iraq Papers*. New York: Oxford University Press.
- Feldman, Noah. 2004. *What We Owe Iraq*. Princeton: Princeton University Press.
- Guttieri, Karen, and Jessica Piombo. 2007. "Issues and Debates in Transitional Rule." In *Interim Governments*, edited by Karen Guttieri and Jessica Piombo, pp. 3–34. Washington: United States Institute of Peace Press.
- Helfont, Samuel. 2018. *Compulsion in Religion: Saddam Hussein, Islam, and the Roots of Insurgencies in Iraq*. New York: Oxford University Press.
- Horne, Cynthia M. 2012. "Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe." *Comparative Political Studies* 45 (4): 412–446. doi:10.1177/0010414011421766
- Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Isakhan, Benjamin, Shamiran Mako, and Fadi Dawood (eds). 2017. *State and Society in Iraq: Citizenship Under Occupation, Dictatorship, and Democratisation*. London: I.B. Tauris.
- Jabar, Faleh A. 2004. "Postconflict Iraq: a Race for Stability, Reconstruction, and Legitimacy". *US Institute of Peace*. Accessed April 1, 2017. https://books.google.com/books?id=tBuSAAAMA AJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false
- Jarstad, Anna K. 2008. "Dilemmas of war-to-Democracy Transitions: Theories and Concepts." In *From War to Democracy: Dilemmas of Peacebuilding*, edited by Anna K. Jarstad and Timothy D. Sisk, pp. 17–36. New York: Cambridge University Press.

- Juncos, Ana E. and Jonathan Joseph. 2020. "Resilient Peace: Exploring the Theory and Practice of Resilience in Peacebuilding Interventions." *Journal of Intervention and Statebuilding* 14 (3): 289–302. doi:10.1080/17502977.2020.1745445
- Kritz, Neil J. 1995. *Transitional Justice, Vol. II*. Washington, DC: United States Institute of Peace Press.
- Lafourcade, Fanny. 2012. "How to 'Turn the Page'? The National Iraqi Leadership After 2003 and the de-Baathification Issue." In *Writing the Modern History of Iraq*, edited by Jordi Tejel, Peter Sluglett, Riccardo Bocco, and Hamit Bozarslan. New Jersey: World Scientific.
- Lake, David. 2016. *The Statebuilder's Dilemma*. Ithaca. Cornell University Press.
- Lemarchand, René. 2004. "Exclusion, Marginalization, and Political Mobilization: the Road to Hell in the Great Lakes." In *Facing Ethnic Conflicts*, edited by Andreas Wimmer, Richard J. Goldstone, Donald L. Horowitz, Ulrike Joras, and Conrad Schetter, 61–77. New York: Rowman & Littlefield.
- Lynch, Marc. 2011. "Explaining the Awakening: Engagement, Publicity, and the Transformation of Iraqi Sunni Political Attitudes." *Security Studies* 20 (1): 36–72.
- Mako, Shamiran. 2016. *Exclusion and Authoritarianism in Iraq: Explaining the Limits of Institutional Design and Ethnic Conflict Management in a Divided Society*. PhD Thesis. Edinburgh. The University of Edinburgh.
- Mako, Shamiran and Alistair Edgar. 2021. "Introduction: Evaluating the Pitfalls of Liberal Statebuilding in Post-2003 Iraq (2003-2021)." *Journal of Intervention and Statebuilding* 14 (3).
- Mallat, Chibli, and Hiram Chodosh. 2012. *Law in Iraq*. New York: Oxford University Press.
- National Security Archive. "USCENTCOM: Desert Crossing Seminar: After Action Report." Declassified on July 2, 2004. Accessed April 15, 2018. https://nsarchive2.gwu.edu/NSAEBB/NSAEBB207/Desert%20Crossing%20After%20Action%20Report_1999-06-28.pdf
- Organization for Economic Cooperation and Development (OECD). 2011. *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance*. OECD Publishing. Accessed August 10, 2020. <https://www.oecd-ilibrary.org/docserver/9789264074989-en.pdf?expires=1613149640&id=id&accname=ocid177539&checksum=DF1768EE5A00839BD0E6F3E97CE6DF02>
- Phillips, David L. 2005. *Losing Iraq*. New York: Westview Press.
- Plischke, Elmer. 1947. "Denazification Law and Procedure." *The American Journal of International Law*, 41 (4): 807–827. doi:10.2307/2193091
- Rayburn, Joel D, and Frank K. Sobchak. 2019. *The U.S. Army in the Iraq War. Carlisle*. Barracks: US Army War College Press.
- Roston, Aram 2008. *The Man Who Pushed America to War*. New York: Nation Books.
- Sassoon, Joseph. 2012. *Saddam Hussein's Ba'ath Party: Inside an Authoritarian Regime*. New York: Cambridge University Press.
- Sissons, Miranda and Abdulrazzaq al-Saiedi. 2013. "A Bitter Legacy: Lessons of De-Baathification in Iraq". *International Center for Transitional Justice*. Accessed June 1, 2018. <https://www.ictj.org/sites/default/files/ICTJ-Report-Iraq-De-Baathification-2013-ENG.pdf>
- Special Inspector General-Iraq Reconstruction. 2009. *Hard Lessons: the Iraq Reconstruction Experience*. Washington: U.S. Government Printing Office.
- Special Inspector General-Iraq Reconstruction. 2011. *Sons of Iraq Program: Results are Uncertain and Financial Controls Were Weak*. Accessed June 1, 2018. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a545951.pdf>
- Szczerbiak, Aleks. 2002. "Dealing with the Communist Past or the Politics of the Present? Lustration in Post-Communist Poland." *Europe-Asia Studies* 54 (4): 553–572. doi:10.1080/09668130220139163
- Taylor, Frederick. 2011. *Exorcising Hitler: the Occupation and Denazification of Germany*. London: Bloomsbury.
- Teidel, Ruti G. 2000. *Transitional Justice*. New York. Oxford University Press.
- Teidel, Ruti G. 2014. *Globalizing Transitional Justice*. New York: Oxford University Press.
- The White House. 2005. "National Strategy for Victory in Iraq." *National Security Council*. Accessed June 5, 2019. https://georgewbush-whitehouse.archives.gov/infocus/iraq/iraq_strategy_nov2005.html
- Tripp, Charles. 2000. *A History of Iraq*. New York: Cambridge University Press.

