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Divided Opposition, Fragmented Statebuilding: Elite Bargaining in Pre- and Post-2003 Iraq

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ABSTRACT
Elite cohesion structures interethnic bargaining and institutional design in post-conflict divided societies. Although works have explored how interethnic elite bargaining affects institutional design and conflict and cooperation in multiethnic states, less attention has been paid to historical antecedents that precondition bargaining strategies and outcomes in post-conflict spaces. This article explores elite bargaining dynamics among Iraqi dissident and exiled elites prior to 2003 to explain fractionalization and incongruent institutional design following regime change. Treating elite interactions as antecedent conditions for explaining statebuilding outcomes, it situates Iraq's informal consociational power-sharing institutional design, *muhassasa,* within preceding patterns of interethnic fragmentation of the anti-Ba'thist opposition movement prior to 2003. Drawing on semi-structured interviews with dissident elites from Iraq's pre-2003 opposition and exiled groups and American policymakers, this paper illustrates how ethnic elite competition for control and state capture impeded the adoption and design of consensual and durable power-sharing institutions following regime change. Thus, although collective grievances with Ba'thist-era exclusion and repression facilitated interethnic mobilization among disparate elite, expedient statebuilding and the reliance on fractionalized opposition groups obstructed the development and evolution of a cohesive, durable, and inclusive conflict mitigating institutional design after 2003.

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KEYWORDS Elite bargaining; opposition and dissident activism; consociational power-sharing; statebuilding; Iraq

Introduction

Political elites and leaders – not functional prerequisites – constituted a key factor in Rustow's model of transitions to democracy.[1] To legitimize external state-and-peacebuilding, international actors often rely on a cadre of political elites in democratization through external interventions.[2] In instances of

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[1]Rustow, "Transitions to Democracy," 361.
[2]Lake, "The Practice and Theory of US Statebuilding"; Mac Ginty and Richmond, "The Local Turn; Richmond, *Failed Statebuilding*, 20–23.
This article has been corrected with minor changes. These changes do not impact the academic content of the article.

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democratization via foreign-imposed regime change, dissident, exiled, and émigré elites can have an outsized influence in shaping statebuilding and institutional design efforts, resulting in an 'ethnocracy trap'.[3] Consensus and cooperation, the dual processes that govern elite interactions during the transitional phase of statebuilding, determine the type and durability of power-sharing arrangements in deeply divided societies.[4] In states with a history of ethnic power asymmetries and exclusion, inclusive statebuilding entails moving from 'contesting to cooperating and from a winning mentality to a conciliatory mentality'.[5] The success of post-conflict institutional engineering is thus predicated on the formation of an inclusive political settlement as an 'agreement, principally between elites, on the balance and distribution of power and wealth, on the rules of political engagement and on the nature of the political processes that connect state and society'.[6] Thus, variation in elite consensus can determine the durability of lock-in commitments that undergird consociational power-sharing as a conflict reducing institutional arrangement in deeply divided societies.

Existing works on post-conflict statebuilding emphasize the importance of elite consensus and bargaining for power-sharing institutions as negotiated settlements aimed at minimizing the eruption of violence.[7] Power-sharing is invoked as an institutional mechanism for controlling centrifugalism in divided societies transitioning from authoritarian rule.[8] An extant literature on state-and-peacebuilding underscores the presence of pre-existing conflict as key factors for justifying international interventions. This creates an ambiguous space for transitions stemming from foreign interventions absent civil war. As Mako and Edgar (2021) argue, Iraq is an outlier case within this strand of literature given that Iraq was neither war-torn, nor at the brink of civil war prior to 2003.[9]

This article analyzes the antecedent conditions that impeded the emergence of durable and inclusive consociational power-sharing following regime change in Iraq through an examination of dissident and exile elite bargaining dynamics within the Iraqi opposition a decade preceding the 2003 invasion. I map fractionalization within the Iraqi dissident and opposition groups in the decade leading up to the 2003 invasion to elucidate how pre-war conditions structured post-war fragmentation and ethnic state

[3]Lise Morjé Howard, "Ethnocracy Trap," 155–56.

[4]A divided society is "both ethnically diverse *and* where ethnicity is a *politically salient* cleavage around which interests are organized for political purposes, such as elections." Rilley, *Democracy in Divided*, 4.

[5]Barnes, "Renegotiating the Political,"19.

[6]OECD, "From Power Struggles," 3.

[7]Hartzell and Hoddie, "Institutionalizing Peace"; Sisk, *Power Sharing and International*; Jarstad, "Power sharing"; Bumba "Why Political Power-Sharing"; Jung, "Power-sharing and democracy".

[8]Lijphart, "Majority Rule Versus Democracy"; Lijphart, "Constitutional Design"; Sambanis, "Power-Sharing and Peace-Building"; Norris, *Driving Democracy*; Graham, Miller, and Strøm, "Safeguarding Democracy"; Wolff, "Post-Conflict State Building".

[9]Mako and Edgar, "Evaluating the Pitfalls".

capture.[10] In deeply divided societies, elite bargaining during the transitional phase can determine the extent and scope of interethnic cohesion and dictate the binding principles of an emergent political order. Focusing on dissident and exiled elite interactions and power dynamics within the Iraqi opposition, I demonstrate that while dissident groups mobilized and agreed on the most basic principle of ousting Saddam from power based on collective experiences with exclusion and repression, ethnic elite fragmentation and disunity within the anti-Baʿthist opposition led to the ethnification of statebuilding in two ways. Ethnic opposition groups historically excluded from state power viewed power-sharing as a corrective, rather than a conciliatory, institutional mechanism for reversing preexisting power configurations of Sunni Arab minority rule under Baʿthist Iraq. Once adopted, the *muhassasa* informal consociational power-sharing system that emerged post-2003 institutionalized neopatrimonial hierarchical governing structures that allocated and distributed the spoils of government among previously excluded ethnosectarian contenders.[11] The failure to account for short-and long-term outcomes of consociational power-sharing arrangements during the critical transitional phase of statebuilding between 2003 and 2005 incentivized the entrenchment of pre-war cleavages.[12]

