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*The brief life of the local government movement in Iraq: From regime change to the elections of January 2005*

Robert Smith

Politics and International Relations Department, Lancaster University.

Email: [r.g.smith@lancaster.ac.uk](mailto:r.g.smith@lancaster.ac.uk)

**ABSTRACT**

*The policy of regime change was justified, in part, through its mission to replace dictatorship with democracy. The strategy for local government in Iraq was built on the experience that democracy promotion practitioners had gained in 1990s. Their model envisaged a decentralised government devolving power away from the control of the centre. Such a policy would enable grassroots democracy while also protecting against the possible return of overly powerful central authority. This ambitious project challenged existing models of local government in Iraq. However, over a short time this experiment was undermined by questions of legitimacy, lack of local powers, and the demands of the national political process. This paper will consider the work undertaken by the Coalition Provisional Authority (CPA) during 2003 and 2004 in its attempts to establish a new Baghdad City Council and the development of the council leading up to the local election campaign of January 2005. The paper will look at the practice of the CPA staff in their identification and selection of a new local leadership and their attempts to create a local administration that could represent the needs of the citizens of Baghdad before considering the performance of these candidates in municipal elections. The paper concludes by consider what the experience of the local government movement tells us about the future path of governance in Iraq.*

For the modern state-builder local government represents a key component in moving states away from authoritarianism towards democracy. Strong local government lessens the potential for centralising tendencies while creating a closer relationship between the ruler and the ruled. Local government, in states making the transition to democracy, offers the possibility of inculcating democratic values and practice. As such when the future of Iraq after Saddam Hussein was being considered local government appeared as a key site for reshaping the Iraqi state. This paper will consider attempts to establish new local councils in Iraq after the invasion of 2003. This analysis begins by looking into the historical development of local government in the modern Iraqi state and its legal standing in relation to the national government.

The paper goes on to consider how policymakers, both American and Iraqi, saw the future role of local government in developing democracy in Iraq after Saddam Hussein. The practice that emerges after April 2003 is illustrated by the example of the creation of a new Baghdad City Council. The paper will consider the relationship between the attempts to re-establish local government with the wider ambitions of the national political process. Did the programme to reform local government in Iraq represent a genuine attempt to establish democracy in Iraq? What difficulties does emphasising the local over national government create for those involved in state-building projects?

### *Local Government in Iraq before regime change*

The history of the modern state of Iraq is dominated by a narrative that emphasises the role of the individual leader. This narrative emphasises rule from the capital. Popular revolutions and military takeovers were centred on capturing Baghdad and the central institutions of government. It can be argued that it is the nature of the early stages of nation building that the central power will be emphasised and as such in the modern state of Iraq where the periphery is represented it is often as a problematic that threatens the new central authority. During the period of British rule the corrective for such threats was the deployment of force through airpower (Dodge 2003: 131). When Saddam Hussein reasserted control after the uprising of 1991 helicopter gun ships performed a similar role.

The reliance on the deployment of force to maintain centralised power emphasised the military as a key component of the new state. Dodge argues that this builds a model of a state that does not have to negotiate with civil society to reach agreement but instead can use, 'the frequent deployment of violence to facilitate the state's survival'. The relationship that evolves between the citizen and that state is not mediated through the institutions of government but through the 'fleeting visits' of state force (Dodge 2003: 133). The centrality of the military and its importance to the ruling elites limited the space for civil society and local democracy to act as a mediator of the relationship between the state and its people. Civil society emerged but its influence fluctuated. At times in modern Iraqi history civil society had an influential voice but years of

suppression, particularly during the period of Baathist rule, undermined the opportunity for it to act as a balance to central government.

Despite the prominence of Baghdad in domestic politics there existed a developed network of local administration in Iraq. The Special Law of 1927 had established the outline of local government in Iraq. The country was to be administered as fourteen *liwas* (divisions), below these *liwas* were *qada'* (councils) and *nahiyas* (sub-district councils). In this system municipal affairs were administered by councils for 'every city or town, elected by the people and the presided over by a mayor.' The governors of the divisions and the mayors of the councils were appointed by the Minister of the Interior (Khadduri 1960: 24). The structure of local government evolved as the modern state developed. The fourteen *liwas*, became eighteen governorates that were recognised in Law No. 159 of 1969. In 1971 the National Action Charter 'called for the formation of popular councils in all administrative subdivisions.' (Sarrouh 2003: 37) The 1990 interim constitution of Iraq contained the commitment to a dispersal of government power within the state, Article 8(b) states:

"The Iraqi Republic is divided into administrative units and is organized on the basis of decentralization."