- Ucko, David H. 2008. "Militias, Tribes and Insurgents: the Challenge of Political Reintegration in Iraq." *Conflict, Security and Development*, 8 (3): 341–373. doi:10.1080/14678800802358171
- United States Congress. 1998. *Iraq Liberation Act*. Accessed June 1, 2018. <https://www.congress.gov/105/plaws/publ338/PLAW-105publ338.pdf>
- Whiteside, Craig. 2017. "A Pedigree of Terror: the Myth of the Ba'athist Influence in the Islamic State Movement." *Perspectives on Terrorism* 11 (3): 2–18.
- Wikileaks. 2007. "PM Insider al-Askari on DeBaathification, Sunni Leaders and Ministerial Changes." February 11. Cable 07BAGHDAD451. Accessed March 24, 2017. https://wikileaks.org/plusd/cables/07BAGHDAD451_a.html
- Wikileaks. 2006. "PRT Tikrit: the Effect of De-Baathification in Salah Ad Din." December 11. Cable: 06BAGHDAD745. Accessed March 24, 2017. https://wikileaks.org/plusd/cables/06BAGHDAD4517_a.html
- Williams, Kieran, Brigid Fowler, and Aleks Szczebriak. 2005 "Explaining Lustration in Central Europe: a 'Post-Communist Politics' Approach." *Democratization* 12 (1): 22–43. doi:10.1080/1351034042000317943
- Zeren, Aysegul Keskin. 2017. "From De-Nazification of Germany to De-Baathification of Iraq." *Political Science Quarterly* 132 (2): 259–290. doi:10.1002/polq.12618

Interviews

- Author interview with Paul Bremer III. March 28, 2013.
- Author interview with Yonadam Kanna. December 17, 2017.
- Author interview with Paul Wolfowitz. February 23, 2018.
- Author interview with General David Petraeus, November 28, 2018.
- Author interview with John Nixon, May 21, 2018.
- Author interview with Dr. Mouayad al-Windawi, July 12, 2019.
- Author interview with Hekmet Dulaimi, February 10, 2021.
- Author interview with Faisal Isawi, February 8 2021.