To elucidate the effects of pre-war interethnic fractionalization on post-war power-sharing in Iraq, I explore the challenges and opportunities of anti-regime resistance among dissident and opposition groups pre-2003 to explain actors' motivations, institutional preferences, and governing strategies following regime change. I conducted 15 semi-structured interviews with elites active in Iraq's anti-Baʿthist opposition movement that coalesced in the 1990s, particularly following the establishment of the Kurdistan Region of Iraq (KRI) in 1991, and 1 interview with an American policymaker who served as the Department of State liaison to the Iraqi opposition throughout the 1990s. Recognizing that elite status is often relational, contingent and transitory across time and space,[13] interviews with opposition elites nevertheless fulfilled two purposes. First, I was able to gather relevant information from officials to make generalizations about key decisions, challenges, and opportunities dissident groups encountered prior to 2003 to better understand their institutional preferences following regime change. Second, I was able to obtain new information about the inner workings of dissident and opposition groups in authoritarian contexts, which included obtaining key documents pertaining to opposition activities and

[10]On antecedent conditions, see Van Evera, *Guide to Methods*, 9–10; Slater and Simmons, "Informative Regress", 889.
[11]Barma, *The Peacebuilding Puzzle*, 47.
[12]Jung, "Power-Sharing and Democracy," 490.
[13]Fujii *Interviewing in Social Science*, 20–21

organizations to better understand elite preferences.[14] Iraqi dissident interviewees were selected on the basis of them holding leadership positions within their respective movements and were representative of Iraq's ethnic and ideological diversity comprising of Shia Arabs, Kurds, Assyrian Christians, Turkmen, and an interview with a former member of the Iraqi Communist Party.

Using a snowball sampling method, I relied on interlocuters who either contacted interviewees on my behalf directly, or recommended interlocuters who gave me both direct and indirect access to interviewees across various networks in Iraq, the United States, and Europe—core sites and arenas of Iraqi dissident and opposition activities in 1990s.[15] Interviewees were sent a set of questions when asked in advance prior to scheduled interviews in English and Arabic-the preferred working languages of interviewees. All subjects were given the option to use their names or pseudonyms-none of which opted for the latter. While interviewees were not primed to answer questions directly related to their ethnosectarian identity, I used prompts to ask questions about the representativeness of the Iraqi opposition, its political and ideological composition, and factors that united and divided the opposition, more broadly. Semi-structured interviews allowed me to ask follow-up questions to acquire rich and in-depth details about timing and sequencing of events regarding opposition activities.[16] Interviews were conducted both in person and remotely across the United States, the U.K., Turkey, and Iraq (inclusive of Baghdad and the KRI). To triangulate dissident and opposition experiences with pre-and-post war outcomes, I relied on Ba'th archives, official U.S. policy and pre-war planning reports from the decade preceding the 2003 invasion, and documents pertaining to the inner workings of Iraqi opposition, including personal memoirs, shared with me during different sites visits.

The article proceeds as follows. The first section examines how antecedent conditions structure interethnic elite bargaining and institutional design choices in imposed democratization and statebuilding. It illustrates how consensus formation and elite bargaining between dissident and exiled elites affect subsequent patterns of post-conflict conflict cooperation among disparate ethnic elites in divided states transitioning from authoritarian rule. Focusing on the decade prior to 2003, the second section explores how Ba'thist exclusion and repression motivated the emergence of anti-regime resistance movements, resulting in multiple sites and forms of mobilization and international interventions. To contextualize the role and influence of Iraqi dissident and opposition groups, the third section maps opposition

[14]Goldstein, "Getting in the Door", 669.
[15]On working with interlocuters, see Fujii *Interviewing in Social Science*, 41.
[16]Rubin and Rubin, *Qualitative Interviewing*, 31–2.

mobilization, highlighting the strategic interactions, goals, and aims of dissident groups operating inside and outside Iraq throughout the 1990s and in the lead up to 2003. The last section illustrates how ethnic elite fragmentation within the Iraqi opposition prior to 2003 affected post-conflict power-sharing and elite bargaining following regime change. The article concludes by highlighting limits of interethnic elite bargaining and consensus formation in divided societies transitioning from authoritarian rule.

Sticky Legacies: Fractionalization and Ethnic Bargaining in Imposed Statebuilding

Historical legacies of exclusion and repression precondition how, when, and the extent to which dissident elites succeed in mobilizing anti-regime resistance in divided authoritarian polities. Challenging rigid accounts of mobilization in ethnically diverse societies, recent scholarship on social mobilization has illuminated the conditions and opportunities of interethnic cooperation.[17] Such works have also illustrated the ways in which past experiences and exposure to violence structure subsequent protest and mobilization in repressive states.[18] In line with an emergent body of scholarship, I argue studying dissident intergroup mobilization in authoritarian states offers insights into how shared interethnic experiences with repression shape elite bargaining and institutional preferences during political ruptures that open previously closed pathways for reform. From the outset, post-conflict statebuilding in divided societies with a shared history of deep-seated grievances alters ethnic elite interactions and structures the design and adoption of context-specific power-sharing institutions.[19] In democratization through foreign-imposed regime change, external actors often rely on vetted dissident and opposition elites for the creation of a transitional government to delineate the procedural and political mechanisms for reforming state institutions. Opposition and exiled elites play a central role because of their anti-regime organizational capacity and for their ability to provide logistical, strategic, and tactical support for external actors and intervening parties.[20] In divided societies, the nature of interethnic cooperation preconditions elite bargaining and consensus formation, which determine the extent and scope of fractionalization. These dynamics illuminate forms of contention that accompany institutional engineering in post-conflict spaces and determine 'who initiates, sets the rules for, and manages the

[17]Milan, "Navigating Ethnicity"; Murtagh, "Civic Mobilization".
[18]Kilavuz, Grewal, and Kubinec, "Ghosts of the Black Decade."
[19]Sisk, *Power Sharing and International*, 21–2.
[20]On the role of exiled and dissident elites in foreign interventions in Libya, the Philippines, and Latin America, see: Grow, *U.S. Presidents*; Fuentecilla, *Fighting from a Distance*; Martin, *All Necessary Measures?*

transitional process'.[21] Given that democratization in deeply divided societies increases the politicization of ethnic identities as leaders 'play the ethnic card' to mobilize their ethnic base, ethnic elite bargaining and consensus building during the transitional phase of statebuilding structures the parameters of political inclusion and exclusion from the emergent political order.[22]