Despite the constitutional commitment to decentralization central government still played a defining role in local government. The Supreme Council for Local Government was established by Law No. 159. Made up of government ministers the Supreme Council formulated the policies to be implemented by local government. Local government had responsibility for delivering local services and maintaining public amenities, and collecting property taxes. (Sarrouh 2003: 37) Elections did exist for councils but all councils included members appointed by central government. Some senior posts, for example the mayor of Baghdad, were directly appointed by the President. A separate development from this was the establishment of the Kurdistan Regional Government (KRG) in 1992 in the governorates of Erbil, Dohuk and Sulaymaniyah. These three governorates and the KRG existed beyond the direct control of Baghdad and had the freedom to establish their own forms of local government.

When the Future of Iraq Project's Local Government Working Group began its consideration of options for local government after Saddam Hussein of primary concern was achieving a decentralization of power. The report noted that along with the direct intervention in the selection of the council's membership the councils had, 'no independent revenues, and their budgets are allocated by central government.' The report also recognised the scope that local government had was limited, as a service provider it now delivered only 'essential services' carried out at a 'nominal level' (United States Department of State 2002b: 1). Despite their reservations about the present capabilities of local government the Working Group saw the potential for municipal councils to be the starting point for building democracy in Iraq.

“... local elections for local councils and thereafter for mayors will set the process for grassroots democracy that will provide administrative training for local officials and to the bureaucracy to run future national elections.” (United States Department of State 2002b: 2)

This view was endorsed by the Democratic Principals Working Group committee (DPWG) of the Future of Iraq project who noted the 'better results' East Timor and Kosovo had achieved by building democracy from the grassroots. But a footnote in the report illustrated that this was not the consensus view and some believed that such an approach would undermine the establishment of a new central authority:

“According to this view, this would confer greater legitimacy and authority on the local elected officials ... The first elections should be for the national parliament, followed by elections for municipal councils.” (United States Department of State 2002a: 24 See footnote 32)

The dispute amongst the drafters of the Future of Iraq project over the role of local government and their relationship to the standing of national leaders although not immediately influential in defining policy in Iraq was indicative of debates that would emerge as a policy for post-conflict rebuilding of democratic institutions was improvised in an unforgiving environment.

#### *US Plans and strategies for local government and civil society after Saddam Hussein*

The contract specifying the task of reconstructing local government in Iraq echoed the criticisms of the Future of Iraq Project noting that the existing local government

‘disempowered citizenry’ and the services provided were ‘considerably less than are suggested by gross indicators of Iraqi economic development.’ This USAID contract identified a broad ranging project that would establish functioning local government working in conjunction with a national leadership. The contractor would identify the services that are appropriate for local government to deliver and implement strategies for training local staff in providing these. Finally the contractor would seek to encourage the development of civil society organizations appropriate to this level of government concentrating on sectors of society, notably women and youth, who had previously been excluded from the decision making process.<sup>1</sup> These goals were ambitious but the time to define them and find an appropriate agency to deliver them was limited. One of the contentious points of the post-conflict project in Iraq was the lack of transparency when it came to the awarding of reconstruction contracts. The USAID contract for the development of local government bypassed the traditional processes for deciding an award of this size. Research Triangle Institute (RTI) had been closely associated with local government strengthening, primarily in Indonesia, and consequently was ‘pre-selected’ and approached to fulfil a similar role in Iraq. In April 2003 they were awarded the USAID contract for the Local Governance Program (LGP). A member of RTI remarked the work in Iraq “was at a scale that RTI had never done before; in terms of the magnitude of what was expected and the speed.”<sup>2</sup>

If the scale, speed, and local characteristics of the proposed work in Iraq were new the desire to promote democracy in a state that had previously been a dictatorship was not unique and guidance existed. USAID had experience of working to improve, ‘local public administration’ and through this experience had begun to emphasise the ‘pro-democratic and political aspects of decentralization’ (USAID 2000: 5). For USAID, decentralisation brought government closer to the citizens, made it more responsive to their needs, and ‘increased opportunities for ... previously marginalized groups to enter politics’ (USAID 2000: 5). The attractions of decentralisation to those planning for a future Iraq were obvious. To protect against a future dictator, ‘power and authority of the central government would need to be restructured, divided and

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<sup>1</sup> Iraq Local Institutions Support and Development Program, p. C-1, [http://www.usaid.gov/iraq/pdf/web\\_governance.pdf](http://www.usaid.gov/iraq/pdf/web_governance.pdf)

<sup>2</sup> Quotes from those involved in various aspects of state-building in Iraq are taken from interviews conducted with the author. These interviews were conducted on the agreement that interviewee’s names would not be disclosed.