I argue such interactions serve as antecedent conditions for determining the durability of a given political settlement as an 'ongoing agreement among a society's most powerful groups over a set of political and economic institutions expected to generate for them a minimally acceptable level of benefits, and which thereby ends or prevents generalized civil war and/or political and economic disorder'.[23] In transformative statebuilding with the aim of changing a targeted state's leadership and institutions, external actors face a systemic dilemma of appeasing disparate ethnic elites and the selection of power-sharing institutional arrangements that generate elite commitment and cooperation to the democratizing process.[24] This process often entails the selection and vetting of politically relevant elites by the intervening party 'who wield political influence and power in that they make strategic decisions or participate in decision making on a national level, contribute to defining political norms and values, and directly influence political discourse on strategic issues'.[25] Dissident and exiled elites and opposition activists are given an outsized role in defining local agency, legitimacy, and representativeness in statebuilding by imposition. The reliance on dissident and exiled groups thus shapes institutional preferences, interethnic elite bargaining, and inclusion/exclusion dynamics during the critical transition phase of statebuilding. Defined as the 'distribution of positions of state power between representatives of contending social groups', elite bargains are conditioned by power-sharing arrangements that determine the distribution and allocation of rights and entitlements in key political, economic, and military positions.[26] In deeply divided societies, elite bargaining and consensus formation during the transitional phase shapes ethnic fractionalization, conflict resolution strategies, and institutional engineering in post-conflict settings.

Consensus generation and the creation of accommodative institutions that accompany democratization come with high long-term costs that can potentially hinder democratic consolidation in ethnically divided societies.[27] Such bargaining costs are exacerbated by ethnically fragmented dissident and

[21]Guttieri and Piombo, "Issues and Debates", 5.
[22]Reilly, "Political Engineering and Party," 812.
[23]Kelsall et al., *Political Settlements and Development*, 27.
[24]Saunders, "Transformative Choices", 124.
[25]Perthes, "Politics and Elite Change," 5.
[26]Lindemann, "Inclusive Elite Bargains," 1844–45.
[27]Rothchild and Roeder, "Dilemmas of State-Building", 6.

opposition groups seeking to alter the political balance of power between contending social groups at the onset of a democratic transition.[28] Moreover, sweeping transformations to patterns of inclusion/exclusion from state power among political elites affect conflict propensity in ethnically diverse societies.[29] As illustrated in Figure 1, regime change in 2003 transformed ethnic power relations by reversing Sunni Arab dominance while elevating the status of previously excluded groups - Shia Arabs and Kurds-the most active groups within the dissident and opposition movement. Conversely, minoritized communities, namely Assyrians, Turkmen and Yazidis saw their status relegated from discriminated to powerless after 2003.

Iraq shares similar characteristics with other works that have interrogated the relationship between opposition cohesion, power-sharing, and elite fragmentation absent civil war.[30] Comparative works on consociational power-sharing in other divided societies such as North Ireland, Kenya, the DRC, Liberia and Burundi have illuminated the ways in which power-sharing alters the balance of power within, between, and among ethnic elites at the national and subnational level.[31] As a commonly paired comparison within the MENA region, consociational power-sharing arrangements in both Iraq and Lebanon have preconditioned ethnic political mobilization and identification to serve ethnic elite political and economic interests resulting in institutional decay and dysfunction overtime.[32]

Treating statebuilding as a source of intense contestation with elite bargaining and consensus formation as central mechanisms for measuring its success,[33] I situate elite fragmentation and competition as outcomes of historic grievances that influence elite bargaining tactics that dictate the parameters of inclusion and exclusion following regime change. This crucial period defines the emergent political settlement of the winning ethnic coalition, defined here as ethnic elites empowered by structural and institutional transformations where the balance of power shifts in favor of groups previously excluded from state power. Imposed democratization that relies on dissident and exiled opposition elites preconditions ethnic power asymmetries by priming the opportunity structure in favor of a new cadre of politically relevant elites.

The section below examines how Ba'thist era exclusion and repression shaped the emergence, mobilization, and consolidation of interethnic dissident and opposition movements inside and outside Iraq between 1991-2003. This time period is crucial because it preconditioned elite institutional

[28]Lake, *The Statebuilder's Dilemma*, 91.
[29]Wimmer, Cederman, and Min, "Ethnic Politics and Armed Conflict".
[30]Cunningham, "Territorial Power Sharing", 111–3.
[31]See Mehler et al., "The Consequences"; Hayes and Nagle, "Shifting Public Attitudes?"; Hartzell and Mehler, "The What, How, Where," 219–21.
[32]Salloukh, "Consociational Power-Sharing", 103; McCulloch, "Consociational Settlements," 501–18.
[33]Salmon and Anderson, "Elites and Statebuilding," 44.

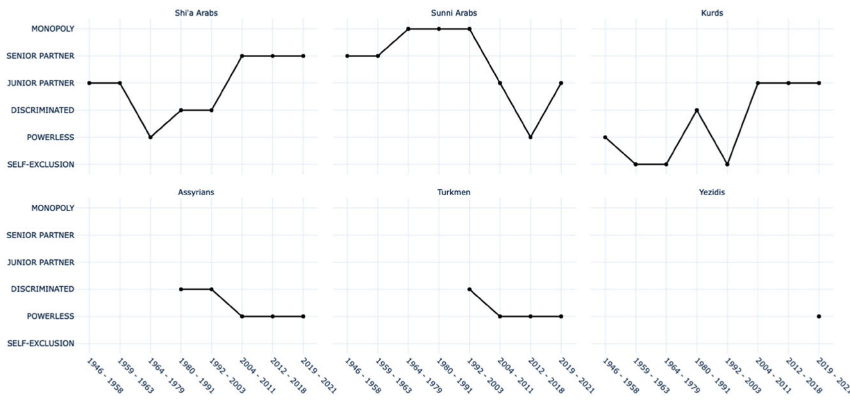

Figure 1. Changes to ethnic power relations in Iraq.
Data source: Ethnic Power Relations Dataset.

preferences and perceptions of the state in the aftermath of regime change in 2003

Baʿthist Repression and Interethnic Mobilization in pre-2003 Iraq

Baʿthist ascendency after 1968 produced various forms of regime contestation, resistance, and mobilization from established secular parties like the Iraqi Communist Party and ethnic dissident opposition groups and activists. The codification of a series of laws and decrees under Ba'thist rule, including the Legal System Reform Law of 1977 mandating state-wide party membership, quelled dissent and anti-regime movements through subversion and cooptation.[34] Saddam Hussein would subsequently prioritize state-wide membership and recruitment to 'make all Iraqis in the country Ba'thists in membership and belief or in the latter only'.[35] Exclusion under Baʿthist rule deployed various forms of repression, ranging from the deliberate denial of rights, arrests of dissident group members, and forced deportations, to more violent tactics through ethnic cleansing and genocide.[36] Overtime, these policies generated multiple sites of domestic and international regime contestation and incentivized ethnopolitical mobilization.[37]

The Baʿthification of Iraq under this time period institutionalized Sunni-Arab dominance in both coercive and bureaucratic state institutions. This was evident in the composition of the Baʿthist National Council of the

[34]Republic of Iraq, 65–85.
[35]Sassoon, *Saddam Hussein's Ba'th*, 45.
[36]Khmelko and Wiegand, "Government Repression," 11–12; Makiya, *Republic of Fear*.
[37]Gurr, *Peoples Versus States*, 69.