decentralised' laying the basis for a 'countervailing political power, able to confront, challenge and change Iraq's centralised government institutions.' (Brinkerhoff and Mayfield 2005: 66)

The teams planning the LGP very soon realised that the work that they were engaged with would be more than just technical assistance to rebuild the infrastructure of local government. Despite the existence of regional and municipal administrations for government and ministries Iraq remained 'highly' centralised with control maintained by 'combined authoritarianism, clientage, and ethnic politics' (Mayfield 2005: 19). The result of this was an 'uneven service delivery' at a municipal level with areas seen as loyal to the regime receiving investment and services, whilst those areas that were perceived as potential sources of opposition were less well served. As discussed, the relationship between the state and the individual was mediated through the security services and deployment of force against opponents real or imagined. The security services permeated all aspects of government with members overseeing local government and civil society organisations. Consequently the task facing those involved in local government reform in Iraq was more than a technical exercise of modernising the function of state institutions; it was building a new relationship between the state and its citizens.

#### *Designing a new council structure for Baghdad*

In the months that followed regime change there was a widely held assumption that a large civilian staff would be deployed to support those members of the CPA already in place. This belief was not only relating to the work of local government reform but across all sectors of the reconstruction project. Given the scale of the contract awarded to RTI it had been assumed that they would be deploying a considerable number of staff to aid the LGP. In Baghdad, a member of the CPA believed more than a hundred staff would be deployed to aid the process of establishing neighbourhood councils in the capital. Initially RTI provided one member of the CPA Governance team in Baghdad.

The planning relating to local government was carried out on the basis of supposition. It was only when the Coalition staff met with local officials, who had remained in

their posts, that they began to put together a picture of how the City Council in Baghdad had functioned, how it interacted with the citizens of the city, and what services it was responsible for delivering. In Baghdad what they discovered was an arrangement of neighbourhood and district councils. In this structure there were also administrative districts which were responsible for the delivery of council services (RTI International 2005a: 2), however these administrative districts did not match directly the council districts. A third of the council was made up of ‘central government department heads’ appointed by central government (RTI International 2005a: 1) and the remainder were members who had been approved by the Baath Party. After this approval was received a candidate would stand for election. These elections did allow for secret ballots but with councillors owing their position to the approval of the Baath Party few, when they appeared at public meetings after the fall of the regime, appeared to command popular support. The old electoral districts of Baghdad fanned out from the centre of the city. Each district would therefore comprise of inner city neighbourhoods and the semi-rural neighbourhoods on the fringe of the city. The predominantly Shia neighbourhood of Saddam City (renamed Sadr City after 9<sup>th</sup> April 2003) was split in two. The Coalition staff concluded that the reason the districts had been drawn up in such a way was to avoid the emergence of a local leadership. After “two to three weeks” of enquiries the Coalition staff believed that there was “nothing” in the existing council structures that Iraqis regarded as legitimate and that the previous council had been designed “in a way that disassociated them from the communities” they were supposed to serve.

The Mayor and Deputy Mayor of Baghdad City Council had fled their posts in April 2003. However, the officials in charge of the delivery of services remained in place and were still meeting when the Coalition staff made contact with them. From these administrators the coalition created a committee to be the liaison between CPA Governance Team for Baghdad and the city council. It was with this committee that the CPA Governance Team established a structure for the new city council. The city was divided into eighty-eight neighbourhood advisory councils<sup>3</sup>. These neighbourhood councils would feed into nine district advisory councils and above this would be the Baghdad Interim City Council (RTI International 2005a: 2). When

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<sup>3</sup> Another six neighbourhoods were added later “to accommodate the densely populated Sadr City” (RTI International 2005a: 2)

drawing up the neighbourhoods the Governance Team worked with staff from the Planning Department of the City Council using maps of council neighbourhoods that preceded Baathist rule. The neighbourhoods were altered to take into account changes in density and location of population that had occurred in the city since the maps had been originally drawn up. Additionally the neighbourhoods were determined to be ‘generally ... ethnically and culturally homogenous’ (RTI International 2005a: 2). Once the neighbourhoods had been identified a small number were selected to be representative of Baghdad as a whole and the CPA Governance Team then attempted to establish a new local government structure.

### *Selecting councillors for the new Baghdad neighbourhood council*

One of the persistent criticisms of the councils in Baghdad and elsewhere was of their legitimacy in absence of elections to decide their membership. On the day of his arrival in Baghdad, Ambassador Bremer, head of the CPA, had cautioned against elections in Iraq even though he favoured the rapid establishment of an ‘Interim Iraqi administration.’ Bremer argued that the CPA:

“... not going to rush into elections because Iraq simply has none of the mechanisms needed for elections – no census, no electoral laws, no political parties, and all the related structure we take for granted.” (Bremer 2006: 19)

Expanding of these themes Bremer argued against early elections warning, “In a post-war situation like this..., the people who are rejectionists tend to win.” (International Crisis Group 2004: 16 Quoting Bremer) This policy decision created a logic that argued against elections for national representative bodies and this fed down into the process of establishing local councils as any planned local elections ran counter to the national policy objective. The rationale for selections over elections was presented as a practical solution to the need to proceed quickly in creating broadly representative institutions in a difficult security environment (Mayfield 2005: 35). Despite the absence of a readily usable infrastructure for elections some did proceed. Elections were improvised in some parts of Iraq and even within Baghdad in the district of al-Adhamiyya (Herring and Rangwala 2006: 109).

The lack of elections was problematic and recognised as such by members of the CPA. The positive side of the selection process was that it allowed for the rapid establishment of a City Council in Baghdad and local councils in other parts of Iraq. However, the lack of ‘an election process that was perceived to be open, legal, and fair’ left the local councillors lacking legitimacy (Mayfield 2005: 35). This perceived lack of legitimacy also left the selected councillors vulnerable when challenged by alternative political leaderships.

The selection process followed in Baghdad was based on the concept of a series of town hall meetings. The initial meeting would explain the concept of the neighbourhood council and would begin the process of trying to identify local people who could become councillors. This initial meeting was followed by other meetings, ideally more than one but sometimes only one further meeting took place, where people could be nominated, the candidates could make a short speech and a vote could be held to select councillors. The CPA Governance Team trialled this approach in ‘the middle-class Al Kindi District and the low-income Al Shula neighborhood’ (RTI International 2005a: 2). The results of this pilot project being acceptable the process developed for these two neighbourhoods was rolled out through Baghdad. Bremer made a public commitment to re-establishing Baghdad City Council by the end of July 2003.

What this commitment meant was that the CPA would deploy its resources to try to will the successful creation of a newly constituted Baghdad City Council. The implementation of this policy however relied on the active participation of the military forces in Baghdad and illustrated that Bremer’s power, as head of the CPA, was limited. The civilian staff, that many believed would be available for these tasks, had not materialised. The development of local government in Baghdad was illustrative of the wider problems within the post-conflict phase of operation in Iraq. In the immediate post-conflict period the military was the lead organisation in the reconstruction process and they ‘assumed’ that the governance teams ‘would operate under military direction both in Baghdad and in the governorates’ (RTI International 2005b: 2). However, the creation of the CPA under the leadership of Bremer effectively made the civilian administration the lead organisation, but its limited resources, in Baghdad the Governance Team at this point was made up of ‘three or

four' people (USIP 2004a: 10), left it dependent on the military to carry out tasks. When CPA staff attempted to exercise their leadership they found, 'a lack of clarity and consensus' between the two organisations over who should lead the reconstruction process and control the 'development funds' (RTI International 2005b: 2).

Despite these problems the plans for establishing a new city council for Baghdad was agreed with the coalition forces and a relationship between the Governance Team and the Third Infantry Division was established. Governance Team member Phil Dermer described the process whereby the army represented '... the labor' while the Governance Team were 'the overall providers of guidance, direction, keeping it on track, quality control.' (USIP 2004b: 8) A training programme had to be devised for the 'captains, lieutenants and sergeants' that would be going out and conducting the meetings (USIP 2004a: 10). Distribution of publicity material to promote town hall meetings was delegated to the local military commander. The publicity itself was simple, introductory leaflets stating that, "We are going to rebuild the Baghdad City Council", followed up by a later leaflet explaining the selection process and how to participate (USIP 2004b: 9-10). Progress was quick but results were variable reflecting the ad hoc nature of the process as a member of the governance team notes:

"In some neighbourhoods there were big turn-outs, one meeting was held in a football stadium with thousands in attendance, and in others there were only twenty in a room. We were dependent on whether the local military commander brought into the process and sometimes, due to security problems, some viewed it as a low priority."

By using the military to distribute publicity for and run some of the town hall meetings another layer of selection was added to the process whereby participation in local government was for those who were willing to meet with an occupying military force. A Civilian Affairs officer involved in process commented that those involved town hall meetings were, "a very self-selected group of people ... everyone who came to the town hall meeting was bias in one way, they had heard about it from their friends and they were people who had approached the military or interacted with the military." In addition to this, as one of the tasks of the neighbourhood council was to be the liaison point between the local community and the Coalition forces it created

the possibility that the selection process could be led by the local military commander in such a way as to choose individuals who the military preferred to work with. This did happen where local military units had already identified local or religious leaders as their point of contact in the community as a member of the Governance Team commented, “they had their own ideas of whom the local representative were and we would have to go in and say there are other people.”