Revolutionary Command where Sunni-Arabs comprised 66.7 percent, Shia Arabs 27.8 percent, and Kurds 5.5 percent.[38] The overrepresentation of Sunni-Arabs, and particularly those from Tikrit, continued with the establishment of the Revolutionary Command Council, the Baʻth Party's highest command structure and primary decision-making body and governing authority until its ouster in 2003.[39] While it is true that Baʻth party membership included many Shia Arabs, Kurds, Assyrians Christians and other minority groups, high decision-making posts, top security organizations, and upper echelons of the officer corps remained overwhelmingly staffed with Sunni-Arabs from Saddam's Tikriti tribal base who constituted Saddam's 'community of trust'.[40] Saddam's power consolidation delegitimized the state, alienated Sunni-Arab regime contenders, and deepened Sunni-Shi'i and Arab-Kurdish animosities.[41] Overtime, collective punishment under Baʻthist rule influenced individual and communal behavior by enhancing group solidarity and encouraging 'all-in strategies of political resistance'.[42] State repression against Shias Arabs, Kurds, Assyrians, Turkmen, Yazidis and Mandeans took on an individual and communal/collective level through executions, forced disappearances, expulsions, Arabization, destruction and/or co-optations of cultural and religious institutions, and the genocide against Iraqi Kurds in Halabja in 1988.[43] By the 1980s, the cumulative effects of state-sponsored repression incentivized interethnic opposition mobilization through informal networks both inside and outside Iraq, culminating in the consolidation of a multiethnic Iraqi opposition throughout the 1990s.

Institutionalized exclusion and repression, including the prohibition of political parties and ethnic political and cultural organizations, became key mechanisms deployed by the Baʻth regime in response to dissident and opposition mobilization.[44] These strategies succeeded in quelling threats against the regime by enabling it to exert control through coercive and non-coercive tactics, including the promulgation of laws and presidential decrees that expanded the prosecution and surveillance of dissident groups and political organizations. New institutions, such as the Ministry of Culture and Information in 1983, were formed to bolster Baʻthist ideology in public sectors to 'deepen and emphasize the ideology and principles of the Arab Baʻth Socialist Party in Iraq and the Arab Homeland'.[45] Similarly, the creation of the Department of Censorship in 1984 enabled the regime to monitor and

[38]Batatu, *The Old Social*, 1004–07; 52–2; 1008.
[39]Batatu (1978), Table 58-2, 1086–1088
[40]al-Marashi and Salama. *Iraq's Armed Forces*, 144–45.
[41]Saouli, "Back to the Future," 322.
[42]Blaydes, *State of Repression*, 14.
[43]Human Rights Watch, "Claims in Conflict"; On Anfal, see Human Rights Watch, "Genocide in Iraq."
[44]Saddam Hussein Regime Collection, "Methods for Defeating."
[45]Government of Iraq, "Regulation No. 94."

censor the press.[46] Saddam was able to maintain this level of coercion and cooptation across state institutions and bureaucracies through a tightly controlled system of patronage and payments made to military officers and co-opted civil society organizations to maintain regime loyalty.[47] However, these control strategies altered the organizational capacity and mobilization tactics of opposition groups. As noted by Laith Kubba, ‘After 1979 no opposition was left in Iraq. The ruling Baʻth party brutally began taking power under Saddam and liquidating its opposition. Those who fled the country were either sheltered by Iran or Syria. Few came to London’.[48] These parallel processes of regime repression and counter-repression and mobilization crystalized the emergence of a broad and multiethnic coalition of anti-Baʻthist resistance movements during the Iran-Iraq war and subsequently following Iraq’s invasion of Kuwait and the First Gulf War.

Collective interethnic experiences with exclusion and repression generated new forms of domestic and transnational solidarity and facilitated dissident and opposition mobilization inside and outside Iraq. However, as discussed below, while shared experiences with exclusion and repression increased out-group solidarity among dissident and exiled elites, ethnic cleavages and disparate group demands also produced opposition division and fragmentation. I argue sticky divisions and competing visions of the state between opposition groups in the lead up to 2003 preconditioned elite fragmentation and ethnic fractionalization after regime change. These divisions fractured the elite bargaining process during the critical transitional phase of institutional engineering between 2003 until the adoption of the post-Baʻthist constitution in 2005. Ethnic elite divisions, particularly among Shia Arabs and Kurds, on key power-sharing institutional arrangements had reverberating effects on the ethnification of the statebuilding process.

Below I chart the formation of anti-Baʻthist dissident opposition mobilization in the decade leading up to 2003 to explain exclusive elite bargaining following regime change. Focusing on the period between the First Gulf War and the lead up to, and during the transitional phase of the 2003 invasion, I map opportunities and constraints of ethnic elite bargaining within Iraq’s Baʻthist dissident coalition. I focus on the organization tactics, strategic interactions, and mobilization capacity of dissident opposition groups operating inside Iraqi Kurdistan and those in exile.

[46]Ibid.
[47]Saddam Hussein Regime Collection, “A log of high ranking.”
[48]Remote interview with Laith Kubba in London, April 2022.