### *Limiting Selection*

By early July meetings had taken place for each of the 88 neighbourhood councils. The selection process had to adhere to the de-Baathification strictures established by the CPA, in addition to this they also considered the ethnic mix of the neighbourhood councils and made provision for the representation of women in the new local government structures. The desire to “ensure that representative government in Iraq is not threatened by Ba`athist elements returning to power”<sup>4</sup> meant that precautions had to be taken to ensure senior Baathists were not selected. The enforcement of de-Baathification in the neighbourhood councils was both formal and informal. Those working with councils also became adept at identify Baathists, a member of the CPA claimed, “on entering a room you could see who” they were by appearance either “it was the Rolex, the shiny suit, or the moustache shaped in a certain way.” De-Baathification was seen as necessary to avoid the corruption of the new structures by the old centres of power in Iraq. The Governance Team inherited a set of relations that had already been established by the local military commanders. The relationships that were struck between the occupying forces and the local community were on the basis of needing to achieve results. A member of the Governance Team recalled an example of this was a former member of the Iraqi secret police, the *mukhabarat*, who have proved a very efficient head of a neighbourhood council in Baghdad but “had almost hand-picked the council and was intimidating others not to join.” It took local people taking evidence of his links to the *mukhabarat* to have him removed. A member of the Governance Team commented: “we had to take the long view that our purpose was to get rid of the old regime.”

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<sup>4</sup> CPA Order Number 1, De-Baathification of Iraqi Society, 16<sup>th</sup> May 2003.  
[http://www.iraqcoalition.org/regulations/20030516\\_CPAORD\\_1\\_De-Ba\\_athification\\_of\\_Iraqi\\_Society\\_.pdf](http://www.iraqcoalition.org/regulations/20030516_CPAORD_1_De-Ba_athification_of_Iraqi_Society_.pdf)

The de-Baathification process created problems for the selection procedure. In one example in Sadr City a young man who was a nuclear engineer was selected to be a councillor. His selection was blocked by the Governance Team on the ground that he was a member of the Baath Party and they remember the response of the neighbourhood:

“Everyone in the council and the in the hall stood up and said we want him, we know who he is, and that every one had to be a Baathist to get that job, so don’t kick him out.”

The problems this posed for the Governance team was that by this stage candidates had presented themselves to meetings, spoken, and had people vote for them. The removal of individuals because of their links with the Baath Party undermined the process that was supposed to be spreading a new grassroots democracy.

De-Baathification created an addition layer of selection, but it was not the only one, the ethnic and sectarian make-up of neighbourhood councils was also taken into account. Dermer notes that, for example ‘if 27 Sunnis were running an area, we would work it that somebody else, a Shia, for example, got on the council.’ (USIP 2004b: 7) The Governance Team worked from an understanding of the ethnic and socioeconomic make up of Baghdad and would only finalise a selection when they believed that they had a neighbourhood council that was broadly representative. The Governance Team’s understanding of the make up of Baghdad was built from a number of sources. In one case the Kurdish PUK brought the existence of a Feyli Kurd community in Baghdad to the attention of the team and they were then represented in the neighbourhood councils. This decision relied on outside information because, as a member of the Governance team recalled “if you asked the local military commander, who was dependent on Shia interpreters, they would say that there were just Arabs” in their neighbourhood. An Iraqi involved in establishment of local government expressed reservations about the emphasis placed on ethnicity as a factor in selection

“[W]e just had a directive telling us that this is how we would do it. I really balked at that. I said we never do that in Iraq. It really wasn’t good but the process had started earlier, with the opposition and how they would be treated and who was favoured.”

In addition to maintaining an ethnic balance within the neighbourhoods the Governance team also had to consider the gender balance of the council. The initial contract document of the LGP had identified the requirement to involve women in the political process. To bring women into the neighbourhood councils required special consideration as many of the selections had been dominated by men. To encourage greater participation from women selections would be reconvened with specific instructions to invite women to join the process (USIP 2004a: 18-19). Through this invitation more women became involved in and were selected during the process. Supplemental elections were held to ensure women being elected to the district advisory councils. In Baghdad eighty-eight women councillors were selected (RTI International 2005c: 3).

The conclusion that Dermer drew from the measures incorporated into the selection process was stark for those who wanted to portray this as the first steps of democracy:

“The difference, of course, is that in elections the voters actually decide; but in selection there’s sometimes large input by us, direction, pushing, cajoling. We would not allow the election to settle the result.” (USIP 2004b: 7)

### *Establishing the Interim Baghdad City Council*

To ensure the creation of the City Council within the timeframe established by Bremer the first task of the neighbourhood councils was to, ‘elect a subset of their membership to represent the [neighbourhood] at the district level’ (RTI International 2005a: 2) and once the newly constituted district councils met their first task was to elect member to represent the district council on the city council. RTI commenting on the formation of the city council proclaimed that the process had resulted in a ‘chain of representation’ from neighbourhood to ‘city level’ which ‘would connect the population to the citywide council for the first time in at least 30 years’ (RTI International 2005a: 2). Not all of those involved with the process shared the optimistic assessment of the process that had produced the membership of the city

council. A Civilian Affairs Officer who had been involved in the selection of neighbourhood councils voiced concerns that the speed of the election process built on top of the biases of the initial selection procedure created a local leadership that was detached from the communities they were seeking to represent:

“These are people who have never worked together who have no connection to their society, no legitimacy, no grounds or roots in their society because they were selected from this self-selecting group of people and then they were elevated through the structure before the council had actually tried to do anything, before they had implemented projects, got any training, learned how to serve as a council, learned how to make bonds with the community they are suddenly up at the city council level.”

The criticisms of the city council also hinted at a wider problem for the new body. What was the role of the city council and how was it expected to function? For the CPA the creation of the city council was an example of the new government emerging after Baathist rule and a procedure for selection that could be deployed in other parts of Iraq. The process followed in Baghdad provided for a degree of transparency that was lacking in the top down selections that had taken place in some other governorates and it was used elsewhere (USIP 2004a: 20). However what remained undefined was the relationship between local and central government, what services local government was expected to provide and most importantly how it was expected to finance these. The local councils, both in Baghdad and in the rest of the country, existed in a ‘grey area of the law’ (International Crisis Group 2004: 19) until the CPA formalised their powers in April 2004 with Order Number 71.<sup>5</sup> Prior to this point the councils had worked under the guidance on the old Iraqi laws. These laws provided a wide ranging set of ‘theoretical’ powers for local councils. The existing Iraqi law described the ‘composition, status and powers of local councils’ outlining the discretionary powers that councils had with regard to ‘education, health, labour and social affairs, housing, agriculture and irrigation, infrastructure, trade, cultural affairs and food rationing’. However with the CPA unwilling to ‘devolve powers prematurely to inexperienced and unelected councils’ these ‘theoretical’ powers remained untested (International Crisis Group 2004: 19-20).

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<sup>5</sup> [http://www.iraqcoalition.org/regulations/20040406\\_CPAORD\\_71\\_Local\\_Governmental\\_Powers\\_.pdf](http://www.iraqcoalition.org/regulations/20040406_CPAORD_71_Local_Governmental_Powers_.pdf)

Throughout the period of CPA rule the local councillors were left in the difficult position of constantly having to readjust their understanding of the commitment they had made to the political process. The ambiguity of their role was somewhat clarified by the signing of the Transitional Administrative Law (TAL) and CPA Order Number 71. Article 55 and 56 of the TAL established the outlines of local government. Article 55 most notably removed the right of central government to appoint local governors (International Crisis Group 2004: 21). Article 56(A) defined the role of the governorates and Article 56(B) outlined those of the district and local councils. Under this agreement the governorates would be 'funded from the general budget of the State' but they would also have local tax raising powers.<sup>6</sup> Article 56(B) gave local councils the power to collect and retain, 'local revenues, taxes and fees.'<sup>7</sup> In Article 55 mention was made of the 'law on local government that shall be issued.'<sup>8</sup> CPA Order Number 71, which although it outlined the structures of local government it did not provide a clear description of the relationship between local councils and local government (at the Governorate level) or the budgetary arrangements for their role (International Crisis Group 2004: 21-22).

In Baghdad the new councils did build 'strong and fruitful' (International Crisis Group 2004: 24) relationships with the central government ministries to discuss and review policy. However, as a member of the governance team noted, there was a contradiction at the heart of the CPA strategy to rebuild the institutions of the Iraqi state:

"When you are trying to build an institution to find that the local council can do something quickly inverts the hierarchy you are trying to create. So if you are running a programme from the Ministry of Education that wants to create a Parent Teacher Association for each school and then a school building renovation programme you do not want to go the councils and dilute your authority."