The Logic of Interethnic Opposition Mobilization Under Ba'thist Iraq

Two events shaped the organizational and mobilizational capacity and strategic tactics of anti-Ba'thist dissident groups: the Iran-Iraq war and Iraq's invasion of Kuwait in 1990 and the Gulf War. Although American intelligence agencies maintained low-level contact with Iraqi opposition groups through secret meetings with representatives of the KDP and PUK prior to the First Gulf War, material and logistical support for the Iraqi opposition materialized following Iraq's invasion of Kuwait. According to Frank Ricciardone, the U.S. Department of State desk officer and Special Representative for the Transition of Iraq, a conference in summer of 1990 held by the United States government with Ahmed Chalabi and Kurdish opposition groups shifted the nature of American operations from covert to overt contact and support, with the CIA maintaining covert operations with opposition groups inside Iraq.[49]

While dissident mobilization continued outside Iraq, the northern no-fly zone imposed by Britain, France, and the United States under Operation Provide Comfort, and subsequently under the Combined Task Force Operation Northern Watch, shielded dissident elites and political parties operating inside Iraq. The consolidation of the KRI as a semi-autonomous region comprising of the provinces of Dohuk, Erbil, and Sulaymaniyah bolstered opposition cooperation and coordination sustained by American covert military, financial, and logistical support. Viewed as 'operations other than war'[50] the no-fly zones, at the 36th parallel and less prominently at the 33rd parallel in southern Iraq, were seen as a 'necessary precondition for any effective action against Saddam Hussein's regime'.[51] External intervention in Iraq during this time followed a similar pattern of U.S. support for anti-regime movements in Latin America, the Philippines, Cuban dissident and exiled elites, and support for anti-Assad and anti-Qaddafi groups during the Arab Spring.[52]

Opposition mobilization strategies thus ran parallel with domestic and international developments. Driven into exile due to increased repression after Saddam's ascension to power in 1979 and during the Iran-Iraq war, opposition groups coordinated efforts initially through a Joint Coordination Committee. This led to the promulgation of Charter 91 in four languages-Arabic, Kurdish, Assyrian, and English. Signed by some 300 representatives of opposition groups and anti-Ba'thist activists, the Charter endorsed five overarching principles or visions for a post-Ba'thist Iraq: respect for

[49]Remote interview with Frank Ricciardone in Maryland, USA, January 2022.
[50]Rayburn and Sobchak, *The U.S. Army*, 5–6.
[51]United States Congress, *United States Policy*, 27.
[52]Mako, "Exploiting Dissent", 1148–49; 1155–56.

human rights and rule of law; freedom from fear; a pluralistic civil society; a representative parliamentary democracy; and demilitarization of the Iraqi polity.[53] Citing the violent suppression of the 1991 uprising as the main source of inspiration, Article 6 stated,

> 1991 is the year of a wantonly destructive war which laid waste the infrastructure of the country, giving rise to famine and disease unprecedented in the country's modern history. 1991 is also the year when large numbers of Iraqi rose up against the evil which had become the norm inside their country and which they held responsible for that war. And it is the year when that uprising was crushed by the brutal razing of cities and massive loss of life. No Iraqi will ever forget 1991.

Between 1992 and 2002, Iraqi opposition groups held four conferences in Vienna (June 1992), Salahuddin (October 1992), New York (1998), and London (2002). Attended by 200 exiled and dissident Iraqis representative of various ethnic and religious groups, the 1992 Vienna conference led to the formation of the Iraqi National Congress (INC) and the election of an 87-person General Assembly. This was followed by the creation of an Executive Committee with the intention of establishing in Iraq a 'constitutional, parliamentary, democratic order based upon political pluralism and the peaceful transfer of power through elections based upon the sovereignty law'.[54] Led by Ahmad Chalabi, the INC became the organizational and logistical umbrella group for coordinating opposition efforts inside and outside Iraq. Dissident groups collected and documented Ba'thist repression against various communities to bolster the INC's international campaign to raise awareness of Ba'thist human rights violations. As part of this effort, the INC produced a report on 'Crimes against Humanity and the Transition from Dictatorship to Democracy' on 25 May 1993. The report built on the proceedings of the 1992 Vienna conference, detailed crimes against humanity and repression experienced by Iraqis under the Ba'th regime for the purpose of prosecuting high-level decision makers, including Saddam Hussein and his associates, by relevant international agencies under a transitional government.[55]

However, this era saw intense contestation among Iraq's majority and minority ethnic groups over competing visions of a post-Ba'thist Iraq. Elite bargaining over the nature of the state and its institutional composition took on an ethnic dimension as communal groups voiced grievances based on individual and community experiences with repression. Although shared experiences with exclusion and repression fostered social cohesion among opposition members, it also led to fragmentation over more

[53] *Charter 91*.
[54] *Iraqi National Congress*.
[55] Ibid.

complex issues such as institutional engineering and the allocation and distribution of the spoils of governance in the aftermath of regime change. According to Rend al-Rahim, an active and non-aligned member of the opposition who served as the executive director of the Iraq Foundation in 1991 that became the primary democracy and human rights advocacy arm of the opposition,

> The opposition was comprised of many different communities and ideological groups like communists, Islamists, Turkmen, Assyrians. The element that was missing was the Sunnis. What brought them together was a sense of grievance, a sense of victimhood, a desire for redress and even revenge, and a sense of having been persecuted by this regime, whether Kurds, Shia, Assyrians, Turkmen, particularly Shia Turkmen. The latter being among the earliest ethno-sectarian groups deported to Iran in the late 1970s, whereas Shia Arabs in the early 1980s.[56]

Activists joined opposition groups based on their individual as well as their community's experience and exposure to Baʿthist repression. Having joined the Kurdish resistance through the KDP and peshmerga at the age of 17, Fuad Hussein described his encounters with Baʿthist repression of Kurdish farmers as formative to his involvement with the opposition, particularly following the arrest of his brother:

> As a child and teenager, I saw oppression of Kurds in the city, always soldiers beating farmers and buying sugar and tea and when they would leave, there were checkpoints near my house, I saw soldiers asking soldiers from the car and beating farmers as they came down from the car. Heard soldiers in Arabic insulting those farmers "you are bringing these food and sugar and tea to the [Kurdish] rebellion. They accused them that they are bringing food supplies to the rebellion … I wanted to grow up and find a solution to this problem.[57]

These sentiments were similarly shared by other communities in Iraq. According to Muzaffar Arslan, an Iraqi Turkmen from Kirkuk, Baʿthist persecution and forced Arabization of the Iraqi Turkmen community led to the formation of various Turkmen opposition groups that operated inside Iraq and Turkey, such as the Iraqi Turkmen National party in 1988, which later represented the community at major opposition conferences in the 1990s. According to Dr. Arslan, demographic manipulation through Arabization and confiscation of Turkmen lands and property in Kirkuk incentivized community mobilization:

> The racist and criminal practices of the Baʿth regime continued in their fiercest forms against our Turkmen people. The campaigns of repression against the Turkmen reached their climax after 1979. On January 16, 1980, the Baʿth

[56]Remote interview with Rend al-Rahim, United States, May 2022.
[57]Remote interview with Fuad Hussein, Baghdad June 2022.