When it came to the CPA deciding between the central ministries and the councils, 'the centre invariably would win' (International Crisis Group 2004: 24). Denied formal powers the local councils also did not have independent budgets and the only funds they had to spend were those available to local military commanders who were, a

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<sup>6</sup> Transitional Administrative Law, 8<sup>th</sup> March 2004, Article 56(A)

<sup>7</sup> Transitional Administrative Law, 8<sup>th</sup> March 2004, Article 56(B)

<sup>8</sup> Transitional Administrative Law, 8<sup>th</sup> March 2004, Article 55(B)

member of the Governance Team described the process, “encouraged ... to go to the local council and tell them of the funds they have available for the neighbourhood and ask them what needed to be done.” Even when councils did identify local problems that could be resolved with limited expenditure the difficulty of obtaining money directly from the CPA stifled initiatives. Larry Diamond, a senior advisor to the CPA, argues that the failure of the CPA to properly define the role of the local councils or fund them sufficiently undermined the possibility of local government developing capabilities that would be beneficial for Iraq:

“Within the CPA itself, I think historians will find that there was an obsession with centralized control, at the cost of the flexibility and devolution that might have gotten things done more quickly and built up more legitimacy.” (Diamond 2004)

Deprived of finances and only possessing limited powers the councils reverted to a liaison role whereby they coordinated with local Coalition Forces on security issues, and they became a point where local people could obtain, ‘papers and documents that would help in qualifying for CPA jobs and other positions.’ (RTI International 2005a: 5). A Civilian Affairs Officer noted:

“... they became talking shops ..., there were just the façade of a council without any authority, without any legitimacy, without any budget.”

The councillors were left in a difficult position of being public representatives who had little power to influence the delivery of services. Having been established as a point of contact they received complaints but had no means of resolving them and a number of councillors resigned as a result of this (International Crisis Group 2004: 19). At the same time as their communities were putting pressure on them the councillors came under physical attack from an increasingly active insurgency. The CPA instituted compensation payments for families of councillors who had been killed, sixty families were being paid by mid-2004, a governance team member commented:

“I think it is comparable to similar situations in East Timor, but it is still a stunning level of attacks and a sign that those who were trying to change the country were being targeted.”

### *Local Councils and the National Political Process*

Although the target for criticism and physical attack the local councils established in Iraq after April 2003 began to receive recognition. Sometimes, this recognition was couched in criticism of the existing councillors. For example Muqtada al-Sadr calling for ‘his people to take over the councils.’ (USIP 2004a: 29) Official recognition of the importance of the new local councils came in the Agreement on Political Process which was signed by the CPA and the Iraqi Governing Council on 15<sup>th</sup> November 2003. The Agreement on Political Process proposed that at the end of June 2004 the CPA would hand over power to a Transitional National Assembly that would be elected, “through a transparent, participatory, democratic process of caucuses in each of Iraq’s 18 governorates.”<sup>9</sup> In each governorate an Organising Committee would be established comprising of five members selected by the Iraqi Governing Council, five members from the Provincial (governorate wide) Council, and one member from each of the five largest town councils in the governorate. The Organising Committee would, ‘supervise the selection of candidates from that governorate to a transitional National Assembly.’ (International Crisis Group 2004: 11). From being on the periphery of the national political process the local councils had now been brought into the centre with responsibility for selecting 10 out of the 15 delegates in each governorate (USIP 2004a: 14).

In Baghdad the membership of the local councils were seen as not being linked with the national political parties. There was ambivalence about the role of national parties in local politics that owed something to the preconceived ideas of both the Americans and the Iraqis. When the first town hall meetings were held in April and May 2003 a member of the Governance Team felt that the Iraqi political parties were “not trusted.” They believed that this ambivalence was result of the widespread feeling that the political parties had abandoned the Iraqi people to further repression by Saddam Hussein after the failed uprising at the end of the Gulf War in 1991. If the citizens of Baghdad displayed ambivalence towards the parties, it was also the case that the history of Iraqi politics reciprocated this by regarding the struggle to control central

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<sup>9</sup> Agreement on Political Process, 15<sup>th</sup> November 2003.  
<http://www.globalpolicy.org/security/issues/iraq/document/2003/1115nov15agreement.htm>

ministries and agencies as a greater priority. The second explanation to the lack of involvement by political parties owed more to the perceptions of how local government should function, there were members of the neighbourhood councils who were party members but their party membership did not define the policies that they followed. This practice found parallels in the United States model of local government as Rice notes, “I’m a product of my experience in local government in Colorado ... You don’t run with Democrat or Republican by your name at the municipal level in Colorado, and I think that functions pretty well.” (USIP 2004a: 14) However now that the local councils were being given significant power over the selection of the Transitional National Assembly this model could not remain and the CPA began a process of introducing the national political parties into local government.