> regime committed its most heinous crime of executing a group of the best leaders and fighters of the Turkmen community. Many Turkmen youth were subsequently imprisoned. The security and intelligence forces sometimes would kidnap Turkmen citizens from the streets of Kirkuk without anyone ever knowing of their fate.[58]

These experiences mirrored those of other minority groups. According to Yonadam Kanna, a founding member of the Assyrian Democratic Movement, an Assyrian opposition party founded in the late 1970s, Baʿthist suppression of Assyrian rights, execution of community activists, and expulsions shaped anti-regime mobilization and resistance:

> By 1976, repression increased with the racist [Baʿth] regime. Along the borders with Turkey, Baʿth regime uprooted Assyrian villages. Around 32 villages in the Barwari Bala region, 5–6 in Narwa and Rekan, and 9 villages in Nahla were all uprooted. Ancient churches and monasteries were detonated with TNT. Assyrians were forced to resettled in *mujama'at* (government-run settlements) and were only given minimum compensation for lost agricultural production, nothing for the loss of land and loss of heritage. We knew the regime wanted to destroy the Assyrian community as a distinct community and Arabize them in urban centers. Because of these factors, we began thinking about organizing and mobilizing as a party against the state.[59]

Similarly, Luay al-Khatteeb recounts how shifts in the nature of repression after the Baʿthist takeover altered state-society relations and structured opposition activity:

> As military rule during 1960s and 1968 when Baath party officially came also pushed many families and people to leave the country, like Shia and Kurds. Between 1968 and 2003, a number of key events including the Kurdish crisis of the 1970s, and major deportations between 1978 and 1982 came with Saddam's rise to power. I fled the country in 1990 where five years before I lived as IDP in Sulaymaniyah. I lost brother in 1980, he was executed by regime, brother was imprisoned and tortured along with his wife, a pediatrician, who was imprisoned for two years.[60]

According to former prime minister Nouri al-Maliki, Baʿthist repression of Shia Islamist groups was instrumental to the Islamic Dawa Party's anti-regime resistance activities:

> When the Baʿth Party came to power, it practiced the process of excluding all national movements from political work, especially the sons of the Islamic movement, the Islamic Dawa Party. Many of them were at key targets and victims of the Baath Party and Saddam's regime. The martyr Sayyid Muhammad Baqir al-Sadr issued a fatwa against belonging to the Baʿth Party because it was a bloody party. Saddam also practiced these repressive practices against all

[58]Remote interview with Muzaffar Arslan (undisclosed location), June 2022.
[59]Remote interview with Yonadam Kanna, Baghdad, August 2022.
[60]Remote interview with Luay al-Khatteeb, Baghdad, May 2022.

> his opponents from the nationalist, democratic and Islamic movements and parties.[61]

The intersection of individual and communal targeting and repression structured dissident group mobilization. Fawzi Hariri, an Assyrian Christian active in the early activities of the opposition in London, recounts how his father, the late Franso Hariri's involvement in Kurdish and Assyrian opposition groups influenced his decision to join the anti-Ba'thist opposition:

> My father joined the liberation movement (Kurdistan liberation movement), not as a member of the party [KDP], but as a fighter against repression against Qassim and later the Ba'thist as a peshmerga fighter. He rose to ranks and close to Mustafa Barzani and became most senior Assyrian/Christian in the KDP. He was exiled in Iran by the late 1970s and we left to U.K. on a humanitarian status. In the 1980s, I became involved in campaign against Saddam due to my father's influence in the KDP and was asked to join and help as a student and then as a political activist, not party member, but political activist. There were many Assyrian movements and groups. In the 1980s, I became a member of Assyrian National Congress, which was very close to Assyrian Universal Alliance. In 1996, I helped establish the Assyrian Bet-Nahrain Democratic Party in Iraq.[62]

Examples of interethnic mobilization illuminate the layering of identities and alliances within the opposition movement that emerged following Saddam's takeover. As noted by Lukman Faily,

> I'm both a Kurds and Shia, I wear both hats. My family were heavily engaged with the Kurdish movement during Barzani's time in the 1970s and 1980s and *Marja'* al-Hakim as well in the 1960s. We wear both hats, Shia hat is connected with Najaf, and Kurdish had connected to hardcore Kurdish freedom movement in Iraq.[63]

However, while collective interethnic experiences incentivized individual decisions to join anti-regime resistance movements, the dispersion of opposition group activities and lack of ideological coherence beyond a shared goal of overthrowing the regime led to fragmentation. According to Kanan Makiya, a leading figure of the opposition movement, Ba'thist suppression of the Iraqi Communist Party in the 1970s as a multiethnic party, the execution of the Dawa Party's founder, Muhammad Baker Sadr in 1980, and the Anfal campaign against Kurds in the north, left little space for the formation of a united Iraqi opposition movement.[64] The absence of a coherent dissident and opposition network amidst engrained repression prior 1990 preconditioned opposition divisions and political apportionment after 1990. As noted by Makiya,

[61]Remote interview with Nouri al-Maliki, Baghdad, June 2022.
[62]Interview with Fawzi Franso Hariri in Erbil, August 2021.
[63]Remote interview with Lukman Faily, Berlin, August 2021.
[64]Interview with Kanan Makiya, Cambridge, MA, October 2021.

> A new kind of animal, new entity … it is not cohesive, it is extremely diverse, representing diverse traditions everyone comes from … from the first meeting in Salahuddin, the main question posed was how the leadership of the INC be composed? The principle that was followed as *muhassasa*, which was based on statistics even though Iraq lacked a census, everyone made claims about their percentage of the population, and therefore, the allocation government was based on those allocations for Shias and Kurds. A council would be represented based on communal distribution. *Muhassasa* is rooted in the history of thirteen years of the Iraqi opposition before 2003.

Amidst ingrained divisions, opposition groups viewed cooperation, unity, and consensus generation as strategic tactics for the ultimate goal-regime change. As noted by Hoshyar Zebari, 'The first opposition coalition happened between the KDP and the Dawa Party. We hosted Dawa in our bases [in northern Iraq], we financed them, we fed them, helped them with contacts, networks, hosted them in our bases in the mountains. We had an anti-Saddam goal-we didn't go into ideological and philosophical detail about Iraqi identity … our unifying goal was to topple Saddam'.[65] Deep-seated divisions over the nature of the state, governance structures, institutional overhaul, and elite bargaining over power-sharing and political apportionment of key governing institutions cemented dissident fragmentation in the lead up to 2003.

Opposition Fragmentation and the Antecedents to *Muhassasa* Power-Sharing

Although opposition elites struck alliances to bolster anti-regime resistance, elite fragmentation and competing visions of a post-Ba'thist state resulted in the ethnification and fragmentation of the Iraqi opposition prior to 2003. Pre-war interethnic cleavages reverberated in the interim government formation process and statebuilding, including the adoption of informal power-sharing in the aftermath of regime change in 2003.[66] The limits of interethnic elite bargaining were reflected in the lack of consensus within the Iraqi opposition over key issues relating to the nature of the state, the secular-religious divide, and federalism. According to Rend al-Rahim,

> A symptom of these tensions is that certainly originally, there was no clear vision of what Iraq should be like. What kind of Iraq did people want? The secularists wanted one thing, Islamists another, Kurds wanted a federal structure, if not more … all these were issues that were in dispute, and I think that those differences, even though they were papered over, they persisted.[67]

[65]Interview with Hoshyar Zebari, Erbil, June 2022.
[66]Al-Ali, *The Struggle for Iraq's Future*; Allawi, *The Occupation of Iraq*; Mako, "Subverting Peace."
[67]Remote interview with Rend al-Rahim, United States, May 2022.

Exclusionary elite bargaining among dissident and exiled elites after regime change was imbued in pre-existing power configurations and competing visions for the state. As noted by Kanan Makiya,

> *Muhassasa* is rooted in the history of thirteen years of the Iraqi opposition before 2003. During the first opposition meeting in Salahuddin, the key question posed was how would leadership of the INC be composed? The principle that was followed was *muhassasa* … everyone made claims about the percentage of their communal population, and that therefore the allocation of government should be based on those allocations for Shia and Kurds. That a council should be represented based on the communal distribution of percentage of the population, that's *muhassasa*. Politics of competing over who is the bigger victim and began demanding seats on the leadership council of the INC based on percentage of victimhood.[68]

Persistent disagreements over the scope and nature of consociational power-sharing, federalism, and democracy in Iraq obstructed post-conflict state-building. As noted by Lukman Faily,

> The opposition didn't go beyond first objective, which was regime change. New concepts had to be digested: democracy, federalism, how do deal with Kurdish issues, minorities. No time for second layer. And what you see in Iraq now is primarily a reflection of shallowness of the opposition looking into what the state and governing means … Opposition success: Saddam is gone, no longer one person who calls the shots. Failure: no consensus of what key strategic objective over the new state.[69]

When asked about whether ethnic divisions impeded the work of the Iraqi opposition, Fawzi Hariri similarly noted the absence of a unifying vision of a post-Ba'thist Iraq, 'Common factor among all: opposition to existing regime of Saddam and Ba'thist party and struggle for regime change. Regime change was the objective that held them all together individual/communal. They had not discussed beyond the toppling the regime during the conference. No one presented their future thinking about what would come after regime change'.[70] This was echoed by George Mansour, a former member of the Iraqi Communist Party active in the opposition movement,

> Muhassasa started with the opposition, not Bremer time. They agreed on toppling Saddam Hussein in whatever way … but they didn't go deep into thinking about what type of government system. The main mistake the Americans made was when they established the Interim Governing Council and allotted ethnic allocations and designations to different groups based on percentage of the population. This was the beginning of the muhassasa.[71]

[68]Interview with Kanan Makiya, Cambridge, MA, October 2021.
[69]Remote interview with Lukman Faily, Berlin, August 2021.
[70]Interview with Fawzi Franso Hariri in Erbil, August 2021.
[71]Remote interview with George Mansour, Toronto, Ontario, April 2022.

According Hoshyar Zebari, the London conference was instrumental in devising the political and institutional architecture of a post-Baʿthist Iraq and called for different communities to be fairly represented in government. Diverging in opinion from other leaders of the opposition movement, Mr. Zebari noted that the emphasis on ethnic and communal allocation or *muhassasa* reflected the political history of Iraq since the founding of the state:

> The opposition is sometimes accused of creating the *muhassasa* when they created the INC with Masoud Barzani (a Kurd); General Hassan Naqib (a Sunni defector); and Mohammad Bahr al-Ulum (a Shia scholar) … but historically, Iraq was always divided like this. If you go back to Iraqi political history, in 1958 when the coup happened, Qassim created a body called the Council of Sovereignty made up of three members: a Kurd, a Sunni, and a Shia … the biggest divisions were over federalism and secular/Islamist divides over government and the constitution.[72]

Conversely, for Ali Allawi, the *muhassasa* power-sharing system that emerged represented a grand bargain between Shia Arabs and Kurds that shaped the dynamics and functions of ethnic elite bargaining prior to and at the onset of regime change in 2003,

> The vision of a post-2003 Iraq that came up in the constitution of 2005 was in my mind a consensus agreement between the Islamic Supreme Council of Iraq (SCIRI) through al-Hakim and the Kurds. It was really based on redefining the state as a generally weak central state and government. The dismantling of all security apparatuses of Saddam and reconfiguring it differently created a bargain between Shia and Kurds that would ensure for the Shia that the recurrence of Saddam like figure would never happen, and for the Kurds, that a centralized Arab state would never happen. This was the reality of the vision that was put in practice: a bargain between the al-Hakim family with some ideological underpinnings provided by Adil Abd al-Mahdi and the experiences of Masoud Barzani and Jalal Talabani, who had no interest in building the foundations of the told state.[73]

According to Frank Ricciardone, interethnic divisions and disunity between dominant factions and political parties within the opposition impeded elite bargaining and the formation of a cohesive opposition movement, ‘at the 40,000-foot level, they could all rally behind anti-Saddam, but they were wary of each other … Totally distrusted each other, and had independent agendas, had nothing in common but opposition to Saddam’.[74] However, as noted by Laith Kubba, American emphasis on regime change after 9/11 altered alliances between groups and equally fractured opposition cohesion

[72]Interview with Hoshyar Zebari, Erbil, June 2022.
[73]Remote interview with Ali Allawi, Baghdad, January 2022.
[74]Remote interview with Frank Ricciardone, Maryland, January 2022.

as established dissident groups competed for power and control of the state-building process,