This process became known as ‘refreshment’ and was carried out in the six to eight weeks following the signing of the November 15<sup>th</sup> Agreement. The refreshment process represented an attempt to standardise the council structures across Iraq and resolve some of the anomalies of early selections. But such were the differences in the communities in Iraq and the failure to communicate policy within the CPA this strategy was not widely followed, for example in Anbar province refreshment repeated the earlier patterns of selection, as a member of the Governance Team commented it was a case of, “my CPA equivalent saying, “I like that one, I don’t like that one.”” In Baghdad the perception was that ‘refreshment’ did not have “much impact” as the councillors already met the criteria for “ethnic diversity; social and economic spread, religious diversity.” But selection meetings that were only open to the political parties were held to increase their representation. Members of the governance team followed this policy in the belief that once the national political parties became incorporated into local politics, “the budgets would start flowing as the provincial councils were selecting 15% of the interim national assembly and the national assembly will need to gain their support.”

The proposal, contained within the 15<sup>th</sup> November Agreement, that the selection of the interim national assembly should be completed through a series of caucuses was dropped in January 2004 following nationwide protests against caucuses and in favour

of direct voting. With this decision the leverage that local councils could exert on national budget faded.

At the end of the period of occupation the local councillors remained in place until the elections of January 2005. Their relationship with central government was strained. As the security situation worsened the interim government lead by Iyad Allawi favoured 'centralised control' over devolution of powers. A Baghdad councillor commented that Allawi believed that the councils had been imposed on the new central government (International Crisis Group, 2004: 26 See footnote 158). A former adviser to the CPA suggested that this ambivalence to local government was not limited to solely to Allawi:

"No political player in Baghdad is committed to decentralisation except the Kurds, and if they were in power in Baghdad, they would also favour centralised power, just as they do in their own regions." (International Crisis Group 2004: 26 See footnote 158)

When national elections were finally held in January 2005, local council elections were also held. In Baghdad those existing councillors that stood for elections fared badly with only "five or six" being elected. A member of the governance team believed this was in part due to some naivety from the candidate, "they were confident that they would win because they had been an active councillor." It was also the case that now the national parties were standing candidates for local councils and some councillors sort the out party support. During the period of the interim councils one of the few examples of a national party reaching out to the councillors had been by Sharif Ali, the leader of the Constitutional Monarchy Party. Ali visited each of the nine district councils and recruited "40 to 50" councillors. When the national elections were held support for the Constitutional Monarchy Party was minimal. The widespread boycott of the elections by Sunni Arabs also lessened the chances for existing councillors who saw their constituency as broader than a sectarian grouping.

### *Conclusions*

The difficulties that the CPA staff encountered when engaging with programmes attempting to reform local government were symptomatic of the wider problems the

occupation faced during its fourteen month tenure. The source of these failings can be seen in two broad areas. First, as with other aspects of the state-building project attempted in Iraq, the political leadership of the occupation had articulated an ambitious project but possessed only limited resources to achieve its aims. The attempts to reform local government were under-resourced both physically and financially. The use of military to fill in the gaps left by an absence of civilian staff resulted in a variable implementation of strategy in Baghdad. This was not the only downside. The reliance on the military personnel to establish such projects hinders the development of an independent space for local democracy. Posing the question, were the neighbourhood councils an attempt to represent the local population, whatever their opinions of the current political and military setting, or where they a tool for liaison between a community and an occupying military power? As has been noted in interviews the presence of military personnel in the council formation process created an element of self-selection and left councillors targets for an insurgency that could categorise them as collaborators with a foreign occupier. Having created local government structure the CPA appeared reticent to devolve power. This can be seen either, as Diamond characterises it, as a manifestation of the centralising tendencies of the CPA or a tacit admission of the short-comings of the original selection procedure.

This leads into the second area of consideration, which is how the discourse of local government and local democracy interacted with the Iraqi understanding of their state structure and the relationship between central government and its citizens. As we have seen the historical legacy was built on an emphasis of central control over devolution of powers. Although there was a constitutional commitment to decentralisation there was no serious implementation of such a policy. Indeed as the 1990s unfolded power became more centralised. For opposition parties the discussion of decentralisation was dominated by considerations of a federal solution for the Kurdish question. Consequently there were only limited discussions of the distribution of power between central and local government and as such the old discourses of rule were not challenged. As a result of this the emergence of local government was a source of confusion within the new political settlement and no clear definition of the scope of its powers was agreed by the end of the occupation period.

This final point poses the question of the sequencing of changes in governance structures for states making the transition from authoritarian rule to democracy. If central authority has collapsed, as it did in Iraq, does an emphasis on local government undermine strategies to rebuild central authority? In a security environment where central government is struggling to become relevant is local government reform a distraction? Are the difficulties in Iraq only applicable to one country at a particular point in its history or are they indicative of wider problems within the development strategies deployed as part of contemporary state-building practice?

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