> Neocons' decision to move into Iraq meant a run to power, everyone dropped their agendas and the only agenda that was on the horizon was power. The only agreement was the ugly agreement was on the ethnic basis, the head of the communist party was a Shia and became part of the Shia opposition. Similarly, a Kurd who happened to be an Islamist was now part of the Kurdish quota. This made no sense. That dynamic of ethnic power and identity and division, the slicing of power based on these complex group-identities became the rule of the game.[75]

The influence of dissident opposition groups during the crucial phase of the transition structured the emergent political order after 2003. Notwithstanding the inclusion of 5 Sunni Arabs, representation in Iraq's 25-member transitional Governing Council, the transitional phase of statebuilding encompassed large segments of opposition-era political parties and figures consisting of 13 Shi'i Arabs, 5 Sunni Arabs, 5 Kurds, 1 Turkmen, and 1 Assyrian Christian.[76] The recognition and codification of ethnic representation as a precondition for institutionalizing consociational power-sharing was viewed as a corrective mechanism for reversing Saddam's repressive ethnosectarian policies.[77] The Coalition Provisional Authority's extensive reliance on exiled elites and dissident opposition parties produced a 'systematic dilemma' imbued in the absence of local/endogenous ownership of the statebuilding process.[78] This tension was echoed by Feisal al-Istrabadi, one of main drafters of the Transitional Administrative Law (2004), noting that 'There is a distinction between the politics of being in the opposition versus the responsibility to govern. The opposition groups never matured to govern. This brought into Iraq a political class that isn't capable of governing'.[79] Power-sharing became equated with ethnic apportionment and allocation of key governing institutions through opposition clientelist networks after 2003. As noted by Fawzi Hariri, Shias were keen on securing and maintaining their dominance in executive institutions-the most powerful of which being the Prime Minister based on their experience with exclusion under Sunni dominated regimes prior to 2003; Sunnis were interested in securing legislative power and took over parliament speakership; and Kurds' experiences with foreign affairs, particularly in the opposition movement, secured them the foreign ministry.[80] Muhamed Alhakim, a key opposition activist and organizer based in the U.S. similarly echoed the

[75]Remote interview with Laith Kubba, London, April 2022.
[76]Sharon Otterman, "Iraq".
[77]Dawisha, "Iraq", 12–4.
[78]Jarstad and Sisk, "Introduction,"11.
[79]Remote interview with Feisal al-Istrabadi, Bloomington, IN, June 2021.
[80]Interview with Fawzi Franso Hariri, Erbil, June 2022.

entrenchment of ethnic group demands and competing visions for how to govern a post-Ba'thist Iraq during the crucial transitional phase of statebuilding,

> On 28th April 2003 in Baghdad conference, at that meeting, I saw the how the divided Iraq opposition wanted to lead Iraq. It was clear that the Kurds wanted to have a system that would allow them to continue/maintain what they had established from 1991 onward. They wanted to strengthen the role of Kurdistan for Jalal Talabani and Masoud Barzani. The Shia wanted the south to have an entity, they wanted what the Kurds had, independence in budgeting, decision making, electing local officials, this was the thought in early 2003 … The Sunnis wanted something very clear, don't punish us for what Saddam did, we are Iraqis please treat us as Iraqis. They didn't want Sunni governorates, e.g. Salahuddin, Diyal, Anbar, part of Kirkuk, Mosul, to be punished, would say "what Saddam did Saddam did, we are part of Iraq and treat us as Iraqis … Most opposition members were not ready to govern like statesmen, they were still operating like an opposition. Everyone was fighting for a piece that they thought should be theirs.[81]

Although dissident and opposition grievances allowed otherwise disparate ethnic elites to coalesce around the principle of toppling Saddam through regime change, authoritarian repression did not serve as a sufficient condition for engendering an inclusive elite bargaining process and consensual political order after 2003. Expedient and incongruent statebuilding reified deep-seated divisions and competing visions of the state and institutionalized ethnic state capture as a governing tactic through *muhassasa ta'fiyya* as an informal consociational power-sharing arrangement.

Conclusion

Repression in authoritarian states has the potential to produce competing sites of dissident and exile collective action that generate opportunities and constraints in mobilizing for regime change. In divided authoritarian polities, intergroup experiences with exclusion and repression influence institutional design preferences and structure ethnic power dynamics particularly given that elite bargaining is rooted in legacies of the concrete political struggles of the past, and in turn, provide the contours of the political arena of the present—shaping the incentives facing individuals and organizations, guiding the patterns in which they interact and constraining their political behavior.[82]

I have argued that analysing the factors and forces that shape ethnic elite cohesion and fractionalization in divided societies transitioning from authoritarian rule has implications for understanding the processes that lead to ethnic dominance and state capture following political transitions.

[81] Interview with Muhamed Alhakim, Cambridge, MA, November 2022.
[82] Barma, *The Peacebuilding Puzzle*, 44.

Through a case study of Iraq's dissident and opposition group interactions in the lead up to the 2003 war, this paper illustrates that externally imposed statebuilding and institutional engineering efforts that rely exclusively on a group of exiled and dissident elites have the potential to cement ethnic power asymmetries and subvert the emergence of an inclusive political settlement, thus undermining the durability and utility of consociational power-sharing institutional design in the long term.

Focusing on the interactions of anti-Baʿthist opposition groups in the decade prior to the 2003 Iraq war, this article illustrates the antecedent conditions that obstructed the emergence of a consensual political order among highly mobilized, but otherwise fractionalized dissident elites. The Iraq case illustrates that while repression has the potential to induce intergroup opposition mobilization and cooperation in ethnically divided societies, salient group cleavages over the allocation of the institutional and bureaucratic positions after regime change can institutionalize ethnic state capture. In the Iraq case, American over reliance on dissident and exiled elites limited the scope of interethnic bargaining and cohesion and impeded the formation of inclusive and consensual institutional engineering process. This, in turn, locked-in ethnic state capture and exclusionary elite bargaining during the critical transitional phase of statebuilding.

The Iraq case contributes to ongoing debates about the opportunities and constraints of interethnic elite bargaining in deeply divided societies by illuminating the role dissident and exiled elites can play in structuring conflict processes in imposed democratization. Crucially, it demonstrates that a shared history of exclusion and repression does not serve as a sufficient condition and measure for gauging the success of inter-ethnic cooperation and consensus formation in the aftermath of regime change. These findings have implications for critically assessing elite selection and commitment, inclusion/exclusion dynamics, and institutional design preferences in post-conflict settings where dissident and exiled elites have the potential to play an outsized role in shaping political transitions and settlements.

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